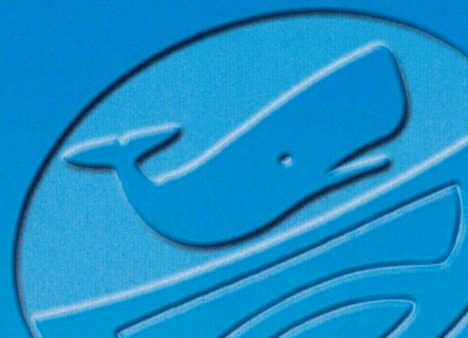


# Annual Report of the International Whaling Commission 2012

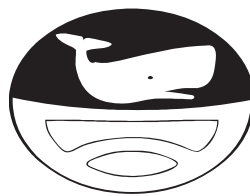


Covering the  
2011-2012  
financial year  
and the 64th  
Annual Meeting  
held in  
Panama City,  
Panama  
in 2012



# **Annual Report of the International Whaling Commission 2012**

**THE INTERNATIONAL WHALING COMMISSION WAS CONSTITUTED UNDER THE  
INTERNATIONAL CONVENTION FOR THE REGULATION OF WHALING SIGNED AT  
WASHINGTON ON 2 DECEMBER 1946**



International Whaling Commission  
The Red House, 135 Station Road, Impington, Cambridge, UK, CB24 9NP  
Tel: +44 (0)1223 233971  
Fax: +44 (0)1223 232876  
E-mail: [secretariat@iwc.int](mailto:secretariat@iwc.int)

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## List of Members of the Commission

<i>Contracting Government</i>	<i>Adherence</i>	<i>Commissioner</i>	<i>Appointment</i>
Antigua and Barbuda	21/07/82	Mr. A. Liverpool	02/07/04
Argentina	18/05/60	Ambassador S. R. Cerutti	21/01/09
Australia	10/11/48	Ms. D. Petrachenko	09/08/07
Austria	20/05/94	Dr. A. Nouak	09/08/96
Belgium	15/07/04	Mr. F. Chemay	03/05/12
Belize	17/06/03	Ms. B. Wade	17/05/06
Benin	26/04/02	Mr. J-B. Degbey	03/06/11
Brazil	04/01/74	Ambassador M. P. Gama	19/11/10
Bulgaria	10/08/09	Mr. S. Vergiev	24/06/10
Cambodia	01/06/06	Mr. H.E. N. Thuok	14/09/09
Cameroon	14/06/05	Dr. B. M. Ousman	04/08/05
Chile	06/07/79	Ambassador J. L. Balmaceda	03/08/10
People's Republic of China	24/09/80	Mr. Li Jianhua	06/06/00
Colombia	22/03/11	Ms. S. B. Lion	06/05/11
Republic of the Congo	29/05/08	Mr. J.A. Kolelas-Ntoumi	21/07/08
Costa Rica	24/07/81	Mrs. A. L. G. Fernández	19/06/10
Côte d'Ivoire	08/07/04	Dr. D. Kouakou-Pheny	16/04/12
Croatia	10/01/07	<i>Not notified</i>	
Cyprus	26/02/07	Ms. M. Hadjichristoforou	13/03/07
Czech Republic	26/01/05	Mrs. V. Vilimkova	21/04/11
Denmark	23/05/50	Ms. G. Hundahl	01/08/12
Dominica	18/06/92	Mr. L. Pascal	10/07/01
Dominican Republic	30/07/09	Mr. E. R. Alcantara	23/06/12
Ecuador	10/05/07	Mr. D. Ortega	22/06/10
Eritrea	10/10/07	Mr. S. M. Ahmed	02/10/08
Estonia	07/01/09	Mr. A. Gromov	04/02/09
Finland	23/02/83	Ms. P. Blankett	03/05/11
France	03/12/48	Mrs. M-A. Mortelette	03/09/12
Gabon	08/05/02	Dr. G. A. Rerambyath	13/04/04
The Gambia	17/05/05	Mr. M. Bah	23/06/10
Germany	02/07/82	Mr. W. Duebner	01/02/12
Republic of Ghana	17/07/09	Hon. M. Akyeampong	13/06/11
Greece	16/05/07	Ambassador E. Papadogiorgakis	25/11/09
Grenada	07/04/93	Mr. D. Lett	09/09/11
Guatemala	16/05/06	Dr. F. D. Monge	05/11/08
Guinea-Bissau	29/05/07	Mr. O. S. Baldé	06/06/12
Republic of Guinea	21/06/00	Mr. I. S. Touré	29/07/03
Hungary	01/05/04	Mr. Z. Czirak	11/01/11
Iceland	10/10/02	Mr. J. Guðmundsson	06/06/12
India	09/03/81	Mr. S.S. Garbyal	11/12/12
Ireland	02/01/85	Mr. J. Fitzgerald	15/05/07
Israel	07/06/06	Ms. E. Efrat-Smilg	07/06/06
Italy	06/02/98	Mr. G. Ambrosio	03/01/12
Japan	21/04/51	Mr K. Kagawa	03/06/11
Kenya	02/12/81	<i>Not notified</i>	
Kiribati	28/12/04	Mrs. R. Nikuata-Rimon	07/06/06
Republic of Korea	29/12/78	Dr. J-Suk Kang	27/04/12
Laos	22/05/07	Dr. B. Khambounheuang	01/10/07
Lithuania	25/11/08	Ms. L. Caplikaite	24/02/12
Luxembourg	10/06/05	Mr. C. Origer	10/06/05
Mali	17/08/04	Mr. S. Coulibaly	16/05/08
Republic of the Marshall Islands	01/06/06	Hon. M. Zackhras	19/06/10
Mauritania	23/12/03	Dr. A. M. Jiddou	16/05/11
Mexico	30/06/49	Dr. L. Rojas-Bracho	10/05/05
Monaco	15/03/82	Prof. F. Briand	13/06/03
Mongolia	16/05/02	Mr. D. Batbold	22/11/12
Morocco	12/02/01	Mr. A. Benabbou	13/03/09
Nauru	15/06/05	Mr. J. Dowiyogo	20/02/07

Cont.

<i>Contracting Government</i>	<i>Adherence</i>	<i>Commissioner</i>	<i>Appointment</i>
Netherlands	14/06/77	Ms. M. J. Jenniskens	14/02/12
New Zealand	15/06/76	Mr. G. van Bohemen	10/11/10
Nicaragua	05/06/03	Mr. S. F. Müller	09/06/08
Norway	03/03/48	Mr. O. D. Stenseth	01/06/11
Oman	15/07/80	Dr. A. Al-Mazrouai	22/06/10
Republic of Palau	08/05/02	Mr. V. Uherbelau	19/02/09
Panama	12/06/01	Mr. T. A. Guardia	26/02/10
Peru	18/06/79	Minister E. Velásquez	08/11/11
Poland	17/04/09	Mrs. M. Lesz	14/05/09
Portugal	14/05/02	Prof. J. M. M. M. Palmeirim	25/01/06
Romania	09/04/08	Dr. S. Nicolaev	22/07/08
Russian Federation	10/11/48	Mr. V. Y. Ilyashenko	02/05/95
San Marino	16/04/02	Mr. D. Galassi	10/10/02
St Kitts and Nevis	24/06/92	Hon. N. A. Carty	15/02/13
St Lucia	29/06/81	Hon. J. Compton-Antoine	23/01/12
St Vincent and The Grenadines	22/07/81	Senator E. Snagg	05/03/03
Senegal	15/07/82	Mr. N. Ousmane	30/06/10
Slovak Republic	22/03/05	Mrs. Z. Cudrakova	31/01/12
Slovenia	20/09/06	Mr. A. Bibič	20/01/10
Solomon Islands	10/05/93	Mr. S. Diake	15/03/04
South Africa	10/11/48	Mr. H. Oosthuizen	10/04/06
Spain	06/07/79	Mr. C. Moreno Blanco	13/09/12
Suriname	15/07/04	Mr. M. Wirjodirjo	01/06/11
Sweden	15/06/79	Ms L. E. Svensson	13/02/13
Switzerland	29/05/80	Mr. B. Mainini	03/06/05
Tanzania	23/06/08	Mr. G. F. Nanyaro	22/06/09
Togo	15/06/05	Dr. A. Domtani	03/11/09
Tuvalu	30/06/04	Mr. P. Nelesone	13/07/04
UK	10/11/48	Mr. N. Gooding	01/03/12
Uruguay	27/09/07	Ambassador J. Moreira	26/01/09
USA	10/11/48	Mr. R. Wulff	28/09/12

Dr. S. Brockington, Executive Secretary to the Commission, 18 March 2013



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## Preface

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Welcome to the fifteenth of the series, the 'Annual Report of the International Whaling Commission'.

This report contains the Chair's Report of the Sixty-Fourth Meeting of the IWC, held in Panama City, Panama in July 2012. The text of the Convention and its Protocol are also included, as well as the latest versions of the Schedule to the Convention and the Rules of Procedure and Financial Regulations. The Chair's Report includes the reports of the Commission's technical and working groups as annexes.

At the 64<sup>th</sup> Annual Meeting, the Commission agreed to move from annual to biennial meetings; thus the next meeting of the Commission will take place in 2014, probably in September or October. This, of course, has implications for this series of volumes and we will be reviewing our publications policy in the light of this decision. Information will be found on our website at <http://www.iwc.int>.

The cover photograph shows the Panama Canal by night.

G.P. DONOVAN

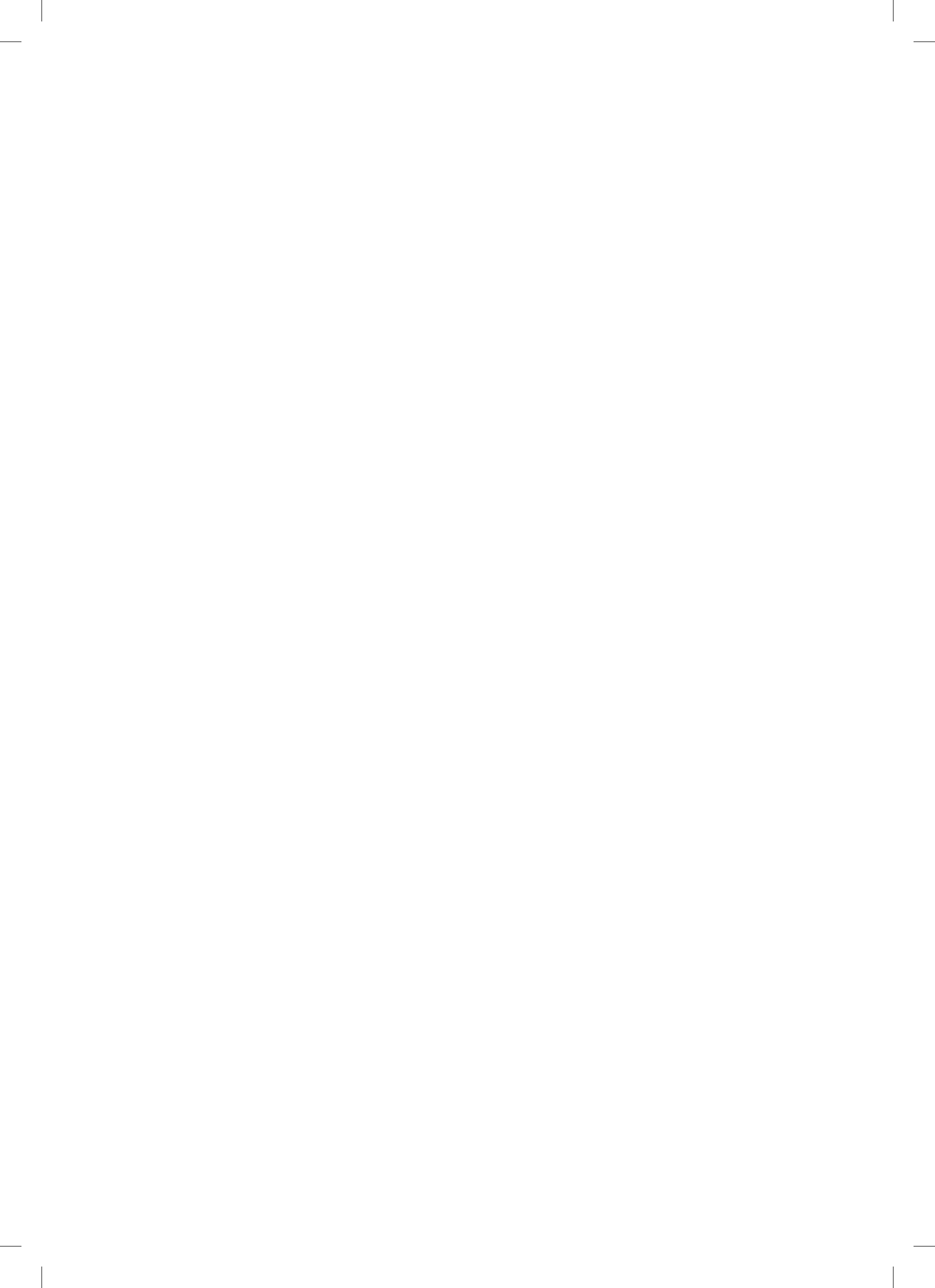
Editor



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**SUMMARY OF MAIN OUTCOMES, DECISIONS AND REQUIRED ACTIONS  
FROM THE 64<sup>TH</sup> ANNUAL MEETING**

Issue and Agenda Item	Main outcomes
<b>Sanctuaries</b> <i>Item 4</i>	A proposed Schedule amendment to create a South Atlantic Whale Sanctuary was not adopted.
<b>The Future of the IWC</b> <i>Item 5</i>	The Commission discussed the future of the IWC in light of the process which had taken place from 2007-10, and highlighted a range of suggestions for the next steps in the Commission's development.
<b>Status of whale stocks</b> <i>Item 6</i> Report: Scientific Committee (IWC/64/Rep1)	<p><b>Antarctic minke whales</b></p> <ul style="list-style-type: none"> <li>The major re-analysis of two decades of data from the IWC's IDCR and SOWER cruises was completed. Total circumpolar estimates are ~720,000 for 1985/86-1990/91 (CPII) and 515,000 for 1992/93-2003/04 (CPIII). A non-statistically significant decline of about 30% was detected. Work to further investigate this apparent decline continues.</li> </ul> <p><b>Southern Hemisphere humpback and blue whales</b></p> <ul style="list-style-type: none"> <li>An in-depth assessment of the status of humpback whale Breeding Stocks E (western South Pacific), F (central South Pacific) and D (western Australia) continues and is expected to be finalised in 2014. The Committee is examining whether sufficient data are available to undertake separate assessments of blue whales by population.</li> </ul> <p><b>Southern Hemisphere right whales</b></p> <ul style="list-style-type: none"> <li>An IWC Workshop on the status of Southern Right Whales was held in Buenos Aires in September 2011. Assessment work is on-going and additional analytical and field work has been identified. Invaluable long-term datasets have shown that populations in several areas (southwest Atlantic, southern Africa, Australia) have been recovering. Other populations, e.g. the Chile-Peru population, remain critically endangered. See also Conservation Management Plans below.</li> </ul> <p><b>Western North Pacific gray whales</b></p> <ul style="list-style-type: none"> <li>Particular attention was again given to the critically endangered western North Pacific gray whale. A Conservation Management Plan for western North Pacific gray whales has been established.</li> <li>A two-year telemetry programme undertaken under the auspices of the IWC has found that some whales from the Sakhalin feeding ground on the western North Pacific migrate across to the eastern Pacific; a better understanding of population structure is essential and an IWC-led programme to investigate this is on-going. Continued-operation with the IUCN Western Gray Whale Advisory Panel is important.</li> </ul> <p><b>North Pacific and North Atlantic right whales and small stocks of bowhead whales</b></p> <ul style="list-style-type: none"> <li>Grave concern was expressed over these small stocks, where ship strikes and entanglements are important threats. Five deaths and eleven entanglement cases of the endangered western North Atlantic right whale population were reported off the US coast between November 2009 and October 2010 despite welcome on-going mitigation efforts.</li> </ul> <p><b>North Pacific Research cruises</b></p> <ul style="list-style-type: none"> <li>A 5-year proposal for the IWC-POWER (North Pacific Ocean Whale and Ecosystem Research) was endorsed; the broad primary objective is to contribute information on abundance and trends in abundance of large whales and to identify the causes of any trends that do occur. The 2012 cruise is underway and the 2013 cruise plan will be finalised intersessionally. Japan, the USA and Korea were thanked and other governments urged to contribute with vessels and/or personnel if possible.</li> </ul>
<b>Small cetaceans</b> <i>Item 19.1</i> Reports: Scientific Committee (IWC/64/Rep1); Conservation Committee (IWC/64/Rep5)	<p><b>Small cetaceans status and review</b></p> <ul style="list-style-type: none"> <li>The main focus was a review of the ten species of ziphiids in the North Pacific Ocean and the northern Indian Ocean. These populations are not well understood and more research is required. They are especially vulnerable to military sonar and seismic surveys. Effective mitigation is needed and it is strongly recommended that exercises and operations involving use of sonar and seismic equipment should avoid important beaked whale habitat.</li> <li>Great concern was reiterated over the fears for the extinction of the vaquita and the need for immediate action. Concern was also expressed over: unsustainable bycatches of some populations of harbour porpoises in Europe and franciscana in Brazil; the deliberate killing for bait in the Amazon of botu and tucuxi; and bycatches of the Hector's dolphin in New Zealand. Several governments reported on national actions being taken.</li> </ul> <p><b>The fund for Small Cetacean Conservation Research</b></p> <ul style="list-style-type: none"> <li>Progress reports were received on the nine proposals funded last year under the voluntary fund for Small Cetacean Conservation Research. Additional donations to the fund were announced by Italy (€15,000), the Netherlands (€15,000), the UK (£10,000) and a consortium of NGOs (£11,000).</li> </ul>

<p><b>Aboriginal subsistence whaling</b>  <i>Item 7</i>  Reports: Scientific Committee (IWC/64/Rep1), ASW Sub-Committee (IWC/64/Rep3)</p>	<ul style="list-style-type: none"> <li>• The Commission received a report on the progress towards developing long-term <i>Strike Limit Algorithms</i> for the Greenland hunts.</li> <li>• Advice on safe catch limits for at least six years was provided by the Scientific Committee for ASW hunts. Need statements were considered by the ASW Sub-Committee and in the Plenary.</li> <li>• The Commission adopted proposed Schedule amendments for 6-year catch limits for: (1) the Bering-Chukchi-Beaufort Seas stock of bowhead whales; (2) the Eastern stock of gray whales in the North Pacific; and (3) western North Atlantic humpback whales off St Vincent and The Grenadines.</li> <li>• The Commission did not adopt a proposed Schedule amendment for 6-year catch limits for Greenland hunts.</li> <li>• The Commission received a report on progress made in addressing unresolved ASW issues and approved the recommendations for items considered so far.</li> </ul>
<p><b>Ship strikes</b>  <i>Item 8.2</i>  Reports: Scientific Committee (IWC/64/Rep1); Conservation Committee (IWC/64/Rep5)</p>	<ul style="list-style-type: none"> <li>• A ship strike data co-ordinator will be appointed to further the IWC ship strike database. Given new information on ship strikes from the Arabian Sea and Sri Lanka, the Secretariat will send a letter to the Sri Lankan Government, drawing their attention to the discussion of this topic and ways in which the Commission may assist. Progress reports on mitigation measures were received from a number of countries, including the USA and Panama.</li> <li>• IWC will hold three joint workshops on disentanglement and ship strikes in the wider Caribbean with UNEP and SPAW-RAC in 2012-13. The Secretariat will formalise an agreement with UNEP and SPAW-RAC for collaborative engagement.</li> <li>• The Netherlands and the USA announced their intention to make financial contributions in support of these workshops.</li> <li>• A strategic plan will be developed for addressing the ship strike issue.</li> <li>• Frédéric Chemay (Belgium) was appointed as Chair of the Ship Strikes Working Group of the Conservation Committee.</li> </ul>
<p><b>Conservation management plans (CMPs)</b>  <i>Item 9</i>  Reports: Scientific Committee (IWC/64/Rep1); Conservation Committee (IWC/64/Rep5)</p>	<ul style="list-style-type: none"> <li>• CMP guidelines, templates and funding principles were adopted. The Scientific Committee will develop a list of priority candidates for future CMPs and the Conservation Committee will undertake an inventory of cetacean conservation measures in jurisdictions, on a regional basis.</li> <li>• CMPs for the Southwest Atlantic Southern right whale and the Southeast Pacific right whale were adopted.</li> <li>• Progress was reviewed on work towards developing a CMP for the Arabian Sea humpback population. Progress was also reviewed on the existing CMP for Western North Pacific gray whales.</li> <li>• A series of recommendations were adopted for cetacean conservation measures in the Pacific Islands Region, with a focus on Oceania humpback whales. The IWC recognised the work of SPREP and invited it to participate as an observer to the IWC's Standing Working Group on CMPs.</li> </ul>
<p><b>Whalewatching</b>  <i>Item 10</i>  Reports: Scientific Committee (IWC/64/Rep1); Conservation Committee (IWC/64/Rep5)</p>	<ul style="list-style-type: none"> <li>• The 5-year strategic plan for whalewatching was adopted.</li> <li>• Two <i>ex officio</i> industry representatives will be added to the Conservation Committee's SWG-WW (Standing Working Group on Whalewatching).</li> <li>• The Secretariat will prepare the following two documents to: <ul style="list-style-type: none"> <li>(i) outline the options and potential costs for technical support and the creation of an online Handbook; and</li> <li>(ii) the use of 'conservation objectives', to assist the Commission in developing formal conservation objectives for whalewatching against which to monitor the success (or otherwise) of measures taken.</li> </ul> </li> <li>• The SWG-WW work plan for the proposed intersessional period of 2012-14 was endorsed.</li> </ul>
<p><b>Other regular Conservation Committee items</b>  <i>Item 8</i>  Reports: Conservation Committee (IWC/64/Rep5)</p>	<ul style="list-style-type: none"> <li>• The Commission endorsed the Conservation Committee's progress with other on-going areas of work, these being: (1) an investigation of inedible 'stinky' gray whales in the Chukotkan aboriginal subsistence hunt; (2) southern right whales in Chile and Peru; (3) National Reports on cetacean conservation; and (4) co-operation with other organisations.</li> <li>• James Gray (UK) was appointed as Vice-Chair of the Conservation Committee.</li> </ul>

<p><b>Whale killing methods and associated welfare issues (WKM&amp;AWI)</b> <i>Item 11</i> Report of the WG on WKM&amp;AWI (IWC/64/Rep6)</p>	<ul style="list-style-type: none"> <li>• The Commission welcomed information from four whaling countries on their operations and one country reported on the euthanasia of stranded animals.</li> <li>• Based on a very successful workshop on welfare issues associated with the entanglement of large whales, the Commission endorsed a global network of entanglement response operations, a set of Principles and Guidelines for Entanglement Response and a recommended approach to capacity building and training including future collaborative work with UNEP-SPAW in the wider Caribbean (and see ‘Ship Strikes’). It also agreed a seven step approach for IWC work in this regard.</li> <li>• The USA announced a voluntary contribution of \$12,000 towards further work on capacity building for large whale entanglement response.</li> <li>• The Commission agreed future collaborative steps to promoting good animal welfare including: formation of a working group to review the existing Action Plan and develop a work plan for future expert workshops beginning with one on euthanasia; the development of a database of relevant animal welfare science experts; and investigation of co-operation with relevant animal welfare bodies.</li> <li>• The United Kingdom announced a voluntary contribution of £10,000 to support the costs of a workshop to examine euthanasia techniques for large whales.</li> <li>• The World Society for the Protection of Animals announced a voluntary contribution of £3,000 towards the intersessional expenses which would be incurred in undertaking intersessional work on welfare.</li> </ul>
<p><b>Socio-economic implications and small-type whaling</b> <i>Item 12</i></p>	<ul style="list-style-type: none"> <li>• Japan reiterated its concern over the hardship suffered by its four community-based whaling communities since the implementation of the commercial whaling moratorium.</li> <li>• It introduced an outline proposed Schedule amendment to permit catching of minke whales by small-type whaling vessels. After an exchange of views no consensus was reached and Japan did not ask for further consideration of its Schedule amendment.</li> </ul>
<p><b>The Revised Management Scheme (RMS)</b> <i>Item 13</i> Report of the Scientific Committee (IWC/64/Rep1)</p>	<p><b>Revised Management Procedure (RMP)</b></p> <ul style="list-style-type: none"> <li>• The Commission reviewed progress on the Scientific Committee’s work on the RMP and related matters which included: <ul style="list-style-type: none"> <li>- a review of maximum rates of increase of whale stocks and improved guidelines for surveys – these being of broader conservation and management interest, not just the RMP.</li> <li>- the timing of future <i>Implementation Reviews</i>.</li> <li>- progress on the <i>Implementation Review</i> for western North Pacific common minke whales (completion expected 2013).</li> <li>- the on-going estimation of bycatch – this is also of broader conservation and management interest than just the RMP and the Commission encouraged continued collection of data where this occurs and initiation of such work where it does not.</li> </ul> </li> </ul> <p><b>RMS</b></p> <ul style="list-style-type: none"> <li>• No work was undertaken on the Revised Management Scheme.</li> </ul>
<p><b>Scientific permits and related issues</b> <i>Item 14</i> Report of the Scientific Committee (IWC/64/Rep1)</p>	<ul style="list-style-type: none"> <li>• The Commission endorsed updated guidelines for the scientific review of new and on-going special permit programmes, especially related to data availability and timing.</li> <li>• The final review of the completed Icelandic programme will occur in 2013. The 6-year review of the JARPA II programme will occur in 2014.</li> <li>• The Republic of Korea announced it may put forward a proposal to undertake special permit whaling of common minke whales in its waters. If so this will need to follow the agreed process for scientific review which has financial implications (see below).</li> <li>• Several countries reiterated their opposition to special permit whaling whilst others reiterated their support.</li> </ul>
<p><b>Safety issues at sea</b> <i>Item 15</i></p>	<ul style="list-style-type: none"> <li>• Japan drew attention to the violent protest activities against its research vessels in the Southern Ocean during the 2011/12 season. The Commission was again disturbed to receive reports of continuing dangerous activity in the Southern Ocean.</li> </ul>
<p><b>Catches by non-member nations</b> <i>Item 16</i> Report of the Scientific Committee (IWC/64/Rep1)</p>	<ul style="list-style-type: none"> <li>• The Commission was pleased to receive catch data from Canada’s bowhead hunt.</li> <li>• The Secretary will continue to request information on catches and quotas from Canada.</li> <li>• The Secretary will continue to try to obtain information from the Government of Indonesia on their whale catches.</li> </ul>
<p><b>Infractions</b> <i>Item 17</i> Report of the Infractions sub-committee (IWC/64/Rep4)</p>	<p>The Commission reviewed:</p> <ul style="list-style-type: none"> <li>• infractions reported in the 2011 and 2011/12 seasons;</li> <li>• follow-up reports from previous years;</li> <li>• information on the domestic surveillance of whaling operations; and</li> <li>• information on the provision of data.</li> </ul>



<p><b>Environmental and health issues</b> <i>Item 18</i> Reports: Scientific Committee (IWC/64/Rep1); Conservation Committee (IWC/64/Rep5)</p>	<p><b>Scientific work</b></p> <ul style="list-style-type: none"> <li>• The Commission reviewed progress on the Scientific Committee's on-going work on environmental concerns including: Phase II of its POLLUTION 2000+ research programme; emerging and resurgent diseases (CERD); anthropogenic sound; climate change; and the State of the Cetacean Environment Report (that focussed on the Indian Ocean).</li> <li>• The importance of improved capacity building and guidelines on oil spill response and prevention were stressed, especially in light of new information received on the 2010 Deepwater Horizon oil spill in the Gulf of Mexico.</li> <li>• Consideration of oils spills will form an important component of a spring 2013 Commission workshop on Anthropogenic Impacts of Cetaceans in the Arctic.</li> <li>• The Commission noted the potential and actual threats to cetaceans from marine debris and endorsed a joint Scientific Committee and Conservation Committee workshop on this topic (provisional date April 2013).</li> <li>• The Commission endorsed a general strategy and principles to minimise environmental threats posed by interactions between marine renewable developments (wind farms, tidal stream devices and wave energy converters) and cetaceans.</li> <li>• The importance of the issue of anthropogenic noise was reiterated. Emphasis was placed on further work to identify geographical and species-specific areas of concern, to better understand effects of noise on cetaceans and on collaboration with the International Maritime Organisation on reducing vessel noise.</li> </ul> <p><b>Resolution</b></p> <ul style="list-style-type: none"> <li>• Resolution 2012-1 was adopted by consensus. It emphasised the importance of scientific research with regard to the impact of the degradation of the marine environment on the health of cetaceans and related human health effects. It will be sent to the World Health Organisation with a request for increased exchange of information between the IWC and the WHO.</li> </ul>
<p><b>Regional non-lethal research partnerships</b> <i>Item 19.2</i> Report: Scientific Committee (IWC/64/Rep1)</p>	<ul style="list-style-type: none"> <li>• The Commission welcomed intersessional progress with the Southern Ocean Research Partnership which included updates on the existing projects.</li> <li>• Further international involvement in this programme was encouraged.</li> <li>• The reports from a Symposium entitled 'Living whales in the Southern Ocean: advances in methods for non-lethal cetacean research' and four associated workshops held in Chile in March 2012 were also welcomed.</li> <li>• There will be a major multi-year programme entitled the 'Antarctic Blue Whale Project' that emerged from the planning of what had originally been intended to be a Year of the Blue Whale project.</li> </ul>
<p><b>Scientific Committee working methods</b> <i>Item 19.3</i> Report of the Scientific Committee (IWC/64/Rep1)</p>	<ul style="list-style-type: none"> <li>• The Scientific Committee continued its regular review of its own working methods including adopting methods to reduce costs of Committee meetings, updating its handbook and providing assistance to new members of the Committee. The question of the provision of conservation recommendations for small cetaceans will be considered next year.</li> <li>• The Commission thanked Debi Palka (USA) who had completed her three-year period as Chair of the Scientific Committee. It welcomed Toshihide Kitakado (Japan) the new Chair and Caterina Fortuna (Italy) the new Vice-Chair of the Scientific Committee.</li> </ul>
<p><b>Administration</b> <i>Item 21</i> Report of the Finance and Administration Committee (IWC/64/Rep2)</p>	<ul style="list-style-type: none"> <li>• The Commission reviewed the F&amp;A Committee's report on application of the Commission's rules regarding quorum, and decided that no action was necessary to update or modify the Rules of Procedure.</li> <li>• The Commission agreed an F&amp;A Committee recommendation to move to biennial (every 2 years) meetings, with the next meeting scheduled for September/October 2014. The Scientific Committee will continue to meet annually. The Commission agreed a series of changes to the Rules of Procedure to enact the change.</li> <li>• Connected with the move to biennial meetings, the Commission also agreed an F&amp;A Committee recommendation to establish a Bureau to guide the progress of the intersessional work programme.</li> <li>• The Commission received the report of the F&amp;A Committee's Working Group on the Role of Observers, and the Chair invited observers organisations to speak after all Contracting Governments on several agenda items.</li> <li>• The Commission welcomed a pre-launch demonstration of the new website, and a number of Contracting Governments submitted comments to allow the website's further development and improvement.</li> <li>• The Commission received the report of the F&amp;A Committee's Working Group on Assistance to Governments of Limited Means, and agreed that the group should continue its work.</li> <li>• The Commission received the report of the F&amp;A Committee's intersessional group on strengthening IWC financing, and agreed the group should continue its work.</li> <li>• The Commission agreed an F&amp;A Committee recommendation for future recruitment policy to the Secretariat to be decided by the Bureau.</li> </ul>

<p><b>Financial contributions formula</b> <i>Item 22</i> Report of the Finance and Administration Committee (IWC/64/Rep 2)</p>	<ul style="list-style-type: none"> <li>The formula for calculating financial contributions (formerly known as the Interim Measure) which has been in place for several years was adopted, and the word 'interim' removed from its name.</li> </ul>
<p><b>Financial statements and budget</b> <i>Item 24</i> Report of the Finance and Administration Committee (IWC/64/Rep2)</p>	<ul style="list-style-type: none"> <li>The Commission: (1) approved the Provisional Financial Statement for 2011/12 subject to audit; (2) adopted a budget for 2012/13 and 2013/14; and (3) agreed that for 2012/14 biennial period, the NGO fee be set at £550 for the first observer and £275 for additional observers and the media fee be set at £70.</li> <li>The Commission agreed that the length of time served by the Commission's auditors should be included in the Secretariat's report to the Budgetary Sub-committee, and that the re-appointment of the auditor should become a specific agenda item.</li> <li>The Commission agreed an F&amp;A Committee recommendation for the Secretariat to review the procedures in the Financial Regulations in order to make it as straightforward as possible for countries with outstanding debts to repay those debts.</li> <li>The Commission agreed an F&amp;A Committee recommendation that the Commission should change its financial year to 1 January-31 December. The Secretariat was requested to develop a series of options to allow Contracting Governments to pay the amount owing for the four month 'bridging period'.</li> <li>Donna Petrachenko (Australia) was re-elected as Chair of the F&amp;A Committee.</li> </ul>
<p><b>Date and place of Annual Meetings</b> <i>Item 26</i></p>	<ul style="list-style-type: none"> <li>No date or place was proposed for the 2014 meeting.</li> <li>The Government of the Republic of Korea kindly agreed to host the Scientific Committee meeting in 2013.</li> </ul>
<p><b>Elections and Bureau</b> <i>Items 1 and 27</i></p>	<ul style="list-style-type: none"> <li>Jeannine Compton-Antoine (St Lucia) was elected as Chair of the Commission and Frederic Chemay (Belgium) was elected as Vice Chair.</li> <li>The USA, Panama, Ghana, and Japan were elected to the Bureau. Thus the total membership of the Bureau will comprise the Chair (St Lucia), the Vice-Chair (Belgium), the Chair of the F&amp;A Committee (Australia), and the four elected members. The Bureau will replace the Advisory Committee.</li> </ul>



## Chair's Report of the 64<sup>th</sup> Annual Meeting

### 1. ELECTION OF CHAIR AND VICE-CHAIR

This item was originally scheduled to have been first on the order of business but was heard instead at the end of the meeting. The Commission elected, by consensus, Ms Jeannine Compton-Antoine (St Lucia) and Mr Frédéric Chemay (Belgium) as Commission Chair and Vice-Chair respectively.

### 2. INTRODUCTORY ITEMS

The 64<sup>th</sup> Annual Meeting of the International Whaling Commission (IWC) took place at the El Panama Conference Centre, Panama City, Panama from the 2-6 July 2012. Mr Bruno Mainini (Switzerland) acted as Chair for the meeting which was attended by 66 of the 89 Contracting Governments. Observers from one non-member government, six intergovernmental organisations, and 44 non-governmental organisations (NGOs) were also present. A list of the delegates and observers attending the meeting is given as Annex A. The associated meeting of the Scientific Committee was also held at the El Panama Conference Centre from 11-23 June 2012 and the Commission's other sub-groups met from 25-28 June 2012.

#### 2.1 Welcome address

The address was given by His Excellency Roberto Henríquez, the Foreign Minister of the Republic of Panama who welcomed delegates to Panama. He said that Panama's hosting of IWC/64 was a clear indication of its commitment to the international process of negotiation, and in particular its support to the different international organisations which work to conserve ecosystems.

He noted that Panama had recently shown both local and international commitment to the protection of cetaceans. A law passed in 2005 established Panama's marine corridor for the protection of marine mammals and also provided a framework for the application of relevant policies including research, whalewatching, recreation, education, research, field therapy and also programmes for environmental awareness. Panama had declared marine mammals to be in need of conservation and preservation in order for them to re-establish and develop their populations. The law was strengthened by a number of regulations designed to ensure that it will be enforced.

The Minister reported that Panama was currently reviewing a draft order to create a national network for the rescue of stranded marine mammals. The draft national plan for stranded whales had been developed and was operated in conjunction with other institutions and tourism authorities so as to achieve the necessary international cooperation. Panama had also taken the initiative to educate their own citizens in conducting responsible and sustainable whalewatching in order to achieve the greatest possible benefit for all involved.

The minister invited the IWC to conduct this year's meeting with a positive and constructive spirit, especially given the challenging topics facing the IWC as it undergoes its process of change. He hoped that the meeting would mark a positive step forward so that the Commission could respond to the concerns of the international community. He stated that Panama would continue to work with the Commission and the other States that are involved in order to achieve agreement. In closing he encouraged everyone

to enjoy their stay in Panama and to appreciate the many advantages that the country had to offer.

The response was given by Dr Simon Brockington, the Executive Secretary of the IWC. He referred to the difficulty of the issues faced by the IWC and recognised the organisation's strengths. In particular, he noted the commitment of the Contracting Parties and the increased amount of intersessional work which had taken place both prior to arrival in Panama and during the sub-committee week. He acknowledged the on-going progress with governance reform that had started with the consensus adoption of Resolution 2011-1 at IWC/63 and the present opportunity to move to biennial meetings. Finally, he referred to the considerable support provided to the Commission by the Scientific Committee, especially in relation to the Committee's ability to assemble and communicate knowledge on the state of whale stocks and the environment. In closing he thanked the Government of Panama for their comprehensive arrangements to host IWC/64, and wished all delegates and observers a successful meeting.

#### 2.2 Opening Statements

Opening Statements from Contracting Governments and Observers were received in writing and can be found on the IWC website<sup>1</sup>.

#### 2.3 Secretary's Report on Credentials, Voting Rights and Circular Communications

The Secretary reported that the Credentials Committee (comprising Japan, New Zealand and the Secretary) had met on the previous evening (1 July 2012). All credentials were in order except for those from the representative of the Government of Peru<sup>2</sup>.

At the start of the meeting voting rights were suspended for Belize, Cameroon, Republic of Congo, Côte d'Ivoire, Dominica, Gambia, Greece, Guatemala, Republic of Guinea, Guinea-Bissau, Hungary, Kenya, Mali, Mauritania, Nicaragua, Romania, Senegal, Slovak Republic and Suriname. The Secretary noted that if and when voting commenced he would call on San Marino (if present) to vote first.

A new Rule of Procedure (P.3) introduced in 2011 required all individual and circular communications from the Chair or Secretary to Contracting Governments to be placed on the Commission's public website. The Secretary reported that this had been achieved, and also confirmed that no confidential communications had been withheld from the website since the Commission's previous meeting.

#### 2.4 Meeting arrangements

The Chair referred to the importance of allowing all Contracting Governments to express their points of view, and hoped that this would be achieved without interruption. He also requested that calls for points of order be kept to a minimum.

The Chair confirmed the Commission's arrangements for speaking rights for representatives of non-member governments and other intergovernmental organisations, i.e. that they would be permitted to make one intervention on a substantive agenda item.

<sup>1</sup><http://www.iwcoffice.org/iwc64docs>.

<sup>2</sup>Peru subsequently submitted its credentials later in the meeting.

With regard to Non-Governmental Organisation (NGO) observers the Chair planned to allow interventions on five items, with a maximum of five minutes per item. He invited a maximum of ten representatives of the NGOs present to meet with him during the lunchtime recess on 2 July 2012 to identify the items in advance. Depending on the rate of progress during the week the Chair indicated that he would allow further interventions from NGO observers if time permitted.

### 2.5 Review of documents

The Chair drew attention to document IWC/64/02 which was the list of documents to be considered at the 64<sup>th</sup> Annual Meeting. This list is provided at Annex C.

## 3. ADOPTION OF THE AGENDA

The Chair drew attention to the Annotated Provisional Agenda and to his proposed order of business.

Denmark noted that it had a dual capacity, both as a member of the European Union (EU) and simultaneously as a representative of Greenland and the Faroe Islands which are not members of the EU. Denmark stated that it generally aligns itself with the views and statements made on behalf of the EU, but that its comments at IWC/64 would be on behalf of Greenland and the Faroe Islands when there was a divergence of interest.

The Agenda was adopted by the meeting and is given as Annex B.

## 4. SANCTUARIES

### 4.1 South Atlantic Whale Sanctuary

#### 4.1.1 Proposal for the establishment of a South Atlantic Whale Sanctuary

Brazil introduced a proposal to establish a South Atlantic Whale Sanctuary which was co-sponsored by Argentina, Brazil, South Africa and Uruguay. The same proposal had been submitted each year between 2001 and 2008, and also in 2011, with the decision on the 2011 proposal being deferred to the present meeting. The proposal was to add a new paragraph 7(c) to Chapter III of the Schedule of the International Convention for the Regulation of Whaling (1946), and was the same as the one submitted to IWC/63 in 2011 with the exception of modification to the wording regarding coastal waters under national jurisdiction:

In accordance with Article V(1)(c) of the Convention, commercial whaling, whether by pelagic operations or from land stations, is prohibited in a region designated as the South Atlantic Whale Sanctuary. This Sanctuary comprises the waters of the South Atlantic Ocean enclosed by the following line: starting from the Equator, then generally south following the eastern coastline of South America to the coast of Tierra del Fuego and, starting from a point situated at Lat 55°07,3'S Long 066°25,0'W; thence to the point Lat 55°11,0'S Long 066°04,7'W; thence to the point Lat 55°22,9'S Long 065°43,6'W; thence due South to Parallel 56°22,8'S; thence to the point Lat 56°22,8'S Long 067°16,0'W; thence due South, along the Cape Horn Meridian, to 60°S, where it reaches the boundary of the Southern Ocean Sanctuary; thence due east following the boundaries of this Sanctuary to the point where it reaches the boundary of the Indian Ocean Sanctuary at 40°S; thence due north following the boundary of this Sanctuary until it reaches the coast of South Africa; thence it follows the coastline of Africa to the west and north until it reaches the Equator; thence due west to the coast of Brazil, closing the perimeter at the starting point. This prohibition shall be reviewed twenty years after its initial adoption and at succeeding ten-year intervals, and could be revised at such times by the Commission. Nothing in this sub-paragraph shall prejudice the current or future sovereign rights of coastal states according to, *inter alia*, the United Nations Convention on the Law of the Sea. With the exception of Brazil, this provision does not apply to waters under the national jurisdiction, according to

its current delimitation or another that may be established in the future, of coastal states within the area described above, unless those States notify the Secretariat to the contrary and this information is transmitted to the Contracting Governments.

Brazil stated that the primary intention in creating the Sanctuary was to support the biodiversity, conservation and non-lethal use of whale resources in the South Atlantic Ocean. The Sanctuary was intended to maximise the rate of recovery of whale populations and to promote the long term conservation of whales with particular emphasis on breeding and calving areas and migratory pathways. The Sanctuary would also: (1) stimulate co-ordinated research programmes between developing countries and the IWC; (2) develop the sustainable and non-lethal utilisation of whales through ecotourism and whalewatching; (3) provide a framework for the development of measures at an ocean-basin level; and (4) integrate national and regional conservation and management strategies while taking into account the rights and responsibilities of coastal states. Brazil hoped that the proposal to amend the Schedule could be accepted by consensus.

#### 4.1.2 Commission discussions and action arising

India, Colombia, Ecuador, Australia, Chile, Mexico, Cyprus (speaking on behalf of the European Union member states present at IWC/64) and Switzerland recorded their support for the proposal. India and Colombia re-iterated their commitment to conservation and non-lethal use of cetaceans, and Colombia noted the great economic advantages that whalewatching and ecotourism activities brought to vulnerable coastal communities. Ecuador stated that the Sanctuary would maintain the cetacean populations in the area and recalled that it had recognised its territorial waters as a whale sanctuary since 1990. Mexico said that there were six measurable objectives associated with the creation of the Sanctuary, the prime one being to allow the recovery rate of cetaceans to increase to its maximum capacity. Although there is no current commercial whaling, there had been previously and not all stocks had recovered to their historical levels.

Australia re-iterated its commitment to whale sanctuaries as an essential tool for the protection of whales and the broader marine environment. It stated that the creation of Sanctuaries was consistent with the ICRW and that their purpose was to benefit long-term whale conservation by facilitating recovery through protection of feeding and breeding grounds as well as migratory routes. They also provided economic benefits by allowing the development of ecotourism and whalewatching, promoted international collaborative research, and increased public awareness and appreciation of the value and vulnerability of marine ecosystems. Australia said that its Prime Minister had recently re-affirmed the importance of area-based conservation measures at the United Nations Conference on Sustainable Development. It stated that no commercial whaling or special permit whaling should be allowed in this proposed new Sanctuary or any other IWC Sanctuary, and it believed the Commission should adopt an integrated approach to conservation with the moratorium being complementary to, rather than an alternative to whale sanctuaries.

Japan, St Kitts and Nevis, Antigua and Barbuda, Norway and Iceland opposed the proposal. Japan said that the proposal did not contain specific or measurable objectives, and that it represented a shotgun approach to conservation whereby a large area would be protected with little rationale for boundary selection or establishment of management regimes. Japan and Antigua and Barbuda noted there was no

support from the Scientific Committee for the proposal, and as such was contrary to the intention of Article V paragraph 2(b) of the ICRW 1946 which required amendments to the Schedule to be based on scientific findings. Japan noted that a moratorium on commercial whaling was already in place and therefore there was no requirement for additional measures, especially with the recovery of cetacean resources already underway.

St Kitts and Nevis said that the IWC represented just under half the countries in the international community and that the management of high seas living resources was the business of the entire international community and not just a relatively small number of states. St Kitts and Nevis, Antigua and Barbuda and Iceland questioned why the proposing countries had not included their own national waters as part of the Sanctuary, especially given the great implications of the Sanctuary on other maritime users, particularly fisheries and transport. Antigua and Barbuda re-iterated its earlier request for consultation with peoples in coastal states whose livelihoods may be affected by the establishment of the Sanctuary. St Kitts and Nevis noted that no other competent international organisations had supported the Sanctuary and expressed its concern that the proposal would ultimately lead to the closing off of the oceans from the rights and privileges of developing coastal states.

Norway supported the use of whale sanctuaries when they were scientifically justified. However it noted there was no scientific support for this proposal and as such it could not support it. Iceland's position was that no scientific or conservation advances could be gained by the establishment of the Sanctuary. Noting that there was no current whaling in the area, and that the conservation measures under the auspices of the IWC were possibly the most conservative of any international natural resource management organisation, Iceland considered that the proposed sanctuary could not provide any additional conservation benefits. It also noted that the proponents were predominantly from the western side of the South Atlantic, and that the proposal would have consequences for states on the eastern side, many of whom opposed the proposal.

In the absence of consensus the Chair asked the sponsors how they would like to proceed. In response, Brazil referred to the lengthy discussions that had taken place on its proposal, not just at IWC/63 in 2011 but also at many meetings since 2001, and accordingly asked for the proposal to be put to a vote. The result of the vote was that the proposal failed to achieve the required three-quarter majority support, there being 38 votes in support, 21 votes against and two abstentions.

Denmark explained its vote of support by recalling that on previous occasions it had announced its support for real sanctuaries which fulfilled a number of defining requirements. However, this year, Denmark had decided to vote yes. Despite this, Denmark stated that in future it would maintain its traditional conditions to new Sanctuaries, not least that they would require a positive recommendation from the Scientific Committee and that the support of coastal states would be of crucial importance. Denmark also stated that new proposals for Sanctuaries should contain provisions to regulate all human activities including for example fishing, sea transport and oil drilling.

Brazil expressed its disappointment at the result. It thanked those Contracting Governments who had supported the proposal and the very transparent process by which the decision had been taken. Noting that all previous Sanctuaries established at IWC had been done so through a vote, it said

that it saw the result not as an end point but instead as the starting point of a new process. Norway requested that if a proposal for a South Atlantic Sanctuary was to be tabled again, that it would be dealt with as a new proposal and given a full and thorough review by the Scientific Committee.

## **4.2 Other Sanctuary issues raised in the Scientific and Conservation Committees**

### *4.2.1 Report of the Scientific Committee*

No new Sanctuary proposals had been received by the Scientific Committee.

### *4.2.2 Report of the Conservation Committee*

The Chair of the Conservation Committee referred to the second International Conference on Marine Mammal Protected Areas (MMPAs) which had been held in Martinique in November 2011 and which sought solutions to shared problems related to marine mammal conservation and to MMPA network design and management. A secondary goal was to orient those working in MMPAs to set protected areas in the broader context of marine management in order to ensure that MMPAs are not marginalised as marine spatial planning work advances. The conference theme was endangered species which included river dolphins and other species of large and small cetaceans as well as special attention to the endangered vaquita.

The USA highlighted the sister sanctuary agreement between the USA and France signed in September 2011 to protect humpback whales that migrate between the US Stellwagen Bank National Marine Sanctuary and the Agoa Marine Mammal Sanctuary in the Caribbean's French Antilles.

## **5. THE IWC IN THE FUTURE**

### **5.1 Introduction**

The Chair referred to the agreement made at IWC/63 in 2011 to: (1) encourage continuing dialogue amongst Contracting Governments regarding the future of the IWC; (2) continue to build trust by encouraging Contracting Governments to coordinate proposals as widely as possible prior to their submission to the Commission; and (3) encourage Contracting Governments to continue to cooperate in taking forward the work of the Commission, notwithstanding their different views regarding the conservation of whales and the management of whaling.

### **5.2 Commission discussions**

Japan described the agreement made at IWC/63 in 2011 to continue dialogue to build mutual trust and collaboration as indispensable. It referred to the growing consensus being established around the proposal to move to biennial meetings as an example of effective procedures within the IWC.

New Zealand recalled that the Commission's membership had entered into discussions under this item united in the view that action was needed to resolve the deep divisions that prevented the IWC from taking meaningful action on many of the serious issues that had been before the Commission for many years. From New Zealand's perspective these issues were:

- (1) the special permit whaling carried out by Japan in the Southern Ocean and the North Pacific;
- (2) commercial whaling under reservation by Iceland and objection by Norway in the North Atlantic;
- (3) the continued impasse on the establishment of the South Atlantic Whale Sanctuary; and

- (4) the willingness of a significant proportion of the membership to take part in and be guided by the discussions of the Conservation Committee.

New Zealand noted these issues still divided the Commission and believed that it will need to come back to them again when the membership is willing to engage in the same spirit that characterised the discussions in 2007-10.

The Russian Federation recalled the extensive progress made during the Future of the IWC process and asked whether the work would continue. It suggested the work of the Small Working Group established during 2007-10 should continue so as to provide for the adoption of a package of measures which would include solutions to issues on global sanctuaries, strike limits for small-type whaling and all the issues of the IWC's future. It requested discussion regarding this suggestion with the aim of establishing when the Small Working Group could re-assemble, and which issues it should be tasked with.

India said that it believed in conservation and that it did not support the exploitation of whales, and hence it was of the view that the moratorium should continue. It said that the IWC played an important role in the conservation of whales and that this must be carried out by all member countries. It should be achieved through the development of a comprehensive plan of action to recover depleted whale populations and address all threats to cetaceans including bycatch, ship strikes, ocean noise, pollution and the impact of climate change. Given these diverse roles, India suggested that the IWC be re-named the International Whales Commission.

The Republic of Guinea referred to the excellent work of the Scientific Committee and requested Commission members to accept the Scientific Committee's recommendations and to avoid antagonism. It stated that avoiding voting was important.

Australia considered that the Commission should engage in a ground-up approach focusing on areas where agreement can be reached. It said that over the past few years the IWC had made significant progress on a range of financial and administrative governance reforms as well as conservation and science initiatives. Together these had helped to ensure there was a greater focus by the IWC on cetacean conservation whilst also improving the transparency and accountability of the Commission. Australia considered that through these reforms, the Commission could undertake work in line with the best practice and approaches of other international organisations and it acknowledged the important work undertaken by the Commission's Committees and intersessional groups. It believed that the IWC remained the appropriate international organisation to address the conservation management of whales and it believed that when consensus could not be achieved then a proper democratic vote should occur. Australia also stated that it considered the remit of the Small Working Group set up from 2007-10 to be over, and that its work had been formally completed at previous meetings.

Mexico recalled that several previous processes to resolve the future of the Commission had all failed, and that before embarking on a new process it would be appropriate to analyse the reasons for past failure. As an alternative Mexico said that the Commission should seek a bottom-up process and to look for issues where commonality existed (e.g. marine debris) and which would help the Commission work towards healthy whale populations and to maintain the functional elements of the ecosystem.

Argentina said that significant progress had been made over the last few years especially regarding the structure of

the organisation. It considered that advances to find common ground had taken place in many areas including Sanctuaries, marine debris, climate change and other environmental matters. Argentina considered that the remit of the Small Working Group had ended at IWC/62 in 2010, but expressed its willingness to take part in all dialogue to modernise the Commission. Ecuador supported the comments by Australia and Argentina, and recognised the important efforts made by the IWC in matters related to whale conservation. Colombia noted the progress made with the conservation agenda, and said it was important to further strengthen the dialogue within the Commission so that all members were able to participate in the Commission's conservation mechanisms.

Korea referred to the existing divisions over whaling within the Commission and re-affirmed its commitment to the conservation and sustainable use of marine living resources. It considered that the stalemate within the Commission could only be broken by a commitment to the guiding principles embedded in the ICRW. It appreciated the co-operative spirit seen at IWC/63 in 2011 and expected that this same spirit would be applied to resolving the sensitive issues ahead during the present meeting.

Monaco believed that substantial teamwork was required to resolve the IWC's difficulties but there were also indicators of progress in the conservation and management of whales, as seen by the achievements made in the Conservation Committee. It remarked that the main problem facing the Commission was that its own Resolutions were ignored by some members, especially regarding the moratorium within the Southern Ocean Sanctuary. It commented that voting was a normal democratic process when consensus cannot be reached. Chile also recognised the IWC's achievements, and echoed the statements of Australia and Monaco that voting should be used when consensus could not be reached. Belgium highlighted three items that would assist the future development of the Commission, these being: (1) to strengthen the credibility and scientific capacity of the Commission with regard to both large and small cetaceans; (2) to improve the governance structure and to particularly pay attention to social issues; and (3) to further improve the IWC's collaboration with other organisations.

In closing the discussion, the Chair stated that consensus should always be the desired outcome but if that is not possible then voting should be used. He said that if voting was handled effectively, as it had been during the earlier discussion on the proposed South Atlantic Sanctuary<sup>3</sup> then it represented progress in comparison to the way it was previously conducted by the IWC.

## 6. WHALE STOCKS

### 6.1 Antarctic minke whales

#### 6.1.1 Report of the Scientific Committee<sup>4</sup>

The Chair of the Scientific Committee referred to the Committee's ongoing work to conduct an in-depth assessment of Antarctic minke whales. In-depth assessments allow the Committee to determine the present status of stocks compared to their status in the past and to look at any trends in population level and possible causes of change. Ultimately, the assessments are intended to identify if there are anthropogenic threats to the population status that need to be addressed, as well as highlighting priority species, populations and/or human activities that require action.

<sup>3</sup>See Item 4.1.

<sup>4</sup>For a full account see *J. Cetacean Res. Manage. (Suppl.)* 14, Item 10.1 [2013].

Table 1  
Estimates of abundance for Antarctic minke whales for CPII (1985/86-1990/91) and CPIII (1992/93-2003/04). See text.

CPII	Management Area						Total
	I	II	III	IV	V	VI	
Survey once	86,000	130,000	93,000	55,000	300,000	56,000	720,000
CNB	85,000	120,000	87,000	51,000	286,000	50,000	678,000
CPIII	I	II	III	IV	V	VI	Total
Survey once	39,000	57,000	94,000	60,000	184,000	81,000	515,000
CNB	34,000	58,000	69,000	56,000	180,000	72,000	470,000
CPIII:CPII	0.40	0.49	0.79	1.09	0.63	1.44	0.69

For Antarctic minke whales, an ongoing issue was to develop a final set of abundance estimates from the international cruises undertaken under the auspices of the IWC (known as the IDCR and then SOWER cruises) obtained during the 1978/79-2003/04 austral summer seasons. Three sets of circumpolar (CP) cruises were undertaken and analytical efforts have focused on CPII (1985/86-1990/91) and CPIII (1992/93-2003/04). At IWC/62 in 2010, the Committee had established two sets of abundance estimates using two different analytical techniques. These estimates differed appreciably from each other, and following considerable extra work by the Committee in 2011 and 2012, the Chair of the Scientific Committee this year reported that the Committee has agreed final estimates for each of the survey areas. These can be seen in Table 1. The best estimates for the maximum extent of the Management Areas (hereafter 'Areas') that could be surveyed (for a number of logistical and environment-related reasons the extent of the Areas that could be successfully surveyed changed with time) are labelled 'survey once'. They are rounded to the nearest thousand animals. The uncertainty (CV) around the estimates for each is around 0.2 while the uncertainty around the total Antarctic estimates is around 0.1. These values increase if the additional variance associated with the different distribution of animals between surveys is taken into account; for the circumpolar estimates the CV becomes about 0.18.

In summary, the new agreed estimates for the survey-once case are 720,000 (95% CI 512,000; 1,012,000) for CPII and 515,000 (95% CI 361,000; 733,000) for CPIII (1992/93-2003/04). The estimates are to some degree underestimates because some minke whales would have been outside the northern and southern survey boundaries.

Trends over time are of major interest in an in-depth assessment. The most appropriate estimates to examine are the consistent northern boundary (CNB in the table) estimates which have been corrected to make sure they are most comparable over time. These can also be seen in Table 1. The results also show that the biggest declines occurred in Areas I and II whereas the estimates in Areas IV showed no decline and in Area VI increased.

These corrected estimates over the entire Antarctic show a more recent total abundance estimate of around 30% lower than the earlier estimates. The confidence interval for the ratio between these two estimates includes 1.0 and thus a hypothesis of no change in the estimated overall abundance cannot be rejected. The Committee believes that the estimates probably represent a change and so is exploring possible causes for the decline in the estimates. The aim is to see if they represent a true decline in numbers rather than a result of e.g. changes in ice extent or distribution.

An in-depth assessment also needs information on stock structure to determine status and assess risks. For Antarctic minke whales, there are two genetically distinct populations in Area IV east and Area IV west. The Committee welcomed a new simple and effective method to determine the boundary between these two populations which appears to be a 'soft' boundary. This moves every year and appears to be sex-specific.

A population dynamics model containing all of this information will allow determination of the status, changes in abundance and carrying capacity. The model also requires information on catches and biological information on length, age, and sex. Initial results of these findings are expected next year.

Although the IDCR/SOWER series of cruises has finished the Japanese dedicated sightings surveys are still being conducted. With Scientific Committee approval with respect to methods, Japan was scheduled to conduct a dedicated sighting survey in Area III east, Area IV and Area V west. The Committee expressed regret that the actions of a protest group prevented the sighting survey in 2011/12. These surveys are the only dedicated cetacean sighting surveys in this region and so are very valuable to the work of the Committee.

It is planned to carry out the same survey in 2012/13. The primary objective is the estimation of abundance of Antarctic minke whales using agreed methods. In addition, opportunistic biopsy and photo-id studies of blue whales, southern right whales and humpback whales will be undertaken. A cruise report will be submitted next year. The Scientific Committee reviewed and endorsed these plans.

#### 6.1.2 Commission discussions and action arising

Australia, Mexico, Japan and India thanked the Scientific Committee for their extensive work to resolve the population estimates of Antarctic minke whales. Australia said that the new estimates would be important complements to other Southern Ocean initiatives including the research projects being undertaken both through the Southern Ocean Research Partnership (SORP) and by the Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR). Australia noted the decline between the two minke whale population estimates was not statistically significant, and that while a decline was most likely the data included the possibility that the population remained stable or even increased. This underlined the importance of continuing to work in a non-lethal way in the Southern Ocean to investigate whales and their environments.

Japan said the estimates were based in part on sightings surveys from designated areas with the exception of those areas where pack ice prevented access, and hoped that it



would be possible to establish the reason for the different estimates between CPII and CPIII. Mexico also noted the possibility of the minke whale population decline, and asked whether the Scientific Committee had investigated ecosystem effects or climatic disruptions as underlying causes.

The Commission noted this part of the Scientific Committee's report and endorsed its recommendations.

## 6.2 Southern Hemisphere humpback whales

### 6.2.1 Report of the Scientific Committee<sup>5</sup>

The Scientific Committee has been undertaking in-depth assessments of Southern Hemisphere humpback whales since 1992. Seven Breeding Stocks (labelled BS A-G) were recognised which were connected to feeding grounds in the Southern Ocean. Assessments for four of the Breeding Stocks have already been completed, these being:

- BSA (eastern South America);
- BSC (eastern Africa);
- BSD (western Australia); and
- BSG (western South America).

In 2012, the Scientific Committee focused on Breeding Stocks E (western South Pacific) and F (central South Pacific). These assessments took into consideration possible mixing of Breeding Stocks D and E on the feeding grounds.

At the start of the process the available data sets were assessed for these areas and a simple assessment model was used. The Committee has now agreed on a series of recommendations for the input data, whale movement models and population dynamics model structure to allow the assessment to progress. It planned to see results of these more realistic models during the year and then to finalise the in-depth assessment in 2014.

New data was reviewed on the other Southern Hemisphere Breeding Stocks that will eventually be used in future updated assessments and some of this information is from local countries.

An update had also been provided on the IWC's Antarctic Humpback Whale Photo-Identification Catalogue that now has over 4,600 fluke photographs. New effort was focused on obtaining photographs from eco-tourism cruise ships that sail in the Antarctic, in addition to those from scientific researchers. This catalogue has been and will continue to be extremely important in population assessments.

### 6.2.2 Commission discussions and action arising

India welcomed the information on the Breeding Stocks of Southern Hemisphere humpback whales and looked forward to the development of a conservation plan between the range state governments for the small populations of these whales along the western coast of Africa from Guinea to South Africa.

The Commission noted this part of the Scientific Committee's report and endorsed any recommendations.

## 6.3 Southern Hemisphere blue whales

### 6.3.1 Report of the Scientific Committee<sup>6</sup>

The Scientific Committee completed its circumpolar in-depth assessment of Antarctic blue whales in 2008. The assessment indicated that although this population is still severely depleted it appears to be increasing at around 8% annually. The Committee is now examining whether

separate assessments can be carried out by population and Management Area. This will require information on abundance, distribution and stock structure by area and the Committee received additional relevant information this year.

Updates were received on the two Southern Hemisphere blue whale photo-identification catalogues including co-operative work. The photos of blue whales from the Japanese special permit programmes have been submitted to the Secretariat and these will be added to the Antarctic catalogue next year and compared to photos from other areas. A paper was received on pygmy blue whales of Western Australia, along with three papers on Chilean blue whales. Two papers contained abundance estimates but did not provide sufficient details for their acceptability for use in assessments to be determined. Guidelines will be clarified during the coming year with respect to the level of information that needs to be provided by scientists when they provide new abundance estimates.

The Committee also received six papers related to the Antarctic Blue Whale Project that is part of the Southern Ocean Research Partnership (SORP) project. The primary aim of the Antarctic Blue Whale Project is to estimate the circumpolar abundance of Antarctic blue whales using photographic mark-recapture methods. One paper summarised the results of two voyages already conducted. Four papers investigated various aspects of background research and the most effective way to carry out mark-recapture abundance methods. The last paper synthesised these ideas and presented a proposal for future cruises. Given the enormous area to cover and the required level of effort needed to obtain precise circumpolar abundance estimates, it may take up to 10 years to collect sufficient mark-recapture data, even when using passive acoustic techniques to help find blue whales to photograph. For this reason, the originally suggested 'Year of the Blue Whale' programme was agreed to be infeasible. The Committee welcomed this work, recognised the importance of the research and agreed that a longer-term time line is more appropriate.

In addition to this series of papers, the Committee also received a paper describing plans for the South African Blue Whale project which is to combine acoustic technology with traditional line transect sighting and mark-recapture surveys methods in waters off South Africa and in the Antarctic. Another paper was received on the genetics of Antarctic blue whales which requested use of some of the IWC genetic samples. The Committee provided some comments that might improve these plans and endorsed all of the proposed projects.

### 6.3.2 Commission discussions and action arising

Chile noted the importance of the blue whale as an emblematic species and noted that the population off the Chilean coast was very likely to be a different subspecies which it continued to study with the assistance of the Chilean Navy. Regarding the other populations of blue whales in the Southern Hemisphere, Chile highlighted its work to contribute to the international collaborative effort to compile the photo-identification catalogue in the expectation of being able to ascertain further information on the currently unknown breeding grounds and the migratory routes which connect them to the known feeding areas. Chile also recorded its support for and contribution to blue whale work being undertaken through the Southern Ocean Research Programme (SORP).

The Commission noted this part of the Scientific Committee's report and endorsed any recommendations.

<sup>5</sup>For a full account see *J. Cetacean Res. Manage. (Suppl.)* 14, Item 10.2 [2013].

<sup>6</sup>For a full account see *J. Cetacean Res. Manage. (Suppl.)* 14, Item 10.3 [2013].

## 6.4 Western North Pacific gray whales

### 6.4.1 Report of the Scientific Committee<sup>7</sup>

One of the components of the draft western North Pacific gray whale conservation management plan (see Item 9 below) agreed by IUCN and the IWC was a telemetry study to investigate their migration routes and breeding grounds. To accomplish this, an international and collaborative study was developed under the auspices of the IWC, beginning in 2010 and continuing in 2011. Several tags have been attached to gray whales off Sakhalin Island, Russia, a primary feeding ground as well as being the site of oil and gas activities. It was generally expected that animals feeding off Sakhalin Island migrated past Japan and Korea to breeding areas somewhere off China. In fact, the tagged animals travelled to the west coast of America. The animal with the longest lasting tag moved down the coast to Mexico and then returned to the Sakhalin Island feeding ground. The tagging results have identified the need for a major re-evaluation of the stock structure of gray whales in the North Pacific. For example, as part of the IWC programme agreed last year, photo-id matches from these areas have confirmed that such movements from Sakhalin to the west are not isolated events; 14 whales photographed off Sakhalin Island have been matched to animals from Mexico (the total number feeding off Sakhalin Island is around 140 animals).

The Committee received a paper summarising past and current records of gray whales off the coasts of Japan, China and Korea. Recent records have been rare and the last known sighting off Korea was in 1977. The authors suggested that the portion of western gray whales that used to migrate past Korea might either have abandoned that route or may be extinct.

The new information suggests that the animals that feed off Sakhalin comprise animals from both the eastern and western populations and the Committee is giving priority to obtaining more information to understand stock structure in the North Pacific and to investigating any conservation implications.

There are plans for more tagging, in particular on gray whales off Kamchatka, Russia, off Barrow and St Lawrence Island, Alaska, and on PCFG (Pacific Coast Feeding Group) gray whales off Oregon and California (see Item 7 below). Photographs and biopsies will also be collected. The tagging results will greatly assist the understanding of stock structure and also provide more local information, such as the distribution, movements and feeding areas as related to present and future oil and gas activities.

The Committee welcomed all of the information on this critically endangered population and the broader question of stock structure, commended the international collaboration thus far and recommended its continuation.

In terms of conservation advice, the Committee acknowledged the important work of the IUCN Western Gray Whale Advisory Panel and reiterated its support for the Panel. Further, the Committee recommended that appropriate monitoring and mitigation plans be implemented for all oil and gas activities that occur in the range of the western gray whales, especially around Sakhalin. The Committee again recognised that the problem of net entrapment of western gray whales is range-wide. In this context it welcomed Japan's actions to reduce mortality.

### 6.4.2 Commission discussions and action arising

The Russian Federation noted that there was no agreement within the Scientific Committee regarding the existence of

separate gray whale populations, and recalled the sightings of gray whales which occurred in the North Atlantic off Spain and Israel two years ago, and off Franz Josef Land last year. This may even mean that gray whales were returning to the North Atlantic after 400 years of absence. Nonetheless, the Russian Federation recorded its support for protecting the western North Pacific gray whales and their habitat. It noted the collaborative research work undertaken with the oil companies involved in the development around Sakhalin Island, and also reported that construction of the third oil and gas platform has passed the necessary Environmental Impact Assessment. The Russian Federation said it would continue to work collaboratively with NGOs as well as Oregon University and scientists from other organisations to study the gray whales and would report the results to the IWC's Scientific Committee. Monaco noted that the work on western North Pacific gray whales was an excellent illustration of international collaboration on what was considered a vulnerable population. It was concerned about the upcoming oil and gas developments off Sakhalin, and wished the Russian Federation every success in applying the vital environmental assessments and ensuring that the developments were mitigated as much as possible.

Mexico highlighted the establishment of the first whale sanctuary in Baja California as one of the reasons for the recovery of the northeastern Pacific gray whales, and suggested that following this example of recovery it would be appropriate to carry out a survey of the whole Pacific through the IWC to contribute to the Conservation Management Plan developed through the IUCN's Western Gray Whale Advisory Panel. Mexico thanked Japan for its efforts to reduce entanglement events, and recorded its concerns with plans to establish a third oil and gas exploration platform near the feeding areas for this population.

Korea said that it had designated this species as a natural monument in order to help achieve its protection and indicated that it would continue to undertake sightings surveys for this species even though it had not been seen in Korean waters since 1977. The United Kingdom supported the Scientific Committee's recommendations that appropriate monitoring and mitigation plans should be implemented for all oil and gas activities that occur throughout the range of western gray whales, especially if another platform was to be installed off Sakhalin Island. It welcomed all efforts to protect western gray whales and encouraged range states, energy companies and their lenders to engage with the IUCN's Western Gray Whale Advisory Panel. It requested that both the Panel and the IWC Scientific Committee should continue to look at ways to best protect the population.

The Commission noted this part of the Scientific Committee's report and endorsed its recommendations.

## 6.5 Southern Hemisphere right whales

### 6.5.1 Report of the Scientific Committee<sup>8</sup>

The Committee's work focused on the report of a Workshop<sup>9</sup> held in Buenos Aires, Argentina, in September 2011 that focused on the status of Southern Hemisphere right whales. The Committee endorsed the Workshop's detailed recommendations and four of the more general ones are highlighted below.

- (1) The annual long time-series of data collection projects should be continued. These projects provide important

<sup>8</sup>For a full account see *J. Cetacean Res. Manage. (Suppl.)* 14, Item 10.5 [2013].

<sup>9</sup>For a full account see SC/64/Rep5, published in *J. Cetacean Res. Manage. (Suppl.)* 14 [2013].

<sup>7</sup>For a full account see *J. Cetacean Res. Manage. (Suppl.)* 14, Item 10.4 [2013].

information such as calving intervals, abundance estimates, and provide photo-ids, genetic samples and tag data which can be used to define stock structure, animal movements and estimate rates of recovery.

- (2) All countries should report incidents of ship strikes and entanglements in the annual Progress Reports submitted to the IWC.
- (3) The joint Argentina/Brazil right whale assessment should be completed intersessionally, which will provide rates of increase for the time period 2000 to 2010.
- (4) Draft Conservation Management Plans should take into account the recommendations made during this workshop and the IWC Workshop on the Southern Right Whale Die-off that took place in 2010<sup>10</sup>.

Once (3) is complete then the Committee can finalise its evaluation of status.

The Committee briefly examined the scientific content of the draft Conservation Management Plans for southwest Atlantic southern right whales and for southeast Pacific southern right whales and agreed that these draft plans did account for the recommendations suggested during the two Workshops mentioned under (4) above. These plans were discussed more fully by the Conservation Committee (see Item 9 below).

#### 6.5.2 Commission discussion and action arising

Argentina expressed its gratitude to the Scientific Committee for the work undertaken so far and looked forward to obtaining an estimate of the size of the Argentina/Brazil right whale population next year. It updated the Commission on a meeting which had taken place in May 2012 in the Province of Chubut to develop final solutions to the problem of gulls attacking right whales. Argentina also highlighted the health programme being undertaken in the waters around the Península Valdéz area that was investigating stranded and dead animals, especially those less than one year old, and said that it expected to be able to submit more findings from these studies to the IWC in the future.

Chile thanked Argentina for hosting the right whale assessment Workshop, and drew attention to the right whale population off the coast of Chile and Peru that had been classified as critically endangered with fewer than 50 mature animals. It reported that it had introduced regulations which permitted whalewatching to take place only from the shore, rather than from boats, which was necessary because of the very small population size. It also highlighted the need to increase the records of sightings, photo-id and genetic studies in line with the recommendations of the assessment Workshop so as to gain more information regarding the population.

The Commission noted this part of the Scientific Committee's report and endorsed its recommendations.

### 6.6 North Pacific and North Atlantic right whales and small stocks of bowhead whales

#### 6.6.1 Report of the Scientific Committee<sup>11</sup>

The Committee has regularly expressed concern over these very small stocks and received a number of reports this year.

The North Atlantic Right Whale Consortium reported that according to their photo catalogue there were 490 North Atlantic right whales in 2010, five documented deaths and 11 new documented entanglements.

In the North Pacific, Japan reported that in February 2011, a right whale was found dead in a setnet off Oita prefecture. A skin sample was sent to the Institute of Cetacean Research (ICR), where DNA was extracted and it was confirmed the animal was a right whale. Unfortunately, the sample was lost during the March 2011 tsunami. The Committee also welcomed the report of a western North Pacific right whale sighting survey conducted in May 2011 where a total of 20 individuals was detected, of which 19 were photographed and 14 biopsied.

With respect to bowhead whales, there was a year-round acoustic study during September 2008 to September 2009 off Spitzbergen, which is an old right whale whaling ground. The calls of the Spitzbergen stock of bowhead whales were recorded every day during November-February, with the highest calling rate during September-May.

The Committee thanked the authors for these reports and continued to reiterate its grave concern over these small stocks and encouraged continued or expanded research on these small populations.

#### 6.6.2 Commission discussion and action arising

The Commission noted this part of the Scientific Committee's report and endorsed any recommendations.

### 6.7 North Pacific research cruises

#### 6.7.1 Report of the Scientific Committee<sup>12</sup>

The primary focus was the international collaborative programme developed for the North Pacific under the auspices of the IWC which has been called IWC-POWER (Pacific Ocean Whale and Ecosystem Research).

The concept of a long-term programme was introduced two years ago. It was stressed that these cruises should be part of a well-designed medium-to-long-term programme, rather than a series of *ad hoc* cruises. The primary objective is to contribute information on abundance and trends in abundance of large whales and try to identify the causes of any trends that do occur. An important component of this programme in addition to the sightings surveys involves the use of photographs and biopsy samples from a variety of species. The short-term objective is to complete an initial 5-year survey of the eastern North Pacific to facilitate choice of appropriate survey blocks and strata for a long-term monitoring plan. It is also planned to undertake more specific power analyses of the effort required to detect trends in abundance, should trends occur. The results from these surveys are important because many of these populations have not been assessed for decades.

The 2<sup>nd</sup> annual IWC-POWER survey was successfully conducted from 11 July to 8 September 2011 in the eastern North Pacific (north of 40°N, south of the Alaskan Peninsula, between 170°W and 150°W) using a Japanese research vessel. The 3<sup>rd</sup> IWC-POWER survey will leave Japan on 13 July 2012 and will take place north of 40°N to the US coast and between 140°W and 135°W. The Committee approved preliminary plans for a 4<sup>th</sup> cruise to occur in summer 2012 from 160°-135°W, and between 30°-40°N; details will be finalised at a workshop to be held in Tokyo in October 2012.

The Committee endorses the reports from all of these surveys and looked forward to receiving more detailed reports and results. It was extremely grateful to Japan for providing a vessel for these cruises, recognising that providing a dedicated vessel is a major donation to the Committee's work. Data from the first three years of the IWC-POWER

<sup>10</sup>For a full account see *J. Cetacean Res. Manage. (Suppl.)* 12: 367-98 [2011].

<sup>11</sup>For a full account see *J. Cetacean Res. Manage. (Suppl.)* 14, Item 10.6 [2013].

<sup>12</sup>For a full account see *J. Cetacean Res. Manage. (Suppl.)* 14, Item 10.8 [2013].

cruises will be invaluable in the forthcoming in-depth assessment of sei whales. The Committee encouraged other range states to contribute to and collaborate with the IWC-POWER programme and thanked the USA and the Republic of Korea for their assistance with the cruises undertaken so far and the future planned surveys.

In addition to these IWC-directed surveys, the Committee was informed that three systematic dedicated cetacean sighting surveys were conducted by Japan in summer 2011 and that a similar set is planned for summer 2012. The objectives are to examine the distribution and abundance of large whales in the western North Pacific following IWC requirements and guidelines. Biopsy sampling and photo-identification data will also be collected on an opportunistic basis.

#### 6.7.2 Commission discussion and action arising

Japan stated the importance of undertaking the research cruises and promised to co-operate in future surveys. It highlighted the tentative estimate of 6,587 sei whales for the eastern North Pacific<sup>13</sup> that had been obtained from the 2011 IWC-POWER cruise and noted that a similar survey would take place in the summer of 2012. It acknowledged the support of the USA in allowing the survey vessel to enter American waters and the support provided by Korea and the IWC Secretariat.

The Commission noted this part of the Scientific Committee's report and endorsed any recommendations.

## 7. ABORIGINAL SUBSISTENCE WHALING

The Aboriginal Subsistence Whaling Sub-committee met on the 27 June 2012 under the Chairmanship of Herman Oosthuizen (South Africa). It was attended by delegates from 29 Contracting Governments. The Chair of the Scientific Committee's Standing Working Group (SWG) on the Development of an Aboriginal Whaling Management Procedure reported on the Scientific Committee's work and discussions. The full report of the ASW Sub-committee is available at Annex E.

### 7.1 Aboriginal Subsistence Whaling Management Procedure

#### 7.1.1 Report of the Aboriginal Subsistence Whaling Sub-committee

##### 7.1.1.1 CONTINUATION OF WORK ON DEVELOPING SLAS FOR THE GREENLANDIC HUNTS

The Scientific Committee had developed and the Commission endorsed an interim safe approach to setting catch limits for the Greenland hunts in 2008, noting that this should be considered valid for up to two quota blocks. The target is for the Committee to have developed agreed and validated Strike Limit Algorithms (SLAs) by species by the 2018 Commission Meeting. The interim safe approach uses an SLA that has been simulation tested in the normal manner but not for as full a range of scenarios as a formal long-term SLA.

For a number of reasons, primarily related to stock structure issues, development of SLAs for Greenland aboriginal hunts for common minke and fin whales will be more complex than previous *Implementations* for stocks subject to aboriginal subsistence whaling. While noting Greenland's desire for flexibility amongst species in meeting its subsistence needs, the Scientific Committee will first develop SLAs for individual species before considering whether and how to address multi-species considerations.

The Scientific Committee received a brief report from Greenland related to the recommendations in IWC/62/9 to develop conversion factors from tonnes of edible products to numbers of whales by species. The Committee made recommendations for improved reporting next year.

A paper (IWC/64/ASW10) was presented by Greenland to the Commission's Aboriginal Subsistence Whaling Sub-committee. Its current need statement and request (see Item 7.5.2) used the conversion factors per animal included in IWC/62/9. In discussion, several countries thanked Denmark/Greenland for presenting this more detailed updated progress report. Others reiterated the Scientific Committee's concerns and looked forward to the full progress report that Denmark/Greenland will be submitting next year.

The Aboriginal Subsistence Whaling Sub-committee endorsed the report of the Scientific Committee and its recommendations.

##### 7.1.1.2 IMPLEMENTATION REVIEW OF EASTERN NORTH PACIFIC GRAY WHALES WITH EMPHASIS ON PCFG

At the 2010 Annual Meeting it was agreed that the information on stock structure and proposed hunting by the Makah Tribe warranted the development of trials as part of an immediate new *Implementation Review* with a primary focus on the Pacific Coast Feeding Group (PCFG) that was in essence to be treated as a separate management stock from the large eastern North Pacific population from which the Chukotkan hunt was taken. After work by the Committee at two Annual Meetings and two intersessional Workshops, the Committee completed this task this year.

Based on the Commission's objectives for aboriginal subsistence whaling, the Scientific Committee explored the conservation performance of 11 variants of a management plan proposed by the Makah Tribe to reduce the likelihood that a PCFG whale might be taken in the hunt. The Committee concluded that:

- (1) *SLA* variant 2 performed acceptably and met the Commission's conservation objectives; and
- (2) *SLA* variant 1 performed acceptably provided that it is accompanied by a photo-identification programme to monitor the relative probability of harvesting PCFG whales in the Makah U&A, and the results are presented to the Scientific Committee for evaluation each year.

However, the Scientific Committee noted that the *SLA* variants tested did not correspond exactly to the management plan proposed by the Makah Tribe to the IWC. It agreed to test such a variant intersessionally and examine the results at the next Annual Meeting.

In addition, last year<sup>14</sup> the Scientific Committee had stressed that new information on movements of gray whales highlighted the importance of further clarification of the stock structure of North Pacific gray whales. In particular, the matches of animals from the Sakhalin feeding grounds with animals seen in the PCFG area and other areas along the west coast emphasised the need for efforts to estimate the probability of a western gray whale being taken in aboriginal hunts for Pacific gray whales (noting that this did not require incorporation of western gray whales into the *Implementation Review*). It again strongly endorsed the collaborative stock structure research programme (see Item 6.4 above), noting that the results of the research may require further trials for future *SLA* testing; this would be a matter for consideration at the next *Implementation Review*, if not before.

<sup>13</sup>J. *Cetacean Res. Manage. (Suppl.)* 14, Item 10.9 [2013].

<sup>14</sup>J. *Cetacean Res. Manage. (Suppl.)* 13: 16 [2012].

The Scientific Committee will continue to monitor the situation and was willing to respond to any guidance or requests for further information from the Commission.

The Aboriginal Subsistence Whaling Sub-committee endorsed the report of the Scientific Committee and its recommendations.

#### 7.1.2 Commission discussions and action arising

There were no discussions under this item.

### 7.2 Aboriginal Whaling Scheme

#### 7.2.1 Report of the Aboriginal Subsistence Whaling Sub-committee

An integral part of the AWMP process within the Scientific Committee is the undertaking of regular or 'special' *Implementation Reviews*. The Scientific Committee developed and adopted guidelines for these this year which cover the following issues:

- (1) objectives;
- (2) timing of regular and special *Implementation Reviews*;
- (3) outcomes;
- (4) Data Availability; and
- (5) computer programmes.

In 2002, the Scientific Committee had recommended that the Commission adopt the Aboriginal Subsistence Whaling Scheme. This covered a number of practical issues such as survey intervals, carryover and guidelines for surveys. The Committee has stated in the past that the AWS provisions constitute an important and necessary component of safe management under AWMP *SLAs* and it reaffirmed this view this year, noting that discussions within the Commission of some aspects such as the 'grace period' are not yet complete.

The Commission's Aboriginal Subsistence Whaling Sub-committee noted the report of the Scientific Committee.

#### 7.2.2 Commission discussions and action arising

There were no discussions under this item.

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

In 2011, the Commission endorsed a recommendation in document IWC/63/12rev to form an *Adhoc* Aboriginal Subsistence Whaling Working Group (ASWWG). The purpose of the group was to identify and consider unresolved ASW issues, including *inter alia* those identified in the 2011 report of the ASW Sub-committee.

#### 7.3.1 Report of the Aboriginal Subsistence Whaling Sub-committee

The ASWWG reported a series of five short-term recommendations and these were subsequently endorsed by the ASW Sub-committee (while noting the reservations of one member of the ASWWG). One of the recommendations was to propose the creation of a voluntary fund at IWC/65, and this was referred to the Finance and Administration Committee. See Item 25.3.3 for the report of F&A discussions.

### 7.4 Aboriginal subsistence whaling catch limits

#### 7.4.1 Report of the ASW Sub-committee

##### SETTING OF CATCH LIMITS FOR AN EVEN NUMBER OF YEARS

At IWC/64 the Commission considered a change from annual to biennial meetings. This raised the issue as to whether there were any scientific implications for the Commission moving to setting block quotas for an even number of years rather than the present five-year intervals. This was examined by the Scientific Committee. It agreed that there are no scientific reasons for the Commission not

to set catch limits for blocks of even numbers of years up to eight years for B-C-B bowhead and eastern gray whale stocks. Given the interim safe approach, the Committee also agreed that there are no scientific reasons why the next quota block for the Greenland hunts could not be for a six-year period, noting that the long-term *SLAs* will be available for implementation for the following block quota.

#### 7.4.1.1 BERING-CHUKCHI-BEAUFORT (B-C-B) SEAS STOCK OF BOWHEAD WHALES (ANNUAL REVIEW)

A total of 51 bowhead whales were struck in 2011 resulting in 38 animals landed. No bowhead whales were reported struck and lost at Chukotka. The Scientific Committee agreed that the *Bowhead SLA* continued to be the most appropriate way for the Committee to provide management advice for the B-C-B population of bowhead whales and that the present strike and catch limits are acceptable.

The need statement for B-C-B bowhead whales by the USA is given as IWC/64/ASW3 (summarised in Annex E, Appendix 4) and for the Chukotkan hunt is given in IWC/64/ASW6 (summarised in Annex E, Appendix 5).

The Aboriginal Subsistence Whaling Sub-committee endorsed the report of the Scientific Committee and its recommendations. It also accepted the need statements provided by the USA and the Russian Federation.

#### COMMISSION DISCUSSIONS AND ACTION ARISING

There were no discussions relating to the Annual Review. Discussions regarding future catch limits are reported at Item 7.5.1.

#### 7.4.1.2 NORTH PACIFIC EASTERN STOCK OF GRAY WHALES<sup>15</sup>

The Russian Federation reported that a total of 128 gray whales were struck in Chukotka, Russia in 2011; two were lost and 126 were landed. Of the landed whales, two were 'stinky' and not used for human consumption. In addition to the *Implementation Review* with the focus on PCFG gray whales, the Committee reviewed a wide range of excellent papers on this stock including papers from Mexico, the USA and the Russian Federation. A number of research recommendations were made but no information was presented that warranted any re-evaluation of the gray whale *SLA*.

The Scientific Committee therefore agreed that the *Gray Whale SLA* remains the appropriate tool to provide management advice for eastern North Pacific gray whales apart from the consideration of the PCFG and the Makah hunt (for which see the discussion above under Item 7.1.1.2). It reiterated that the current strike limits will not harm the stock.

The need statement for the eastern gray whale hunt off Chukotka was document IWC/64/ASW6 (summarised in Annex E, Appendix 5) while the need statement for the Makah hunt was IWC/64/ASW4 (summarised in Annex E, Appendix 6).

The Aboriginal Subsistence Whaling Sub-committee endorsed the report of the Scientific Committee and its recommendations. It also accepted the need statements provided by the USA and the Russian Federation.

#### COMMISSION DISCUSSIONS AND ACTION ARISING

Austria asked the USA to clarify the domestic situation, and especially the pending law suits regarding the Makah hunt. The USA responded that the Makah Tribe of Washington State must satisfy domestic legal requirements as a prerequisite to conducting an ASW hunt, and that the process

<sup>15</sup>See also Item 7.1.1.2 on the *Implementation Review* for gray whales.

to satisfy these requirements was underway. The USA also reported that its National Oceanic and Atmospheric Administration had recently indicated its intention to prepare a new environmental impact statement for the proposed Makah hunt of gray whales. The USA confirmed that, as in 2007, its current proposal to update catch limits was subject to domestic legal requirements including the evaluation of the environmental impact assessment.

Discussions regarding future catch limits are reported at Item 7.5.1.

**7.4.1.3 COMMON MINKE WHALE STOCKS OFF GREENLAND**  
REPORT OF THE ABORIGINAL SUBSISTENCE WHALING SUB-COMMITTEE

The Committee re-emphasised the importance of collecting genetic samples from these whales, particularly in the light of a proposed joint AWMP/RMP workshop. The Scientific Committee's management advice covered two hunts: that off West Greenland and that off East Greenland.

In the 2011 season 174 minke whales were landed in West Greenland and six were struck and lost. Of the landed whales, there were 133 females, 39 males, and two whales of unreported sex. Genetic samples were obtained from 90 of these whales. Based on a negatively biased estimate of abundance of 17,307 (95% CI 7,628-39,270) and application of the agreed interim approach, the Committee repeated its advice of last year that an annual strike limit of 178 will not harm the stock.

For East Greenland, in the 2011 season, nine common minke whales (all females) were landed and one was struck and lost. The Committee noted that the strike limit of 12 represented a very small proportion of the Central stock of common minke whales which numbers around 40,000 animals. The Committee repeated its advice of last year that the present strike limit will not harm the stock.

The Aboriginal Subsistence Whaling Sub-committee endorsed the report of the Scientific Committee and its recommendations.

Given the multi-species nature of the Greenland hunts, the Aboriginal Subsistence Whaling Sub-committee agreed that the question of need should be considered for all hunts simultaneously.

COMMISSION DISCUSSIONS AND ACTION ARISING

There were no discussions under this item. Consideration of future catch limits can be found at Item 7.5.2.

**7.4.1.4 WEST GREENLAND STOCK OF FIN WHALES**  
REPORT OF THE ABORIGINAL SUBSISTENCE WHALING SUB-COMMITTEE

A total of five fin whales (all females) were landed in West Greenland during 2011 and none were struck and lost. No genetic samples were obtained in 2011 and the Committee re-emphasised the importance of collecting genetic samples from these whales in the light of the proposed work to develop a long-term *SLA* for this stock. Based on the agreed 2007 estimate of abundance for fin whales (4,539 95% CI 1,897-10,114), and using the agreed interim approach, the Scientific Committee repeated its advice that an annual strike limit of 19 whales will not harm the stock.

The Aboriginal Subsistence Whaling Sub-committee endorsed the report of the Scientific Committee and its recommendations.

Given the multi-species nature of the Greenland hunts, the Aboriginal Subsistence Whaling Sub-committee agreed that the question of need should be considered for all hunts simultaneously.

COMMISSION DISCUSSIONS AND ACTION ARISING

There were no discussions under this item. Consideration of future catch limits can be found at Item 7.5.2.

**7.4.1.5 WEST GREENLAND STOCK OF BOWHEAD WHALES**  
REPORT OF THE ABORIGINAL SUBSISTENCE WHALING SUB-COMMITTEE

Discussion within the Scientific Committee in recent years has focused on stock structure and associated abundance estimates. The present working hypothesis is that bowhead whales in eastern Canada-West Greenland comprise a single stock. The alternative hypothesis assumes two stocks: one in Hudson Bay-Foxe Basin and another in Baffin Bay-Davis Strait. The Scientific Committee welcomed a number of papers related to this stock.

In 2011, one female bowhead whale was landed in West Greenland and none were struck and lost. Two bowhead whales were found dead in West Greenland in 2011, entangled in fishing gear for crabs. During 2011, three bowhead whales were taken in Canada. More detailed information (e.g. sex, size) was made available by Canada to the Secretariat. The Scientific Committee was pleased to receive this information including catch as well as struck and lost data. It requested that in the future Canada also provided information on any strandings, entanglements and ship strikes of bowhead whales.

The agreed abundance estimate for eastern Canada-West Greenland is 6,344 (95% CI: 3,119-12,906) for 2002. The most recent agreed estimate for the spring aggregation in the West Greenland area is 1,747 (95% CI: 966-2,528) for 2010. Using the agreed interim approach, the Scientific Committee repeated its advice that an annual strike limit of two bowhead whales will not harm the stock. Should Canadian catches continue at a similar level as in recent years, this would not change the Committee's advice with respect to the strike limits agreed for West Greenland.

The Aboriginal Subsistence Whaling Sub-committee endorsed the report of the Scientific Committee and its recommendations.

Given the multi-species nature of the Greenland hunts, the Aboriginal Subsistence Whaling Sub-committee agreed that the question of need should be considered for all hunts simultaneously.

COMMISSION DISCUSSIONS AND ACTION ARISING

There were no discussions under this item. Consideration of future catch limits can be found at Item 7.5.2.

**7.4.1.6 HUMPBACK WHALES OFF WEST GREENLAND**  
REPORT OF THE ABORIGINAL SUBSISTENCE WHALING SUB-COMMITTEE

A total of eight humpback whales comprising three males and five females were landed in West Greenland during 2011 and none were struck and lost. Genetic samples were obtained from three of these whales. The Scientific Committee re-emphasised the importance of collecting genetic samples and photographs of the flukes from these whales, particularly with respect to the YoNAH and MoNAH initiatives.

The agreed estimate of abundance for humpback whales off West Greenland is 3,039 (CV 0.4) with an annual rate of increase of about 9%. Using the agreed interim approach, the Scientific Committee repeated its advice that an annual strike limit of 10 whales will not harm the stock.

The Aboriginal Subsistence Whaling Sub-committee endorsed the report of the Scientific Committee and its recommendations.

Given the multi-species nature of the Greenland hunts, the Aboriginal Subsistence Whaling Sub-committee agreed that the question of need should be considered for all hunts simultaneously.

COMMISSION DISCUSSIONS AND ACTION ARISING

There were no discussions under this item. Consideration of future catch limits can be found at Item 7.5.2.

#### 7.4.1.7 CONSIDERATION OF NEED AND CATCH LIMITS FOR THE GREENLANDIC HUNTS

##### REPORT OF THE ABORIGINAL SUBSISTENCE WHALING SUB-COMMITTEE

The need statement for the Greenlandic hunts was given as IWC/64/ASW7 and IWC/64/ASW8 and summarised in Annex E, Appendix 7. Denmark/Greenland noted that its request was consistent with Scientific Committee management advice and thus provided no threats to any of the stocks. It stated that its proposed catch limits for bowhead whales and for common minke whales off West and East Greenland were unchanged, although modified for a six-year period. The proposed annual catch for humpback whales was for 10 animals, an increase of one from the current quota while that for fin whales is for 19, an increase of three from the current quota. They stated that their request was consistent with the multi-species need of 670 tonnes of edible products for West Greenland and 12 common minke whales for East Greenland.

There was considerable discussion regarding the need statement by Greenland and there was no consensus over this issue within the Sub-committee. Topics discussed included conversion factors, availability of whale meat in restaurants, political practicalities and human health. The Chair of the ASW Sub-committee had urged all countries to use the time between the close of the meeting and the Plenary to engage in further discussions in order to improve mutual understanding of positions and to try to reach consensus.

##### COMMISSION DISCUSSIONS AND ACTION ARISING

There were no discussions relating to the report of the ASW Sub-committee. Discussions regarding future catch limits are reported at Item 7.5.2.

#### 7.4.1.8 NORTH ATLANTIC HUMPBACK WHALES OFF ST VINCENT AND THE GRENADINES

##### REPORT OF THE ABORIGINAL SUBSISTENCE WHALING SUB-COMMITTEE

The Scientific Committee made recommendations for the collection of future genetic and photo-id data. It has agreed that the animals found off St Vincent and The Grenadines are part of the large West Indies breeding stock (numbering around 11,600 animals in 2003) and it repeated its advice of last year that this block catch limit will not harm the stock.

The need statement for the Bequian hunt was given as IWC/64/ASW11 (summarised in Annex E, Appendix 8). St Vincent and The Grenadines had been unable to attend the meeting last year and provided additional information on several aspects of the hunt. The strike/catch limit requests from St Vincent and The Grenadines is at the same level as before, although scaled to a six-year block.

A number of comments were made on the provision of data and the need statement. One country stated that it believed that the proposed quota was excessive.

The Aboriginal Subsistence Whaling Sub-committee endorsed the report of the Scientific Committee and its recommendations.

##### COMMISSION DISCUSSIONS AND ACTION ARISING

St Vincent and The Grenadines confirmed that samples were collected from one humpback whale in 2001 and two humpback whales in 2002 and sent to Japan for genetic analysis. Samples were also sent to Dr Palsbøll who compared the genetic data of the St Vincent and The Grenadines samples with the information on North Atlantic humpback whales held in his own database. The results indicated that there was no DNA match between the St Vincent and The Grenadines samples and those already held on the database. Samples were also collected in 2003, 2004 and 2006 but were not sent for analysis because of problems

encountered with processing of CITES permits which affected the preservation of the samples, and hence those samples were discarded without analysis. St Vincent and The Grenadines confirmed that following discussions with the USA they had rectified this problem and that samples from this year's humpback whale take were now with a laboratory in the USA. Photographs were also sent to the North Atlantic Humpback Whale Catalogue in 2003, 2004 and 2006 and to the Secretariat in 2012.

Argentina requested a further clarification of the number of individuals caught or struck and lost through the St Vincent and The Grenadines hunt. Specifically, Argentina noted the report of one individual caught on 14 April 2012, and the reference in Annex E of another individual caught on 11 April 2012 and asked if these were the same whale. Argentina also noted reference to a struck and lost individual on 22 March 2012 in Annex E. St Vincent and The Grenadines responded that at Annual Meetings they reported catch and strike information for the previous season, however its absence from the 2011 meeting necessitated the transmission of information for the 2012 and 2011 seasons to the Secretariat. It also confirmed that it had reported on one whale taken in 2012 which was verified, photographed and sampled. Given the 2012 season was nearly over St Vincent and The Grenadines would be interviewing crews to verify the number of struck and lost animals and would report findings next year to the Commission.

The UK welcomed the submission of biological samples, photographs and other data from the hunts that had been requested by the Scientific Committee, as well as the information needed by the Commission and working groups. It encouraged timely provision of such information in the future, and requested a commitment to supply data to and participate fully in the Whale Killing Methods Working Group and workshops to improving the welfare of hunted whales, a transition to more humane weapons, reduced times to death and reduced struck and lost rates.

#### 7.4.1.9 STATEMENT FROM THE ASW COUNTRIES

The Chair of the ASW Working Group reported that the working group had received a statement made on behalf of the ASW countries which agreed that ASW hunts are important for food security and reaffirmed the four major points affecting each aboriginal hunt (agreed at IWC/58) which were that: (1) subsistence hunting is for food to meet cultural and nutritional needs; (2) the safety of his crew is a whaling captain's most important responsibility; (3) with safety assured, achieving a humane death for the whale is the highest priority; and (4) efforts to modernise whaling equipment and practices can only be made within the context of each communities' economic resources and the need to preserve the continuity of hunting traditions.

#### 7.4.1.10 COMMISSION DISCUSSION AND ACTION ARISING

Australia reiterated its previous concern over the continued use of *ad hoc* advice for populations for which adequate scientific information was not yet available for full *SLA* calculations. It noted that this year the Scientific Committee did not give advice on the possible extension of the duration of the quota for St Vincent and The Grenadines, and said that it would not ordinarily wish to see the duration of this quota extended but also recognised the extenuating circumstances arising from a possible move to biennial meetings. It emphasised that further strike limits should not be set beyond the usual period unless it was done using formal and agreed *SLAs* under the Aboriginal Whaling Management Procedure. Korea requested a justification for

the possible extension of the catch limit period from five years to six years, and suggested that a four year block quota period should also be considered, and Argentina suggested that it may not be advisable to move away from the five year block quota period. Chile also requested clarification on the proposed move to biennial meetings so as to support the decision making process on length of ASW catch limits.

Argentina referred to the discussions within the ASW Working Group on the standardisation of catch limits in terms of number of whales or tons of whale meat and expressed its view that catch reports should be expressed in terms of numbers of whales because the discarding of meat, blubber and internal organs introduced certain difficulties. Denmark responded that the West Greenland hunt was a multi-species hunt and that the human needs were 670 tons of whale meat, as it had been for many previous years, and that this figure could be satisfied by various combinations of the species.

Argentina expressed concern in relation to the Greenland catches where it considered there was a commercial component which was higher than would be allowed under the ASW definition, and in relation to the St Vincent and The Grenadines catches where it agreed with the statements of the Dominican Republic that there were no longer any indigenous Caribbean peoples and that there was a confusion between a family tradition and a cultural tradition. Mexico and Brazil supported Argentina's remarks and Brazil suggested that these two hunts be examined individually and on their own merit. Denmark responded that the Greenland hunt fulfilled all criteria for aboriginal subsistence whaling as described in document IWC/64/ASW7. St Vincent and The Grenadines responded that they had been in receipt of an aboriginal subsistence whaling quota for 25 years and that the aboriginal nature of the hunt had been accepted in the previous periods. Monaco, supported by Mexico, recognised that the hunt had been granted for 25 years, but said that the aboriginal nature of the hunt had never been convincingly demonstrated during this period. It also said that a tradition which could only be traced back to 1875 does not qualify as aboriginal, and that the St Vincent and The Grenadines hunt was an anomaly within the overall structure and regime of ASW.

India's view was that the IWC should work to reduce the aboriginal dependence upon whales in a phased manner, and that this should be achieved by identifying those aboriginal peoples dependent on whaling and by seeking to establish alternate socio-economic conditions including whalewatching and eco-tourism. India also stated its appreciation for the work of the Scientific Committee in advising on the proposed catch limits. The Russian Federation asked if India had taken account of the geography, harsh climate and high latitude where the Inuit communities were living and remarked that it is obvious there are no resources other than those provided by nature and wildlife, and also that the aboriginal people are relying in their diet upon marine mammals. The Russian Federation recalled that over the last 12 months it had joined a diplomatic conversation with the Indian Government and had received a statement that the Government of India would further research the situation. It hoped this bilateral conversation would continue. St Vincent and The Grenadines found the statement by India regrettable since the IWC had established parameters on aboriginal subsistence whaling over many years in recognition of the needs of people who required to take whales for their existence and survival. India clarified that it was not opposed to subsistence whaling where based upon an assessment of

dietary and cultural requirements, but that it was opposed to commercial subsistence whaling. It re-stated that subsistence whaling may be phased out over a period of time depending on the changing structure of economic conditions through alternate livelihood opportunities.

Guinea commended the recommendations of the Scientific Committee and noted that the controlled use would not harm the identified stocks. Belgium stated that the Scientific Committee's report and recommendations provided the starting point for the ASW discussion, rather than the end point. It noted that many socio-economic implications must be taken into account when deciding whether to agree quota extensions or not.

The Commission noted the report of the ASW Subcommittee and endorsed its recommendations.

## **7.5 Proposals for Aboriginal Subsistence Whaling catch limits**

### *7.5.1 Proposed catch limits for bowhead, gray and humpback whales*

The USA introduced document IWC/64/10 which was a proposed Schedule amendment submitted on behalf of the Russian Federation, St Vincent and The Grenadines and the USA to set an ASW quota for these countries for the six year period 2013-18 at the same annual level as had taken place in the preceding five year period 2008-12. The USA explained that the six year (rather than five year) period was appropriate in order to fit in with the Commission's expected move to a biennial meeting cycle, and recalled the Scientific Committee's advice that block periods of up to eight years in length meet the conservation objectives established by the IWC. Regarding the management regime for the St Vincent and The Grenadines hunt, the USA recalled the Scientific Committee's advice that the proposed catch limit using a five year block quota would not harm the stock, and the subsequent advice from the Head of Science that the performance results of a six year block would be indistinguishable from a five year block. On the question of effects of carryover, the USA highlighted the simulations undertaken by the Scientific Committee which had shown that the current carryover provisions of quota to subsequent years for gray whales and bowhead whales were well within levels consistent with the conservation objectives established by the Commission. Finally, on the question of the aboriginal nature of the St Vincent and The Grenadines hunt, the USA recalled that the Commission uses definitions of subsistence use, and at past meetings the Commission had agreed that the harvest as practiced at St Vincent and The Grenadines is consistent with these definitions.

The Chairman of the Alaskan Eskimo Whaling Commission, George Noongwook, spoke on behalf of the Alaskan villages which depended on bowhead whales. He explained that in these villages there were few sources of employment and limited supplies of food. Consequently, most of the food was taken from the ocean in the form of whales, walrus, seals and fish. He went on to explain the seriousness with which the villages took the IWC decisions as it deeply affected their way of life. He highlighted the scientific conclusions which confirmed the bowhead whale stock is healthy and able to support the hunt. He also recalled the long-term increase in the average efficiency of the hunt despite the deteriorating ice conditions.

#### COMMISSION DISCUSSIONS AND ACTION ARISING

Japan thanked the USA for its explanation and recalled its view that it is important to promote the sustainable



use of marine resources based upon scientific findings. Accordingly, it strongly supported the joint proposal contained in IWC/64/10. Guinea re-iterated the Scientific Committee's advice that the proposed use would not harm the stocks and indicated its support for the package proposal.

St Lucia, supported by Grenada and Tanzania, noted that there was no United Nations definition of what constitutes aboriginal but also clarified that there are full-blooded indigenous peoples living in the eastern Caribbean states. It re-iterated the Scientific Committee's advice that the proposed hunts would not harm the stocks and in relation to the issue of food security noted that the proposed hunts were to provide food for aboriginal peoples. St Lucia considered that a take of four animals from a total of 11,000 whales through the aboriginal hunt in St Vincent and The Grenadines would not affect the whalewatching industry in other parts of the Caribbean. In regards to commerciality, St Lucia recognised the costs incurred in reducing times to death and indicated that being able to sell at least a small portion of the quota would be necessary to recover the costs.

St Kitts and Nevis, supported by Grenada and Tanzania, congratulated the work undertaken through the Aboriginal Subsistence Whaling caucus and asserted the need for food security, cultural diversity and sustainable livelihoods for coastal and marginal peoples. It also wished to ensure that the rights of aboriginal people are maintained and stated that the proposal (IWC/64/10) met the Commission's and Scientific Committee's established standards. St Kitts and Nevis encouraged the economic development of whalewatching, but reiterated the right of St Vincent and The Grenadines to utilise the resources of their Exclusive Economic Zone in the way in which they see fit.

Iceland indicated its support for sustainable whaling based on science, and noted that in Iceland in the Bay of Faxaflói both whaling and whalewatching coexisted side by side and had done so for at least 10 years. Palau indicated its support for the proposals in IWC/64/10 on the basis of the Scientific Committee's advice.

The Dominican Republic felt that in the Caribbean issues relating to humpback whales were being considered from different points of view. Twenty five years ago the Dominican Republic had created a whale sanctuary which was visited by around 40,000 people and generated nine million dollars during the season. In contrast, St Vincent and The Grenadines had entered the IWC 25 years ago, alleging an aboriginal subsistence requirement. However they had broken many standards in hunting for young whales or mothers, and the Dominican Republic also highlighted that there had been no aborigines in the Caribbean for over 300 years. For these reasons, the Dominican Republic could support the needs of the native populations in the USA and Russian Federation, but could not support the joint proposal made by all three countries. Ecuador highlighted the prosperity of its own whalewatching activities and indicated it could not support the St Vincent and The Grenadines proposal as it was not aboriginal subsistence whaling and not a priority for human survival, as it amounted to only one or two whales per year. Instead, Ecuador asked St Vincent and The Grenadines to withdraw its proposal and focus on non-lethal use which would be of greater benefit to its citizens.

Mexico highlighted improvements in the state of the Bering-Chukchi-Beaufort stock of bowhead whales and congratulated the achievements of the Alaskan Eskimo Whaling Commission. It stated that the Russian Federation also complied with the requirements and the definition of aboriginal subsistence whaling as established by the

Commission. However Mexico expressed its dislike of the inclusion of the St Vincent and The Grenadines proposal within the same package since this whaling was not carried out by aboriginal peoples, and was in fact closer to commercial whaling than to aboriginal whaling. In light of this, Mexico offered assistance to St Vincent and The Grenadines to support the establishment of a whalewatching industry.

Colombia, Chile, Argentina, Peru and Brazil believed that the specific request from St Vincent and The Grenadines should be dealt with separately since there had been no timely response by St Vincent and The Grenadines to the requests arising from the Scientific Committee. These countries also expressed their concern as to whether the hunt was aboriginal in nature. Chile repeated its request to resolve the question of moving to biennial meetings prior to deciding on future ASW quotas. Costa Rica stated that it was unable to identify a real interest by St Vincent and The Grenadines to follow Scientific Committee requests and collect data and submit catch return information in a serious and systematic manner. Costa Rica also expressed reservations regarding the aboriginal nature of the St Vincent and The Grenadines hunt, and suggested that although whale hunting was practiced in many countries during the 18<sup>th</sup> and 19<sup>th</sup> centuries the world had now evolved and non-lethal uses of whales provided more effective ways of generating an economic income.

Cyprus spoke on behalf of the other European Union member states party to the IWC to express support for the proposed Schedule amendment. It stated that the EU and its member states were committed to protecting the lives of indigenous peoples including the protection of livelihoods. It noted that in considering further proposals for ASW they would be guided by the precautionary principle and by the advice of the Scientific Committee and also taking into account the work of the IWC's ASW Working Group. South Africa, supported by Switzerland and Israel, supported the proposal contained in IWC/64/10 and South Africa sympathised with people who depended upon subsistence whaling and said that while the development of alternative livelihood programmes such as whalewatching were helpful they could not solve all of the problems involved. Monaco stated it would not interfere with building consensus on IWC/64/10 but highlighted the relatively recent development of whaling practices in St Vincent and The Grenadines and questioned whether this was compatible with the concept of aboriginal whaling. Monaco requested that in the future a historical account be provided to help shed light on the development of this particular hunt.

The Eastern Caribbean Coalition for Environmental Awareness (ECCEA) said that never in the history of archaeology in St Vincent and The Grenadines had there been any findings to suggest that the aboriginal Kalinago or Garifuna peoples killed whales, interacted with whales or ate whale meat. The killing of humpback whales on Bequia was a relic of European and American origin which was begun in about 1875 by a Scottish settler, William Wallace, together with a settler of French origin, Joseph Ollivierre. ECCEA highlighted that the whaling was not an 'aboriginal' activity, it was learned from the Yankee whalers and modern day whaling in Bequia was done by persons of mixed European and African descent. ECCEA went on to say that the killing of humpback whales on Bequia could not be justified on economic or nutritional grounds as alternative sources of protein including chicken and fish could be obtained at cheaper prices on Bequia. It highlighted the negative impact

on the tourism industry caused by the killing of whales. ECCEA said that the Bequia whalers had a long tradition of hunting mothers and calves in contradiction to IWC regulations, and that the St Vincent and The Grenadines government had a history of non-compliance with respect to IWC reporting obligations. It called on the IWC to withdraw the proposal for a take of humpback whales for St Vincent and The Grenadines.

Te Ohu Kaimoana is the body established to manage and advocate Maori rights to fisheries in New Zealand and it said that one of life's great delusions is when we believe that our way of doing things, whether religion, economy, justice and in particular looking after the environment, is better than that of somebody else. It saw the Commission behaving today in the same way that the English behaved when they arrived in New Zealand in introducing a new range of ideas, systems and systematic gross exploitation of natural resources. Te Ohu Kaimoana said that indigenous peoples were not gross exploiters, and that it was ironic that countries that had previously grossly exploited whales were now imposing newly acquired values on cultures that continue to suffer the effects and symptoms of colonial exploitation. It was concerned that indigenous peoples may not be able to maintain their rights and exercise their traditions in ways that preserve their dignity, and reducing those groups to seeking permission was degrading. It noted that the Commission was already a tool for limiting indigenous tradition through its quotas, and requested that indigenous people be allowed to continue to practice their traditions and customary rights.

At the end of the debate the Chair asked if there was consensus to adopt the Schedule amendments as given in IWC/64/10. Following brief discussions, Brazil and Mexico spoke on behalf of the South American group of countries to report that there was consensus to adopt the Schedule amendments as related to the USA and Russian Federation proposed catches of bowhead whales and gray whales. But there was no consensus agreement to accept the proposed amendment in relation to the humpback catches of St Vincent and The Grenadines. In response to an invitation from the Chair, the USA clarified that the Governments of the Russian Federation, St Vincent and The Grenadines and the USA opposed efforts to divide the joint proposal in IWC/64/10. It noted that the proposals were all a *status quo* continuation of existing hunts, and all had been found to be consistent with the IWC's definition of ASW on previous occasions. Further, the Scientific Committee had reported that the hunts were sustainable, and for these reasons these Governments considered that it was appropriate for the Commission to consider a joint rather than a separate proposal.

Following this explanation, the Chair recognised there was no consensus on the joint proposal and requested the Commission decide by vote. The outcome of the vote was that the Schedule amendment contained in IWC/64/10 was adopted with 48 votes for, 10 against, two abstentions and one not participating<sup>16</sup>.

After the vote Mexico explained that it voted in favour of the quota requested by the USA and emphasised that while the indigenous people of Mexico do not utilise whales for cultural or subsistence needs, Mexican national legislation and the commitments included in international conventions to which Mexico is a party required it to safeguard the rights and promote the knowledge and the culture of indigenous people. With its vote in support of the ASW quota for the

Eskimos of Alaska, Mexico recognised the important contribution made by the Eskimo people to promote the growth of the Bering-Chukchi-Beaufort stock of bowhead whales so that it is no longer endangered. Accordingly, Mexico added its appreciation to the Alaskan Eskimo Whaling Commission, the North Slope Borough, and the Alaskan Wildlife Management Department and the Scientific Committee for providing continued and detailed data and records for the last 30 years. Mexico went on to explain that it voted in favour of the request put forward by the Russian Federation for its Eskimo communities because it is consistent with the definition of ASW adopted by consensus in the IWC in 2004. Furthermore the quota requested for gray whales was the same annual rate as that for the last five years. It supported the approval of this quota based on the Scientific Committee's recommendation, which advised that the estimated gray whale population is of approximately 20,000 individuals and with a positive growth rate, so that the requested quota does not affect the gray whale stock. Regarding the quota request on behalf of St Vincent and The Grenadines, Mexico explained that it would have opposed this quota because while there was precedent of approval of quotas for that country, there were persistent problems that have been unresolved for over three decades and those problems were related to the lack of sufficient information on the history and continuity of this whaling activity and how they respond to nutritional and socio-cultural needs. This information was necessary to evaluate the declaration of needs for humpback whales. Additionally Mexico encouraged St Vincent and The Grenadines to provide information and data in response to the requirements of the Scientific Committee, especially photo-identification of the humpback whale individuals and tissue samples for genetic analysis.

India explained that it had abstained because of its position that subsistence whaling should be phased out in the due course of time because of the changing socio-economic and cultural requirements of the communities. Panama explained that it rejects commercial whaling and supports the moratorium. It understood that aboriginal subsistence whaling was the only acceptable whaling so long as it complied with scientific advice and the creation of need statements and that it was not used as a context for commercial whaling. This was why it supported the request made by the USA and Russian Federation, but its preference would have been for the St Vincent and The Grenadines request to have been dealt with separately. Costa Rica clarified that it supported the USA and Russian Federation requests, but had voted against the proposal because there was a need to promote conservation and changing customs for St Vincent and The Grenadines. India, Monaco, Uruguay, Colombia, Dominican Republic, Peru, Argentina, Ecuador and Chile recognised the progress that had been made with ASW by the USA and Russian Federation, but would also have liked the quota request for St Vincent and The Grenadines dealt with separately.

#### 7.5.2 Proposed catch limits for the Greenlandic hunt

Denmark introduced document IWC/64/12 which was a proposed Schedule amendment submitted by Denmark on behalf of Greenland. Denmark explained that the Schedule amendment was supported by two other documents, these being IWC/64/ASW7 which was a white paper on the management and utilisation of large whales in Greenland and IWC/64/ASW8 which was a note on the Greenland need statement.

<sup>16</sup>Voting records are listed in document IWC/64/Status, which is available at <http://www.iwcoffice.org/iwc64docs>.

Regarding the concept of needs, Denmark explained that these were established by the Government of Greenland and had been the same for the last 20 years, namely 670 tonnes of whale meat on the West Greenland side. This figure was calculated after taking into account the needs of food security and the opportunities to use other food sources including fish, birds, caribou, musk ox, polar bears, walrus, sheep and imported food. The figure equated to 12-13kg of whale meat per inhabitant per year, and Denmark stated that there was no intention to introduce a policy defining those allowed to eat whale meat and those not allowed to eat whale meat.

The Chairman of the Fishermen and Hunters Organisation stated that whaling had always been an important part of the cultural life in Greenlandic society, and that rational utilisation of resources and social and economic well-being is an integral part of the hunter's daily situation. It said that the 2007 UN declaration on the rights of indigenous peoples could be violated if a positive solution could not be reached on the proposals contained in IWC/64/12, and also noted that the Scientific Committee had once again agreed that the quota request would not harm the stocks. Regarding the concern expressed by some Contracting Parties on the question of money, it said that today all activities involve money, and without it there was no possibility to conduct a proper effective fast kill of whales.

The Greenlandic Ministry for Fishing, Hunting and Agriculture used a PowerPoint presentation to provide an introduction to the geography and industry of Greenland which emphasised the remote and inaccessible nature of the territory and the reliance on natural resources including minerals and biological resources such as fish, seals, whales, terrestrial mammals and seabirds. Referring to the whale hunt, Greenland showed that hunting methods had been continually improved and data had been submitted to IWC on killing methods. The presentation also addressed: (1) the nature of the humpback whale resource and the possible opportunity costs associated with tourist based whalewatching in some parts of the area; (2) the sampling protocols and data collection methods associated with the utilisation of large whales in the Greenlandic hunt; and (3) the local consumption and distribution of whale meat in Greenland. In addition, a full description of the regulation, control and monitoring of the Greenland hunt was provided in Chapter 5 of IWC/64/ASW7.

Denmark/Greenland concluded its introduction by confirming that the annual need of meat from large whales in the Greenland hunt was 670 tonnes and this had been estimated by the Technical Committee and the Aboriginal Subsistence Whaling Sub-committee in 1991. However this level had never been met by the catch limits allocated by the IWC. Regarding scientific advice, the Scientific Committee had, for the first time, been able to give interim advice for all four whale species relevant to Greenland in 2008, and this advice was valid for two quota blocks until 2018 and the recommendation was that a hunt of 178 minke whales, two bowhead whales, 19 fin whales and 10 humpback whales off West Greenland and 12 minke whales off East Greenland would not harm the stock.

#### COMMISSION DISCUSSIONS AND ACTION ARISING

Norway, St Lucia, Japan, Iceland, St Kitts and Nevis, St Vincent and The Grenadines, Switzerland, Russian Federation and Antigua and Barbuda supported Denmark/Greenland's proposal.

Norway and Iceland stated their view that they recognised only one type of whaling, and that was sustainable whaling irrespective of form or place. Given the clear advice from

the Scientific Committee that the quotas were sustainable Norway and Iceland supported the proposal in IWC/64/12. Iceland highlighted that the present quotas do not fulfil the needs of the Greenlandic people and so it supported the increased quota proposal compared to 2008-12 levels. St Lucia highlighted the issue of food security and that Greenland is unable to provide food for its people through traditional agriculture and as such is dependent upon the use of marine resources. It also stressed that denying the quota request may cause additional stress on other marine mammal resources including small cetaceans which would be targeted to satisfy nutritional needs, and that disregarding the substantial work and recommendations of the Scientific Committee was to set a bad precedence. St Vincent and The Grenadines expressed its support for the Denmark/Greenland proposal and remarked that the sustainability of the hunt was of key importance. It considered that the people of Greenland should be able to determine their own use of marine mammal resources.

Japan emphasised the Scientific Committee advice that the proposed catches would not harm the stock and that the need and circumstances for the hunt had been fully described. Switzerland referred to the declaration on the rights of indigenous peoples, and highlighted the need to maintain institutions, cultures and traditions and the ability to engage freely in all traditional and economic activities. The Russian Federation referred to the traditional use of whale meat in supporting the subsistence, economic exchange and growth of arctic aboriginal communities. It highlighted the need for Greenland to continue working within the frame of the IWC, instead of outside it as two other countries (Canada and Indonesia) already did. It suggested that the strategy of isolating the requirements of Greenland was not in the best interest of the IWC or the well-being of aboriginal nations.

The USA indicated its support for Denmark/Greenland's proposal and noted the Scientific Committee's conclusion that the catch limits would not harm the populations. The USA believed that the use of whale products by the hunters in Greenland satisfies the definition of ASW agreed by the IWC.

The Dominican Republic, supported by Ecuador, highlighted its concern that humpback whales in the Atlantic were easy to catch given their tradition of getting close to whalewatching vessels around the Dominican Republic. It also noted concern that only a limited amount of data on the weights and yields of captured whales had been recorded by Greenland and that there were only nine whaling inspectors for 18 communities despite it being a stated priority for Greenland. It contrasted this with the regulation of whalewatching in Dominican Republic where 33 employees supervised activities. It also noted other weaknesses in the Denmark/Greenland paper including levels of pollutants in whale meat and its unsuitability for consumption by pregnant women or children. Brazil and Ecuador considered that the Denmark/Greenland proposal did not meet the definition of Aboriginal Subsistence Whaling because of its strong commercial component. Brazil also highlighted the difficulties in developing a multi-species *SLA* in order to satisfy the Commission's objectives for ASW hunts, and requested the Scientific Committee be allowed the necessary time to develop its full advice before adopting the quota. Argentina referred to the concern expressed at the Scientific Committee meeting about the insufficient level of detail provided by Denmark/Greenland in regards to the conversion factors used to calculate yield of meat from each whale, and inconsistencies with the sampling efficiency and

weighing procedure. It highlighted the Scientific Committee recommendations regarding sampling protocols and methods for measuring the lengths of animals caught.

Australia noted the requests to move towards consensus but stated the proposal was about the abandonment of consensus rather than a move towards it. It recalled that at the 2010 meeting a consensus had been arrived at with difficulty, and a number of conditions were placed on that consensus and undertakings made which had not subsequently been met to the satisfaction of the Scientific Committee. Australia noted that the Chair's Report from IWC/62 in 2010 stated that by returning the humpback whale to the mix of resources that Denmark/Greenland would be able to reduce the overall number of whales taken because of the greater yield provided by humpback whales. Therefore during the agreement of the consensus decision Greenland had stated that there would be an opportunity to lower the number of whales taken, but now the Commission was being asked to accept a Schedule amendment whereby the number of whales taken would rise. Australia stated it could not support the Schedule amendment as previous undertakings must be honoured and that the Commission should not be confronted with a new level of ambit.

New Zealand re-iterated its support for ASW where it is consistent with the Scientific Committee's findings on sustainability, where it does not threaten the rebuilding of endangered populations and where it meets the criteria set by the IWC. It stated that like Australia it was not prepared to support an increase in the quota from what was agreed with such difficulty two years ago. India stated that the present proposal for increasing the quota is not supported by adequate studies on the assessment of the increased need for meat by the aboriginal communities. It also noted NGO reports that not all the meat was used by the aboriginal communities and some was used by restaurants.

Chile re-iterated its concern that the quotas were proposed for six years in the absence of agreement on a possible move to biennial meetings and it requested a commitment to discuss renewal in 2017 if the move to biennial meetings was not successful. It also highlighted its concern arising from the Scientific Committee's views on the lack of information provided and the non-rigorous nature of the way the hunt was controlled. It also noted its concern that the selling of meat to tourists in restaurants struck against the moratorium on commercial whaling and as such it could not support the proposal.

Mexico indicated its concern about commercial use being made of quotas given the language in the Schedule that ASW is permitted only when the meat and products are used exclusively for local consumption and that this was not happening. It understood that whale meat was a source of livelihood in remote settlements but there was no need to provide this resource for the whole population including the 80% residing in urban areas. It also drew attention to the absence of data on the percentage of meat being used by local communities compared with the percentage being sold on the free markets, and the absence of information on protein sources from the flourishing fishing industry.

Cyprus spoke on behalf of Austria, Belgium, Czech Republic, Estonia, Finland, France, Germany, Ireland, Italy, Luxembourg, the Netherlands, Poland, Slovenia, Spain, Sweden and the UK and re-iterated their full commitment to ASW to satisfy aboriginal needs in the wider context of protecting the rights of indigenous peoples and their livelihoods. It explained that they were ready to consider ASW proposals according to these principles and were

pleased to have supported the proposal introduced by the USA, Russian Federation and St Vincent and The Grenadines, but that they were unable to support the proposal described in IWC/64/12.

Denmark/Greenland responded to the concerns raised and stated that the commercial part of the ASW hunt had been fully explained. It had asked hunters to buy cannons and grenades to improve the humaneness of the hunt and these cost 2,000 dollars apiece and were financed from the proceeds of the hunt as sold by the citizens of Greenland. In relation to the possible move to a biennial meeting cycle, Denmark/Greenland stated it would adjust to whatever decision was taken. In relation to the possible reduction in the number of whales taken following the addition of humpback whales to the mix in 2010, Denmark/Greenland noted that the addition of the humpback whales had been matched by an equal reduction in the number of fin whales. In relation to the control of the hunt, Denmark/Greenland stated that it had new regulations on the management of large whales in Greenland and an executive order was also being revised. It had strict regulations that every hunter must apply for a license and after having caught a whale they have to stamp the licence before distributing the whale.

Recognising that there was no agreement to adopt the proposed Schedule amendment by consensus, the Chair agreed to Denmark's request to decide the proposal by vote. The outcome of the vote was 25 for, 34 against and three abstentions, and consequently the proposed amendment was rejected.

Following the vote, Iceland commented that it was sad for all sustainable whaling countries to witness the result of the decision and said that the organisation had become extremely dysfunctional. Japan also considered that this was a sad conclusion which deprived people living in harsh climates of an important source of nourishment. It considered that the proposal was backed by science, and those who had said no to the proposal did not believe in science. Palau remarked that the IWC had deprived Greenlanders of their main source of protein and protected marine mammals against human beings. It conveyed its regrets to Greenland on behalf of the likeminded sustainable group of countries. Tanzania remarked that the Denmark/Greenland proposal had been based on science, and asked if members would agree to giving Greenland a timeline to address the issues that had been raised while allowing them to continue with the aboriginal hunt. Switzerland recognised the rights of indigenous people to make use of their natural resources and make their own decisions. It was also Switzerland's wish that the Commission work in the spirit of compromise and that it worked towards solutions which took into account all the opinions expressed.

St Kitts and Nevis said that coastal communities should never be deprived of their rights to their resources. It considered that this was a regretful day for the IWC and asked for reflection on the consequences for the people of Greenland. St Lucia noted that the proposed Schedule amendment had not been for a zero quota, but instead was for a specific quota. Given that the previous quota was expired, it commented that what the Commission had actually said to Denmark/Greenland was to go forth and manage their fishery on their own. It considered that whaling would continue despite the outcome of the vote because the outcome effectively meant no quota advice was given. St Vincent and The Grenadines commented that the Commission had failed to understand the difficulties faced by coastal peoples and said that the IWC was about whales,

not people. It said that the organisation was becoming more polarised and emphasised with the people of Greenland in their struggle for their right to food.

Mexico recognised the problems related to Greenland's geography and culture, as well as the difficulties associated with the different species of whales utilised in the aboriginal hunt and the problems regarding the applicability of the declaration of needs based on conversion factors. At the same time, Mexico also shared the reservations and concerns previously expressed regarding the proposed hunt and had therefore voted against it. In this regard, Mexico invited Denmark/Greenland to continue collaborating with the IWC, especially in response to Scientific Committee recommendations regarding the provision of information and data on the amount of edible products of the fin whales, bowhead and humpback whales, as well as to provide information on its sampling programme and data validation protocols. It underlined the Scientific Committee's concern on the insufficient level of data provided by Greenland, the inconsistencies of its report, the efficiency of the sampling regime and the extrapolation procedure and invited Greenland to provide data regarding field protocols, sampling strategies, analytical methodologies and information on the sex and length of hunted animals. Mexico would maintain a careful follow up on the evolution of this case with an open and cooperative attitude, based on IWC principles, objectives and criteria.

Ecuador recognised the importance of the culture and traditions associated with ancestral peoples and noted that its own conservation traditions are reflected in its national legislation and external policies. Ecuador explained that it had opposed the proposal because it had a significant commercial component and exposed consumers to undetermined health risks. In particular, Ecuador could not support the proposal because it affected humpback whales which were a symbol for all countries that had turned whalewatching into a great industry.

New Zealand, supported by Monaco, re-iterated its support for ASW in that it satisfied the Commission's requirements regarding sustainability and need. It commented that the issue of need was especially problematic for Greenland which had access to the social and economic support structures of the Kingdom of Denmark. New Zealand stated that its position had been determined by the effort over the last five years by Greenland to progressively rank up its whaling catch and to insist that the Commission be implicit in the exercise. Five years ago there had been no agreement and a special meeting was required. A special attempt was then made at IWC/62 in 2010 to reach a conclusion which included being complicit in a scenario by which Greenland had finally been able to get what it wanted. It would have been possible for Greenland to have rolled over the same level of quota that was agreed only two years ago, and New Zealand thought it would have been sensible for Greenland to have done that and wished it had asked for it. Monaco remarked that Greenland has the advantage to be surrounded by very rich oceanographic waters, and Greenlanders are a major consumer of seals, ranked second in the world just after Canada. There is a variety of food available in their diet, including terrestrial food because Greenland is not just covered entirely by an ice cap, it has farms, sheep, reindeers and vegetables. It also consumes plenty of fish. It said the issue of whale meat being available to tourists, increasingly in a large number of restaurants did not make the case of the Greenlanders particularly strong. Finally, Monaco highlighted the health

risk linked to methyl mercury which is extremely high in the northern Greenland population being 200 times above the tolerable level advised. In conclusion, Monaco was not in a position to support an increase in quota this year.

India said that it endorsed ASW provided that it was based on assessment of the dietary and cultural requirements of the aboriginal communities and that there was no commercial use of the hunt. It explained that it did not support the increased quota proposed in IWC/64/12 because there was no information on the increased population of aboriginal communities and the requirement for the increased harvest.

Denmark thanked the countries that had supported Greenland and commented that a number of countries had not wished to take responsibility for whaling in Greenland. It regretted the lack of solutions and the lack of understanding and commented that this was a serious situation given the IWC had to work hard to survive at a time when it had not been able to fulfil its obligations under the Convention. It repeated that it fully supported the sustainable use of all marine resources, and that it would now return home to make a sensible decision as to its future course of action.

## 8. CONSERVATION COMMITTEE

The Conservation Committee met on 26 June 2012 and was chaired by Lorenzo Rojas-Bracho (Mexico). Delegates participated from 25 Contracting Governments and its report is given in this volume as Annex F. The Conservation Committee's discussions on Conservation Management Plans, whalewatching and whale sanctuaries and included under Agenda Items 9, 10 and 4 respectively. Discussions on the Committee's other items are summarised below.

At the start of its meeting the Committee rose in appreciation and applause for the life and achievements of Alexandre de Lichtervelde who died in 2011. Alexandre had been Commissioner for Belgium since its adherence to the IWC in 2004. As well as being a strong advocate for the Commission's conservation work he had founded the Ship Strikes Working Group and had been a strong supporter of the online database for recording ship strikes established in 2009.

### 8.1 Investigation of inedible 'stinky' gray whales

#### 8.1.1 Report of the Conservation Committee

The Russian Federation presented a report (IWC/64/CC10) of a study of contamination problems in gray whales carried out from 2005-11. In 2011, two of the 126 gray whales landed were considered 'stinky'. The study did not draw conclusions on the cause but the authors commented that the 'stink' may be a result of slow metabolism of petroleum hydrocarbons. In addition they found that persistent organochlorines such as DDT were present in only low concentrations or were non-detectable. Stinky whales cannot be used for human or animal consumption as they are abhorrent and cause allergies and diarrhoea. Accordingly the Russian Federation consider them as struck and lost rather than part of the landed quota.

The USA indicated that it was willing to assist the Russian Federation with the experimental designs and analysis needed to make progress with this problem. The Committee thanked the Russian Federation for its report and supported further work on this subject.

#### 8.1.2 Commission discussions and action arising

There were no discussions under this Item.

## 8.2 Ship strikes

### 8.2.1 Report of the Scientific Committee

The Scientific Committee highlighted particular concern where ship strikes affected small populations of whales, especially Arabian Sea humpback whales and southern right whales off South Africa. The Committee had also discussed the outcomes of several recent non-IWC workshops focusing on ship strikes which had been held in London and Cambridge.

The Committee discussed the development of the IWC global database of incidents involving collisions between whales and vessels. Since there had been only a few reports entered onto the database it agreed a more pro-active approach was required. Accordingly it had requested a data co-ordinator position be established through the research budget.

### 8.2.2 Report of the Conservation Committee

This year there was no report from the Ship Strikes Working Group because of the sad loss of its Chair, Alexandre de Lichtervelde.

The Committee highlighted that the issue of ship strikes is important because it is essential for healthy whale populations, for the recovery of whale populations and for the development of Conservation Management Plans.

The Committee reviewed the work of the technical expert (Dr David Mattila) who had been seconded to the Secretariat to work on entanglement response and ship strikes. Dr Mattila represented the IWC at an international technical workshop on the criteria for determining human-caused lethal impacts to marine mammals held at Woods Hole, USA in 2012. The findings of the workshop would be very helpful to the IWC in finalising criteria for ship strike impacts in the database handbook. The Committee thanked Dr Mattila for his work and efforts to publicise the Ship Strikes Database and thanked the USA for their assistance in supporting Dr Mattila's secondment. It also recommended that Dr Mattila should collaborate closely with the ship strike data co-ordinator proposed by the Scientific Committee, and that a dedicated outreach programme should be established to promote the existence of, and stimulate the use of the database. Other members of the Conservation Committee supported the need for the database co-ordinator but stressed that this should be discussed in the context of other items being considered by the Committee.

The Conservation Committee received reports from countries on ship strikes which had occurred in the last 12 months and on initiatives to record and reduce ship strike incidents. In particular the USA introduced two new proposals which were submitted to the International Maritime Organisation (IMO) in 2012 to amend two existing Traffic Separation Schemes (TSS) off the US west coast to reduce the likelihood of ship strike deaths and serious injury to blue and other large whales.

#### PANAMA TRAFFIC SEPARATION SCHEMES (TSS)

The Conservation Committee received a proposal from the Republic of Panama for the establishment of Traffic Separation Schemes (TSS) and prevention of vessel collisions with whales. Around 17,000 commercial vessels transit the Gulf of Panama each year, and this number has nearly doubled in the last 15 years and is expected to continue increasing as the canal is further expanded.

The Panama Maritime Authority in conjunction with the Panama Canal Authority, the Maritime Chamber, the Smithsonian Tropical Research Institute and the Marviva Foundation had been working for several months on

designing four two-way TSS, three for the Pacific and one for the Caribbean, to be presented to the IMO for their endorsement. Panama has recorded 13 whale casualties in two years, mostly of humpback whales. The TSS will be established in areas heavily used by several species of cetaceans, especially humpback whales from both the Northern and Southern Hemispheres which winter in Central America and Panama (up to ~300 individuals per season from the southern population visit the Las Perlas Archipelago). Based on a temporal and spatial analysis of whales tagged with satellite transmitters and AIS transmissions from over 800 vessels it was estimated that implementation of the scheme would reduce the potential areas of collision between ships and whales by approximately 93%. Panama welcomed any support or recommendations by the IWC and individual countries.

#### TENERIFE WORKSHOP IN OCTOBER 2012

Spain presented its proposal (IWC/64/CC18) to hold an intersessional workshop on maritime transport and biodiversity conservation. A specific aim of the project is to study and mitigate accidents affecting marine biodiversity, especially the impacts on cetaceans and to develop a programme of training and communication for the maritime transport industry.

#### WORKSHOPS ON DISENTANGLEMENT RESPONSE AND SHIP STRIKE REDUCTION IN THE WIDER CARIBBEAN

The USA summarised its joint proposal with the Dominican Republic, France, Mexico and Panama (IWC/64/WKM&AWI12) for the IWC to work with UNEP, CEP and SPAW to conduct a series of three workshops on disentanglement and ship strikes in the wider Caribbean, focusing on an interdisciplinary ship strike workshop planned for 2013. This item was discussed in more detail by the Working Group on Whale Killing Methods and Associated Welfare Issues (see Annex G). The USA hoped to expand partnership for this effort to other interested IWC parties and the IMO. The USA recognised that this proposal originated from Alexandre de Lichtervelde's work and his communication with UNEP and SPAW.

France, the Netherlands, Argentina and Mexico expressed support for the workshops and the Netherlands noted that it would be happy to participate and would look into the possibility of making a financial contribution.

An observer from UNEP and SPAW-RAC expressed strong support for the proposed workshops on entanglement and ship strikes noting that the French Agoo Sanctuary for the protection of marine mammals is also supportive and will bring technical, logistical and financial support to the proposal. In relation to vessel strikes, the marine mammal action plan approved by the SPAW parties on threats to marine mammals in the wider Caribbean region states the following key objectives.

- (1) *Improve understanding.* To identify high risk areas for vessel strikes in each country.
- (2) *Impact assessment.* To assess the magnitude of vessel strikes in the wider Caribbean region.
- (3) *Impact minimisation.* To stimulate on-going and initiate new actions at the regional, national and local level to reduce the frequency of vessel strikes.

The Conservation Committee thanked the UNEP and SPAW-RAC representative for the offer of collaborative engagement and the Secretariat looked forward to formalising the agreement in the coming months.

**STRATEGIC PLAN**

The Conservation Committee endorsed a suggestion from the Chair to develop a strategic plan for ship strikes which might include data gathering and mitigation. Belgium considered that a strategic plan would help to ensure the effectiveness of the IWC Ship Strikes Database.

**APPOINTMENT OF CHAIR FOR THE SHIP STRIKES WORKING GROUP**

The Conservation Committee was pleased to appoint Belgium as Chair of the Ship Strikes Working Group and acknowledged the work of Alexandre de Lichtervelde and of Belgium on ship strikes in the past.

*8.2.3 Commission discussions and action arising*

Cyprus spoke on behalf of the EU member states to note its concern regarding the increased anthropogenic threats which faced cetaceans including bycatch, habitat degradation, pollution, overfishing, climatic change and underwater noise. Additionally marine debris was now recognised as a growing threat to large whales and small cetaceans through ingestion and entanglement. Cyprus understood that the IWC had led efforts to investigate and mitigate the effects of ship strikes. It stated that ship strikes were happening regularly in all oceans and they are also connected to other threats facing cetaceans because once a whale is entangled in marine debris it may become more susceptible to a collision with a ship. Also wounds inflicted by ship strikes may be infected by a variety of pathogens. Greater effort was needed to understand and mitigate the risk to cetaceans and the IWC could play a significant role both in terms of direct action, undertaking research and reaching out to other fora to co-ordinate responses. Cyprus also recognised the considerable contribution made by the IWC's Scientific Committee to research on small cetaceans. This work referred both to capacity building and conservation for highly endangered species. EU member countries had repeatedly made contributions to the Voluntary Fund for Small Cetacean Conservation Research to underline the importance of this line of thinking. Cyprus was convinced that this work would continue to be important in the future.

France acknowledged the statement by Cyprus and drew attention to its own efforts to reduce ship strikes through work in the Pelagos Sanctuary in the Mediterranean and the Agoa Project in the Caribbean where ways were being sought with the IMO to reduce vessel strikes. In addition France supported and would continue to contribute to workshops held in conjunction with the IWC and other states on the disentanglement response to whales within the Caribbean. With regard to ship strikes, France emphasised the importance of improving data collection within the IWC and the added value of sharing information on strikes with organisations such as ACCOBAMS and ASCOBANS.

The Netherlands welcomed the initiative for a series of workshops dealing with the problems of ship strikes and entanglement response in the Caribbean. This issue was of direct relevance to the Netherlands' overseas territories and it was pleased to be a member of the group of countries supporting the workshops. The Netherlands recorded their intention to financially support the organisation of the workshops.

Panama was pleased that the Committee had been able to meet for a full day. It thanked those delegations who had shown support for the TSS proposals in Panamanian waters and remained open to further suggestions on how to continue with this project. Panama thanked the other co-sponsors of IWC/64/WKM&AW12 and indicated it was pleased to support the efforts to hold workshops on ship

strike and entanglement reduction in the wider Caribbean region. Argentina supported the recommendations of the Conservation Committee as regards ship strikes and in particular it emphasised the work done by Panama to improve the management of navigation. It requested Panama to present its work to next year's Scientific Committee meeting. Although Argentina is not part of the Caribbean it expressed its interest in the proposals for workshops to address entanglement response and ship strikes with UNEP, as the collaborative work would strengthen both the partner organisations and the IWC. Ecuador recorded the high value it placed on work to reduce ship strikes.

Australia emphasised that the way to reduce the likelihood of ship strikes was through the use of appropriate and up to date data. However currently not all ship strikes were reported and Australia highlighted the need for all Contracting Parties to make such reports where strikes arise within national waters. Australia also stressed the need for a ship strikes data co-ordinator and indicated its full support for this position. Belgium supported Australia's comments on the essential importance of collecting data regarding ship strikes. It considered that the database co-ordinator should also take on the role of raising awareness of the database and establishing links with other industry and IGO conservation bodies so as to further the IWC's work on this topic.

The USA stated its support for the Conservation Committee as its work reaffirmed the conservation objective of the Convention and improved the governance of the Commission's conservation initiatives. It encouraged all countries to participate. The USA provided an update on the proposed TSS for the west coast of the USA and indicated that it expected the IMO's Navigation Sub-Committee to approve the proposals in the near future. Regarding the proposals for a series of workshops addressing ship strikes and entanglement response in the wider Caribbean, the USA thanked all the co-sponsors and especially the Netherlands for their offer of financial support.

Spain referred to a workshop that will take place in October 2012 in Tenerife to discuss maritime transport and biodiversity conservation, especially cetaceans, in the framework of a European project called Life Plus. Participants will include the maritime traffic industry, marine scientists, whalewatchers and other stakeholders including the International Maritime Organisation. The workshop will have an agenda to provide communication tools and systems for educating sailors about the steps to be taken to prevent risk to whales and also other marine life and habitats.

The Commission noted the Conservation Committee's report on this Item and endorsed its recommendations.

**8.3 Southern right whales of Chile-Peru***8.3.1 Report of the Scientific Committee*

An IWC Workshop on southern right whales was held in Buenos Aires, Argentina, 13-16 September 2011. The results of this Workshop were presented to the Scientific Committee (SC/64/Rep5) which concurred with their recommendations, in particular those to help clarify the status of this critically endangered species and also to help identify any threats and possible mitigation measures. The Workshop recommended that surveys, photo-id and genetic studies should be conducted.

*8.3.2 Report of the Conservation Committee*

The Conservation Committee reported that mobile technology is being used in joint work between the Chilean Navy and the NGO Centro de Conservacion Cetacea to enable sightings of southern right whales to be reported

in real time. Given the critically endangered status of this population it was requested that this item remain on the agenda of the Conservation Committee.

#### 8.3.3 Commission discussions and action arising

Chile and Peru reiterated their commitment to the conservation of this critically endangered population. Chile drew attention to the development of the Conservation Management Plan<sup>17</sup> and expressed its desire for international cooperation to ensure the long term protection of the species. Peru noted it had only a few records of this species from its national waters but in accordance with the reports of the Scientific and Conservation Committees, Peru was supportive of all efforts to ensure the conservation and viability of this whale species.

The Commission noted the Conservation Committee's report and endorsed any recommendations.

### 8.4 National Reports on Cetacean Conservation

#### 8.4.1 Report of the Conservation Committee

Several countries had submitted voluntary national cetacean conservation reports: Argentina (IWC/64/CC15), Australia (IWC/64/CC4), Brazil (IWC/64/CC22), Chile (IWC/64/CC21), France (IWC/64/CC14), Mexico (IWC/64/CC20), New Zealand (IWC/64/CC19), UK (IWC/64/CC8) and USA (IWC/64/CC5). The Committee welcomed these reports, many parts of which had been discussed under earlier items. More countries were encouraged to submit reports in future.

#### 8.4.2 Commission discussions and action arising

The USA noted that it would comment on two items addressed in its Conservation Report (i.e. cetacean health and disease and anthropogenic sound) under Item 18 below.

The Commission noted the report of the Conservation Committee on this item and endorsed any recommendations.

### 8.5 Marine debris

#### 8.5.1 Report of the Scientific Committee

The Scientific Committee noted that marine debris is a growing concern for marine wildlife in general but its interactions with cetaceans were poorly understood. Accordingly the Scientific Committee reviewed several papers on marine debris and recommended that a workshop on marine debris and cetaceans be held in 2013<sup>18</sup>. The primary aim of the workshop would be to determine how to best quantify the ways in which marine debris was affecting cetaceans and how best to monitor and mitigate for such effects. The workshop could also consider how best to develop a centralised database to collate cases of debris interactions, including the development of standardised criteria for data to allow more certain identification of the types of debris and the interactions involved.

The Chair of the Scientific Committee also referred to the work being undertaken in the USA, Korea and Japan and through the Steering Group for the IWC-POWER cruises who are investigating how those cruises can contribute to international efforts to collect more information on marine debris<sup>19</sup>.

#### 8.5.2 Report of the Conservation Committee

Australia suggested that the workshop should be held jointly by the Scientific and Conservation Committees so as to encompass both the scientific and management aspects of the problem of marine debris.

The UK and Australia drew attention to the recent Rio Ocean Declaration (in the outcomes document of 'The Future We Want', para. 163) which called on all nations to take action on marine pollution. They commented that the IWC should cooperate with other international organisations to address this threat.

Argentina referred to a paper<sup>20</sup> on the ingestion of plastic debris in 28% of 106 Franciscana dolphins incidentally captured in artisanal fisheries on its northern coast. The USA provided information on a new programme aimed at combating the problem of derelict fishing gear called 'Fishing for Energy' and encouraged interested delegations to join the initiative.

The Conservation Committee endorsed the proposal for a joint workshop on marine debris by the Scientific and Conservation Committees.

#### 8.5.3 Commission discussions and action arising

Australia shared the growing concern that pollution and marine debris posed a significant threat to ecosystems and biodiversity and as such it welcomed the work of the Scientific Committee. The issue of marine debris had been highlighted in the recent Rio Ocean Declaration as being of global concern. Australia welcomed the workshop proposal which it saw as an excellent example of collaborative working between the Scientific and Conservation Committees. It wished to ensure that all threat mitigation efforts were based on good science and acknowledged that a number of other international organisations were already working on this topic and encouraged collaboration between those organisations and the IWC.

Cyprus spoke on behalf of European member states party to the IWC to indicate that it was delighted to participate in the developing work of the Conservation Committee as it considered the many issues facing cetaceans. It commended the work of the Scientific Committee on marine debris and highlighted that cetaceans can be harmed by both entanglement and ingestion of plastics. It said that a number of other intergovernmental organisations (IGOs) including UNEP, CBD and the Rio Outcome Document had recognised the need for co-ordinated action and encouraged the IWC to participate.

The USA supported the Scientific Committee's recommendations and noted that the UNEP global partnership on marine litter was launched at a side event at the recent Rio+20 Conference. This new partnership will act as a coordination forum to unite diverse organisations and encourage Governments, NGOs and scientists to collaborate. The partnership built on the Honolulu agreement which the USA highlighted to the IWC in 2011<sup>21</sup>. In addition, the USA drew attention to a domestic initiative called 'Fishing for Energy' which allowed fishermen to dispose of derelict fishing gear at no cost. The recovered gear was transported for free to a local energy facility and used as a source of renewable energy.

The United Kingdom noted the work being undertaken by a number of countries to reduce the effects of marine debris and highlighted the recommendations from the Scientific and Conservation Committees that the IWC should co-operate with other IGOs to address the threats. The UK also highlighted its support for the joint Scientific and Conservation Committee workshop.

<sup>17</sup>See Item 9.1 for a full report of the Conservation Management Plan.

<sup>18</sup>For further details, see *J. Cetacean Res. Manage. (Suppl.)* 14, Annex K, Appendix 3 [2013].

<sup>19</sup>Further information is provided in *J. Cetacean Res. Manage. (Suppl.)* 14, Annex G [2013].

<sup>20</sup>Denuncio *et al.* 2011. Plastic ingestion in Franciscana dolphins, *Pontoporia blainvillei* (Gervais and d'Orbigny, 1844) from Argentina. *Mar. Poll. Bull.* 62(8):1,836-1,841.

<sup>21</sup>See *Ann. Rep. Int. Whal. Comm.* 2011: 86 [2012].



Austria supported any and all IWC endeavours in the field of marine debris. It recalled that the IWC had recognised several environmental concerns and marine debris spanned three of these: habitat degradation, chemical pollution and fishery interactions. It involved both IWC scientific and technical work, e.g. on entanglement response and the ingestion of plastic. It was one of the most visible and perhaps controllable forms of pollution, ranging from micro-plastics to giant nets and Austria therefore supported and was looking forward to the results of the proposed workshop to be held in 2013.

Argentina supported the recommendations of the Scientific and Conservation Committees and highlighted the effect of marine debris on the franciscana. In addition it noted the reports of entanglement events affecting the population of southern right whales and consequently it wished to see continued action to address the problem of marine debris.

Claire Bass of the World Society for the Protection of Animals (WSPA) congratulated the Conservation Committee on the excellent breadth and quality of its work. WSPA believed IWC should divert a greater proportion of its time and financial resources to its growing conservation agenda and also that the Commission should undertake a review of the work of its Scientific Committee with an aim of affording more time and budget to its conservation work. WSPA spoke on behalf of many NGOs in welcoming the addition of marine debris to the Scientific and Conservation Committee's agendas through a joint workshop. As noted by several member nations this issue already had the attention of several IGOs including the United Nations and it supported the suggestion that the IWC should co-operate to achieve multi-agency solutions. WSPA, the Environmental Protection Agency (EPA), OceanCare, and Pro-Wildlife showed their joint support for the initiative by collectively contributing £17,000 in funding towards this workshop. The Chair and the Chair of the Conservation Committee thanked these organisations for their donation.

The Commission noted the reports of the Scientific and Conservation Committees on this agenda item and endorsed any recommendations.

## **8.6 Voluntary Fund for Small Cetacean Conservation Research**

The Chair acknowledged the financial support provided to the small cetacean conservation fund from both Contracting Parties and Non-Governmental Organisation observers and noted that much progress had been achieved through the use of these donations.

### *8.6.1 Report of the Conservation Committee*

In 2011 the Conservation Committee received a strong recommendation from the Scientific Committee's sub-committee on small cetaceans for funding nine high-standard research and conservation projects under the Commission's Voluntary Fund. All of the projects were aimed at improving conservation outcomes for small cetacean species and populations threatened or especially vulnerable to human activities.

The Chair of the Scientific Committee's sub-committee on small cetaceans, Dr Caterina Fortuna, gave an update on the current status of the Voluntary Fund for Small Cetacean Conservation and Research. Contributions received during the past year had enabled all nine projects to be funded and

these were outlined through a PowerPoint presentation made to the Conservation Committee. Particular emphasis was given to the conservation and capacity building aspects of each project.

As soon as sufficient additional funding for 2-3 projects was secured a new call for proposals would be launched, possibly by the end of 2012. The UK commended the work being conducted under the Small Cetaceans fund and noted that the IWC must not overlook the conservation of small cetaceans, and applauded the work being done by Mexico to protect the vaquita. In addition it noted its concern over the continued hunting of Dall's porpoise, highlighted the Scientific Committee's concern over the hunting of Baird's beaked whales and encouraged the provision of data to assist the efforts of the Scientific Committee in its work.

The Chair of the Conservation Committee congratulated the Scientific Committee on its work and the Chair of the small cetaceans sub-committee in ensuring the successful outcome of the projects.

### *8.6.2 Commission discussions and action arising*

Australia drew attention to the many global threats faced by cetaceans and small cetaceans in particular. The projects being taken forwards under the Voluntary Fund had a global distribution and focused on critically endangered populations. Australia hoped this work would continue to be supported by contracting parties as it is a manner in which the IWC can make a real and effective contribution towards the conservation of small cetaceans.

The Netherlands expressed its concern at the lack of protection for many small cetaceans worldwide and favoured a stronger role for the IWC on small cetacean conservation. It welcomed the work undertaken through the Small Cetacean Conservation Fund and announced a voluntary donation of 15,000 Euro to continue the Fund's projects. Italy also recalled its financial contribution to the Fund in 2011, and announced a further contribution of 15,000 Euro for 2012. The United Kingdom remarked that the level of support for the Fund showed its importance and was delighted to provide a donation of £10,000 GBP to the Fund in addition to its contributions from previous years. France recalled that it had supported the Fund financially since 2011 and would continue to do so in 2012.

Argentina thanked those countries who had contributed and continued to do so. It said that small cetaceans should be considered as an integral part of the work of the IWC and noted that the new sponsorship had given priority to the small cetacean species and areas where little information previously existed. Monaco congratulated the countries that had contributed to the Voluntary Fund and hoped that it would be able to do so soon. It recalled its concern at the declining populations of many small cetacean populations and highlighted that the word 'small' was a misnomer as some of the small cetaceans were as large as the small whales. It stated that the IWC should give equal attention to all cetaceans. India stated its support and appreciation for the work of the Scientific Committee and said that small cetacean species should be conserved at any cost. Switzerland welcomed the work of the Scientific Committee on small cetaceans and urged Contracting Governments to take all necessary measures to reduce direct and indirect takes, interaction with fisheries and to restore degraded habitats.

Germany welcomed the tremendous and effective work on the conservation of cetaceans and the financial commitments of the Contracting Parties. Germany is a

contracting party to ASCOBANS<sup>22</sup> where a variety of conservation activities were being taken forwards, for example the reduction of noise during piling operations in the construction of offshore wind farms. Germany drew attention to a harbour porpoise survey in the Baltic Sea being conducted jointly with Denmark. This was expected to provide a basis for further conservation measures including fisheries technical measures. In addition Germany proposed a fuller study on harbour porpoise in the Baltic Sea so as to develop suitable mitigation measures.

Birgith Sloth of the Society for the Conservation of Marine Mammals said that the Conservation Committee had already proven its importance through work on ship strikes and many other threats. All of these affected both large and small cetaceans. Cetaceans were the ambassadors to the sea and many observers found it difficult to understand the damage caused to cetaceans, but when made aware how human activities affected not just the giants of the sea but also their small relatives it led to awareness and concern. The IWC Voluntary Fund for Small Cetaceans was an excellent example of how the expertise of the IWC could allow cooperation between Governments and NGOs to ensure better protection of endangered species. It also supported important capacity building and awareness through the communities involved in the projects. The Society for the Conservation of Marine Mammals was pleased to announce that the Danish coalition of NGOs had decided to commit itself to collect and make available funding to support the IWC's work on small cetaceans.

The Commission noted the report of the Conservation Committee and endorsed any recommendations under this item.

### 8.7 Other

The Conservation Committee noted the report of the Intersessional Correspondence Group on Strengthening IWC Financing (IWC/64/F&A4) as presented to the Finance and Administration Committee. Financing for projects and research was required for the important work being done across the IWC on issues such as ship strikes, entanglement, CMPs and marine debris to contribute to the shared IWC goal of healthy whale populations.

Australia raised the issue of cooperation with other organisations noting the Scientific Committee process of agreeing formal IWC observers to attend meetings of other international organisations. Australia requested that the Scientific Committee make reports to the Conservation Committee where the work of such organisations is of relevance to it. In addition it suggested that other organisations whose work is relevant to the Scientific Committee should be identified and a complementary initiative be instituted through the Conservation Committee. Australia volunteered to do some of this work intersessionally.

The Chair of the Conservation Committee announced that Jim Gray (United Kingdom) had agreed to take up the role of Vice-Chair for the Conservation Committee.

## 9. CONSERVATION MANAGEMENT PLANS

At IWC/63 in 2011 the Commission endorsed a proposal from the Conservation Committee to establish a Standing Working Group on Conservation Management Plans (CMP Working Group). The role of the working group is to provide assistance to CMP proponents and facilitate

cooperation between the Conservation Committee and Scientific Committee in areas relating to CMP nomination, development, implementation, monitoring and review.

### 9.1 Report of the Scientific Committee

#### *Arabian Sea humpback whales*

The Arabian Sea humpback population had previously been identified by the Scientific Committee as a likely candidate for an IWC Conservation Management Plan. To facilitate this process an Intersessional Working Group was formed at IWC/63 in 2011. Good progress had been made in assembling the documentation required to submit a proposal to the IWC for a candidate CMP. A key component of CMPs was support from a broad range of stakeholders including range state governments and the Scientific Committee welcomed the work undertaken thus far and strongly recommended that discussions between scientists and relevant range state governments continue to further progress the CMP process.

#### *Southern right whales*

At IWC/63 in 2011 the Commission agreed that southern right whales off South America should be the subject of IWC Conservation Management Plans. Two draft plans were available during the Scientific Committee meeting, one for southwest Atlantic southern right whales (IWC/64/CC7 Rev1) and one for southeastern Pacific southern right whales (IWC/64/CC9). The Scientific Committee examined these draft CMPs for their scientific content and found them to be in accord with the results and recommendations from the Commission's Workshop on the Status of Southern Right Whales (SC/64/Rep3) and the southern right whale die-off.

#### *Western North Pacific gray whales*

The Scientific Committee noted that the CMP for western North Pacific gray whales was already in action and that one of the plan's recommendations was for satellite tagging. Several whales had been tagged and the CMP was being updated using data from these whales (see Item 6.4.1).

### 9.2 Report of the Conservation Committee

#### *9.2.1 Report from the Conservation Committee's Standing Working Group on CMPs*

The report of the SWG on CMPs (IWC/64/CC12Rev) included a number of recommendations submitted to IWC/63. The Commission had limited time to fully consider the CMP documents in 2011 so they were submitted again to IWC/64, noting that two of the recommendations have already occurred:

- that the CMP guidelines, templates and funding principles presented in IWC/63/CC5 be adopted;
- that these documents be placed on the IWC website for use by members wishing to undertake a CMP;
- that the Small Advisory Group on CMPs be reconstituted as a Standing Working Group on CMPs (has occurred);
- that the terms of reference for the CMP Working Group, contained in IWC/63/CC5, be adopted (has occurred);
- that the Scientific Committee be invited to undertake an analysis of priority candidates for future CMPs; and
- that the Conservation Committee be tasked with undertaking an inventory of cetacean conservation measures currently in place or underway in jurisdictions, on a regional basis.

In addition the SWG on CMPs recommended that the Conservation Committee endorse the following recommendations for cetacean conservation measures in the Pacific Islands region, with a focus on Oceanian humpback whales, for consideration by the Commission:

<sup>22</sup>The Agreement on the Conservation of Small Cetaceans of the Baltic, North East Atlantic, Irish and North Seas.

- that the Commission note the Review of Measures for Marine Mammal Conservation, Protection and Management in the Pacific Islands region in 2007 by IFAW and SPREP;
- that the Commission acknowledge the significant cetacean conservation measures currently in place to protect cetaceans in the Pacific Islands region, as identified in this inventory;
- that the Commission recognise the leadership of SPREP in advancing cetacean conservation in the Pacific Islands region, including through implementation of its regional Whale and Dolphin Action Plan and its partnership with CMS on the CMS Pacific Cetaceans MoU, and the important role of organisations such as South Pacific Whale Research Consortium;
- that the Secretariat write to SPREP advising it of the work of the Standing Working Group on CMPs and inviting SPREP to participate as an observer to the Working Group;
- subject to the views of SPREP and the Pacific Island Contracting Parties, if this inventory is considered a useful model it is proposed that the Chair of the Working Group contact SPREP with a view to exploring options to further refine the inventory;
- that similar regional inventories be developed for regions around the globe as part of the work of the Conservation Committee; and
- that regional inventories of cetacean conservation measures should be updated periodically (every 5-10 years or as appropriate).

The Conservation Committee thanked the SWG for its work and endorsed all of the above the recommendations including the request for the Scientific Committee to provide a priority list and the invitation to SPREP to participate as an observer. The Secretariat confirmed that they could implement the request to SPREP.

The USA expressed continued support for CMPs as they reaffirm the conservation objective of the Convention and improve the Commission's conservation work.

#### *9.2.2 Report of Conservation Committee discussions and recommendations*

Last year the IWC agreed to nominate the South American southern right whale population for a CMP (see IWC/63/CC4). Workshops held in Buenos Aires, Argentina in September 2011 recommended that the plan be separated into two, one for the southwest Atlantic southern right whale and one for the southeast Pacific right whales.

#### **SOUTHWEST ATLANTIC SOUTHERN RIGHT WHALES**

Argentina introduced the CMP for the southwest Atlantic southern right whale (see IWC/63/CC7Rev1). A workshop was held in Buenos Aires from 19-20 September 2011 to begin the development of the CMP at which three documents were considered:

- (1) the Report of the Southern Right Whale Die-Off Workshop;
- (2) a Draft Proposal for an Action Plan for the Recovery of Eastern South Pacific Southern Right Whales in Chile (IWC/63/CC21Rev); and
- (3) the conclusions and outcomes of the IWC Southern Right Whale Assessment Workshop held in Buenos Aires from 13-16 September 2011.

The overall objective of the CMP was to protect the southern right whale habitat and minimise anthropogenic threats to

maximise the likelihood that southern right whales will recover to healthy levels and recolonise their historical range.

The following nine high priority actions were identified:

- (1) implementation of the CMP;
- (2) development of a strategy to increase public awareness and build capacity in range states;
- (3) determination of movements, migration routes and location of feeding ground(s) through satellite telemetry;
- (4) development of a GIS database on information on human activities that might have an adverse impact on whales;
- (5) ensuring long-term monitoring of abundance, trends and biological parameters through photo-identification and biopsy sampling;
- (6) enhancing the existing stranding networks including the capacity for undertaking post-mortems;
- (7) development of a regional entanglement response strategy;
- (8) development and implementation of a strategy to minimise kelp gull harassment; and
- (9) establishment of an expert advisory panel.

The most critical and urgent action was the implementation of the CMP. Funding must be found for this action as soon as possible to appoint a coordinator and set up the steering group to ensure that the CMP moves ahead in a timely fashion. The estimated cost would be about £50,000, to include funding of the first meeting of the interim steering committee and the salary of a co-ordinator.

The Conservation Committee endorsed the CMP for the southwest Atlantic southern right whale and recommended it to the Commission, noting the need for funding.

#### **SOUTHEAST PACIFIC SOUTHERN RIGHT WHALES**

The southeast population of Pacific right whales is critically endangered and is estimated to include less than 50 mature individuals. The CMP is based on Chile's national plan of action submitted last year (IWC/63/CC21Rev), so some actions of the plan were already operational. The objective is to take steps which will allow the species to withstand both environmental and anthropogenic impacts and ensure its long term survival. Lack of information is the biggest limitation to protection so the short term objectives focus on:

- (1) compiling a baseline of information to include in particular population size and area of concentration, breeding and feeding grounds, stock structure, etc.;
- (2) conducting a detailed assessment of potential impacts in identified areas of concentration; and
- (3) developing specific mitigations despite the shortage of information.

The CMP requires the establishment of a co-ordinator and Steering Committee. The Conservation Committee thanked Chile for its excellent work, endorsed the CMP for the Southeast Pacific right whale, and recommended it to the Commission noting the need for funding for the co-ordinator role.

#### **9.3 Commission discussions and action arising**

Chile commended the Conservation Committee's good work in developing CMPs for the different populations.

The Commission noted the reports of the Scientific and Conservation Committees on this agenda item and endorsed any recommendations. Discussion on the funding of the two CMPs for southern right whales was held under Item 25.3.4.

## 10. WHALEWATCHING

In 2011 the Commission endorsed the IWC Five Year Strategic Plan for Whalewatching pending review by the Scientific Committee of the Plan's research and assessment objectives prior to the Commission's meeting in 2012. Also in 2011 the Commission reviewed and updated the terms of reference for the Conservation Committee's Standing Working Group on Whalewatching (SWG-WW) and expanded its membership to include two members of the Scientific Committee.

### 10.1 Report of the Scientific Committee

The Scientific Committee discussed aspects of whalewatching in response to Commission Resolution 1994-14, and its full report on whalewatching is provided in Annex M of the Report of the Scientific Committee<sup>23</sup>. A brief summary is provided below.

#### *Assessment of the impacts of whalewatching on cetaceans*

The Scientific Committee received reports of data collected during whalewatching trips and also received reports of the development of statistical models to help examine the potential effects of whalewatching. The Committee welcomed both of these types of study and suggested that collaboration take place between these two research groups to test the models.

The Scientific Committee reviewed whalewatching off Central America and was pleased to learn that many countries held workshops to train and certify operators in best practices. However this was not the case for all countries and the Committee recommended that those not currently doing so could establish training workshops.

#### *Reports from Intersessional Working Groups*

The Scientific Committee has developed a Large Scale Whalewatching Experiment (LaWE) to understand the mechanisms and large-scale effects of whalewatching on whale populations. To start these investigations the Committee received an initial analysis using information from 10 different whalewatching operations around the world. This showed that some whales and dolphins change their resting behaviour and swimming paths though smaller sized species were more likely to be affected by whalewatching vessels.

The Committee reported that it is developing a database to record details of worldwide whalewatching operations. In addition, it reported that it had received a questionnaire that had been developed and field tested for operators that conducted swim with whale operations. The questionnaire would be presented more widely over the coming intersessional period and the Committee expected to receive results within two years.

#### *Other issues*

The Committee discussed the scientific aspects of the Commission's Five Year Strategic Plan for Whalewatching and made detailed recommendations. It had commenced an intersessional correspondence group to help develop the guiding principles under Action 1.1 of the strategic plan. In addition the Committee reported that it would complete Action 1.2 during the intersessional period and report on this at the next meeting.

The Committee received the report of the regional marine mammal workshop held in Panama in October 2011. This brought together marine mammal tour operators and government regulators from across the Caribbean region.

The Scientific Committee recorded its concern at unregulated whalewatching on the small Arabian Sea humpback whale population which is also affected by ship strikes. The Committee recommended that operators receive training in best practices for whalewatching operations and to aid the interpretation and implementation of revised whalewatching guidelines. A funding proposal to support this had been presented to the Budgetary Sub-committee.

### 10.2 Report of the Conservation Committee

#### *10.2.1 Report of the Standing Working Group on Whalewatching*

The Chair of the Standing Working Group on Whalewatching (SWG-WW) reported on the group's activities over the past year which included examination of each section of the Five-Year Strategic Plan (see IWC/64/CC6, Annex B). The SWG-WW developed recommendations on how to move forward on actions that were outside the focus of the Scientific Committee review and on which actions should be implemented through the web-based living handbook. The SWG-WW also decided that it would greatly benefit from industry input and recommended the inclusion of two industry representatives on the SWG-WW as *ex officio* participants. Nominees for the first two representatives were recommended to come from Australia and Mexico with potential funding support from the IWC.

The SWG-WW Chair outlined the future work of the SWG-WW and expressed hope that the Plan will be finalised at IWC/64. To allow for a possible Commission decision to move to biennial meetings at IWC/64, the SWG-WW proposed a plan of work for the potential intersessional period of 2012-14. The following four recommendations of the SWG-WW were highlighted.

- (1) The addition and potential funding of two *ex officio* industry representatives to the SWG-WW.
- (2) The two requested documents from the Secretariat to facilitate implementation of the Plan.
- (3) The SWG-WW work plan for the proposed intersessional period of 2012-14.
- (4) Adoption, after discussion, of any accepted changes to the Five-Year Strategic Plan suggested by the Scientific Committee.

The SWG-WW Chair also presented document IWC/64/CC24, which highlighted the changes to the Action Plan 2011-16 based on the Scientific Committee recommendations.

The Conservation Committee thanked the SWG-WW for the good progress that has taken place on the co-ordination of work on whalewatching during the intersessional period and thanked Ryan Wulff for his leadership of this important group.

#### *10.2.2 Report of the Conservation Committee discussions*

Many delegates expressed support for the work of the SWG-WW and the comments of the individual delegates are recorded in the Conservation Committee's report (Annex F, Item 6.3). The Conservation Committee endorsed the recommendations of the SWG on whalewatching and endorsed the Five-Year Strategic Action Plan.

### 10.3 Commission discussions and action arising

The USA reported on its existing and on-going research efforts to inform the management of all whalewatching activities, including the use of regional voluntary viewing guidelines and regulations. While the majority of whalewatching in the USA was managed through voluntary guidelines, whalewatching was managed under regulations

<sup>23</sup>See *J. Cetacean Res. Manage. (Suppl.)* 14 [2013].

for endangered humpback whales in Alaska and Hawaii, endangered North Atlantic right whales and endangered southern resident killer whales. The USA worked with whalewatching operators domestically and internationally to support the development of responsible practices and the provision of benefits to local communities. Most notably, the USA and its partners in the NGO community sponsored the Dolphin Smart and Whalesense programmes which were voluntary recognition and education programmes to encourage responsible viewing by whalewatching businesses. Businesses that participate were provided with outreach material for their customers and the opportunity to advertise their participation in marketing campaigns. The USA noted the work of the Small Working Group on Whalewatching and fully endorsed the adoption of the Five-Year Strategic Plan.

India recorded its support for whalewatching and ecotourism so long as it is undertaken safely for both whales and the whalewatchers. During whalewatching all safeguards for environmental protection should be taken and protocols followed to specifically address the impact on the time and space of the targeted species. Whalewatching could generate alternative sustainable livelihoods for aboriginal communities engaged in whaling operations and India supported efforts to build sustainable whalewatching industries.

Argentina supported the work of the SWG-WW and the recommendations of the Conservation Committee. It noted that whalewatching had taken place in Argentina since the 1970s and that recently whalewatching vessels had been fitted with satellite vessel monitoring systems so as to enable their positions and tracks to be recorded. This year the whalewatching season had been affected by volcanic activity in the Andes mountains which had reduced visitor numbers by 16% compared to the 2010 season.

Panama highlighted the importance of whalewatching as a wonderful non-lethal use of whale resources which helped the development of coastal communities. It explained that part of its reason for hosting the Commission's 64<sup>th</sup> Annual Meeting was to promote Panama as a world class destination for whalewatching. It was pleased to see the adoption of the Five-Year Strategic Plan as a tool for continuing work on best practices under the auspices of the IWC. Panama noted the recommendations made by both the Scientific and Conservation Committees regarding some of the whalewatching activities taking place, and thanked the Government of Argentina who had worked closely with authorities, academia and civil society to train operators in whalewatching practices on both the Pacific and Caribbean coasts. It also thanked participants to the marine mammal watching workshop held in Panama in October 2011 and indicated it would continue to support and promote similar activities in the future.

Cyprus, on behalf of the European member states party to the IWC thanked both the Scientific Committee and the Conservation Committee for their work. It noted that whalewatching provides incomes and benefits for many coastal communities all over the world. When managed wisely, whalewatching was a well-respected, non-lethal and sustainable use of cetacean resources and a driving force for the development of ecotourism. Cyprus commented that in addition to the wide ranging socioeconomic benefits which arise from whalewatching that it can also make an important contribution to scientific research. There are now several examples where whalewatching boats have served as platforms for the study of cetacean populations and in the past few years the increased work on whalewatching

has led to an increased dialogue between the Scientific and Conservation Committees. The expertise provided by the Scientific Committee could be further developed to produce science based management options for whalewatching.

The Dominican Republic commended the Conservation Committee for its work and emphasised that whalewatching is a significant industry within its country. It stated that it was beginning to engage in dialogue with other Caribbean countries to set up sister sanctuary arrangements and it encouraged all countries present to continue conducting studies on whalewatching in the waters of the Dominican Republic. It noted that financial resources from the USA, France and the Dominican Republic were being used to support such studies. Ecuador also commended the work of the Conservation Committee and reiterated the importance of whalewatching in supporting the livelihoods of developing coastal communities.

Colombia reiterated its commitment to the IWC's agenda for the conservation of healthy whale populations as an integral part of the marine ecosystem and supported the work of the Conservation Committee. Each year Colombia's Pacific coast shelters female humpback whales who raise calves, and responsible whalewatching based on established protocols is used to generate income.

Chile commended the work of the Conservation Committee and stated that whalewatching was an important non-lethal use of whales. It expressed gratitude for the recommendations of the Scientific Committee which it was currently implementing.

Korea introduced its whalewatching pilot project which was operational in the Ulsan area. The project had only been established for three years and it was premature to assess socio-economic benefits to date, but Korea continued to promote whalewatching tourism.

Augusto Gomez, President of the Whalewatching Boat Owner's Association of Samaná Bay in the Dominican Republic emphasised the importance of whalewatching in the Dominican Republic and wider Caribbean where 23 countries currently carried out whalewatching operations. Each year in the Dominican Republic around 40,000 tourists take part in whalewatching which provided revenue of US\$2.3million over a season of 72 days duration. This rapidly growing industry also provided US\$9million in indirect benefits. He noted that whales are a vitally important resource which supported a fleet of 43 boats owned by up to eight companies in Samaná Bay, most of whom are native Dominicans and former fishermen. He commented that the whales face various threats including climate change, pollution, ship strikes, entanglement in coastal areas and sound pollution as well as whale hunting. The whales are a shared resource of the wider Caribbean, and the Whalewatching Boat Owner's Association called on the representatives of all nations present to prevent the co-existence of contrary activities on the same Caribbean populations of whales. He reminded those nations of the value of whales when alive and the financial gain which whalewatching brought to the coastal communities of the Caribbean.

The Commission noted the reports of the Scientific and Conservation Committees on whalewatching and endorsed any recommendations.

## 11. WHALE KILLING METHODS AND ASSOCIATED WELFARE ISSUES

The Working Group on Whale Killing Methods and Associated Welfare Issues met in Panama on 25 June 2012.

Michael Stachowitsch (Austria) chaired the meeting which was attended by 24 Contracting Governments. A summary of the Working Group's discussions is included below and the full report is available at Annex G.

### 11.1 Data provided on whales killed

#### *Report of the Working Group*

The Working Group received reports from the USA on its bowhead whale hunt (IWC/64/WKM&AWI8 and IWC/64/WKM&AWI10), from Denmark on their Greenlandic hunts (IWC/64/WKM&AWI7), from the Russian Federation on its gray whale hunt (IWC/64/WKM&AWI6) and from Norway on its minke whale hunt (IWC/64/WKM&AWI9). A document from New Zealand (IWC/64/WKM&AWI4) on euthanasia of stranded cetaceans deemed beyond hope of rescue was also reviewed. Three countries stated that they provided whale killing data to NAMMCO as they considered it to be a more suitable venue.

#### COMMISSION DISCUSSIONS AND ACTION ARISING

Australia supported by Mexico noted that a major mandate of the Working Group was to provide a mechanism by which improvements and efficiencies can be achieved in hunting techniques such that the welfare of the hunted whales can be improved. Such improvements rely on open exchange of information and collaboration between members who share and promulgate improved techniques. Australia noted that the Alaskan Eskimo Whaling Commission presented data that demonstrated improvements in hunting efficiency and it welcomed these data as did many other members. However Australia highlighted its concern at the highly variable pattern of reporting of whale killing data by some other members. It noted that three of these members informed the Working Group that they provide their data to a different organisation. Australia respected the rights of countries to report their data to multiple organisations but it did not view this as an alternative to the IWC.

Australia believed that the reporting of comprehensive whale killing data is a core responsibility of any member involved in hunting whales. To not do so to the IWC was an abrogation of that responsibility. The lack of these data inhibited the Commission's ability to deal with important welfare issues that are in the interest of all members to address. Australia strongly urged all members to submit their data and facilitate the improved ability of the Working Group to achieve its mandated task. Argentina called on all countries to submit data so as to allow the Commission to work at an optimal level.

Japan recalled that in the past it had voluntarily presented reports on killing methods and related welfare considerations to the IWC for the purpose of improvement of killing methods, reduction of time to death and also the safety of the workers. These reports had allowed a reduction of time to death and an improvement in the efficiency of the hunt. However Japan stated that the data and the information that it provided was not always used for the purposes for which it was intended and instead it had been used by anti-whaling organisations. Therefore Japan would reserve the right to present data on killing methods to the IWC. Japan would present data collected in the North Pacific to NAMMCO and would continue its constructive efforts for the improvements of whale killing and for the enhanced welfare of whales.

Norway stated that it had submitted more than 25 reports on whale killing statistics to the IWC since 1983. In addition it had participated in IWC workshops from 1980 to 1992,

1995, 1999, 2003 and 2006 and in total submitted data for more than 5,500 minke whales. In this way Norway had discussed the animal welfare problems associated with whaling at length and had worked to improve both the Norwegian hunt and hunts in other countries. However it had found that the discussions in IWC were not very productive and on occasion had been counterproductive. Norway had therefore decided to move its focus over to a body where discussions could be based on animal welfare and not the politics associated with whaling. Norway said it would continue to discuss these matters in NAMMCO because of its philosophy that whale hunting is a legal activity and that it would continue to help the hunters to improve their methods and through this, improve animal welfare in the hunt.

### 11.2 Improving the humaneness of whaling operations

#### *11.2.1 National Reports*

##### REPORT OF THE WORKING GROUP

###### USA

The Chairman of the Alaska Eskimo Whaling Commission commented on the efficiency of the 2011 hunt which was 75%. The ongoing weapons and training improvements had continued and the use and success of the new penthrite grenade was increasing.

###### NORWAY

Norway reported on the long history of its research and the improvements to whale killing methods which it had instigated. It reported that 80% of the animals are rendered instantaneously and irreversibly unconscious as opposed to only 17% in the 1980s. Norway also played a major role in assisting other countries with training and improved technology.

#### COMMISSION DISCUSSIONS AND ACTION ARISING

St Vincent and The Grenadines noted that its whalers currently use darting guns and that there had been a general improvement in times to death from between 30-40 minutes to about 10-20 minutes except in extenuating circumstances such as bad weather. St Vincent and The Grenadines remained committed to the improvement of the humaneness of its hunt and was investigating the possibility of upgrading its darting guns to use the more effective penthrite explosive. It was holding discussions with the USA and other countries on this matter and would report its progress to the Commission and appropriate Committees in due course.

The Russian Federation highlighted that it voluntarily submitted the data to the Working Group which demonstrated that the time to death for gray whales had declined by 30% recently and the amount of shots per animal had also declined. This year the local Government of Chukotka had supported the efforts of the local population to improve the humaneness of the hunt through the purchase of 45 darting guns which were distributed to coastal villages with the help of the Union of Marine Mammal Hunters.

The Russian Federation expressed gratitude to Dr Egil Øen for his support in the training of the marine mammal hunters, to the Alaskan Eskimo Whaling Commission for their constant support, to the coastal communities of Japan who provided technical support and to the Government of the Netherlands which helped with organising the workshop for training the marine mammal hunters. The Russian Federation confirmed that it would continue to voluntarily provide information to the IWC Working Group on the welfare of its hunt.

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

#### 11.3.1 Presentation of the report of the second IWC Workshop on Welfare Issues Associated with the Entanglement of Large Whales

##### REPORT OF THE WORKING GROUP

The Working Group received the report of the second IWC Workshop on Welfare Issues Associated with the Entanglement of Large Whales (IWC/64/WKM&AWI Rep 1). This workshop built on the progress made at the first IWC Workshop in 2010 and also reviewed the findings of a workshop held in 2011 to develop recommendations for stranded whale euthanasia methods. A major outcome of the workshop was the development of a set of Principles and Guidelines for Entanglement Response which were summarised in five points:

- (1) first comes human safety;
- (2) second animal welfare;
- (3) the entanglement response can contribute to the conservation of large whale populations as well as animal welfare issues;
- (4) data collection to assist with identifying key fisheries and whale populations to better describe the problem and assist with mitigation and prevention should be an integrated part of the entanglement response; and
- (5) awareness at all levels to improve reporting and appropriate measures to address the mentioned issues.

The Workshop agreed on an outline for capacity building and training and requested that the Commission endorse the global network of entanglement response operations, the guidelines and principles for disentanglement response and the recommended approach to capacity building and training.

With regard to capacity building the Workshop requested the Commission to consider the following approach:

- (1) to establish a dynamic entanglement response section on the IWC website;
- (2) to consider establishing an international entanglement database;
- (3) to facilitate data exchange;
- (4) to promote establishment of national entanglement response networks;
- (5) to provide advice to Member Governments;
- (6) to develop a proposal for an international workshop on entanglement prevention; and
- (7) to continue to promote an IWC-managed fund for the entanglement response.

The Working Group strongly endorsed the conclusions and recommendations contained in the Workshop's report and commended them to the Commission.

##### COMMISSION DISCUSSIONS AND ACTION ARISING

Cyprus spoke on behalf of the EU member states party to the IWC and stated that the IWC is the global body responsible for the conservation and management of the world's whales. For over 60 years the Commission had played a role in addressing animal welfare issues. Cyprus believed that integrating animal welfare into the full spectrum of the IWC's work would contribute to moving away from a debate that centred on whaling and would allow consideration of animal welfare issues in much broader terms. Support for the recommendations of the report would allow the IWC to move towards a more scientific, integrated and objective

approach to decision-making in the field of animal welfare and ethical concerns.

The USA supported by Mexico endorsed all of the recommendations contained within the report of the second Workshop on Welfare Issues Associated with the Entanglement of Large Whales. It fully supported the principles and guidelines contained within the report as well as the capacity-building curriculum developed at the Workshop.

The Republic of Korea stated that euthanasia was not feasible where bycaught whales were found dead in nets. However, under Article 10 of its new Directive on the Conservation and Management of Cetacean Resources which was implemented on 3 January 2011 any person who had accidentally caught a cetacean must report it to the local police station and take the necessary measures to rescue the cetacean if it is found alive.

#### 11.3.2 Report of the Technical Expert's secondment to the Secretariat

##### REPORT OF THE WORKING GROUP

The Working Group received a report of David Mattila's secondment to the Secretariat and his work to support the capacity building programme for entanglement response. This included conducting seminars in Argentina and Brazil on the theory and practice of entanglement response and mitigation.

##### COMMISSION DISCUSSIONS AND ACTION ARISING

Mexico thanked Dr Mattila for his work and the USA noted the success of the seminars held in Argentina and Brazil in 2012 and announced a further voluntary donation of \$12,000 to facilitate additional work on entanglement response and to support training of apprentices from Argentina and Brazil in advanced water entanglement response. Brazil and Argentina thanked the USA for its financial contribution and the IWC for the training workshops held in 2012. Argentina noted that entanglement response was an issue on which all parties could work together.

#### 11.3.3 Proposal to address human impacts on cetaceans in the wider Caribbean

##### REPORT OF THE WORKING GROUP

The Working Group received a proposal sponsored by the Dominican Republic, France, Mexico, Panama and the USA to help address indirect human impacts on marine mammals in the wider Caribbean region including entanglements and ship strikes. The document proposed that the Secretariats of the IWC and the UNEP Caribbean Environment Programme's (CEP) Specially Protected Areas and Wildlife (SPAW) Action Plan should work together to convene workshops on:

- large whale entanglement response, with one workshop planned for 2012 and a second in 2013 for Spanish and French speakers respectively; and
- an interdisciplinary ship strike workshop to be held in 2013<sup>24</sup>.

The Working Group welcomed and supported this collaborative initiative and commended it to the Commission.

##### COMMISSION DISCUSSIONS AND ACTION ARISING

Mexico reiterated its interest in holding the workshop on disentanglement, entanglement response and ship strike reduction.

<sup>24</sup>See also Item 8.2.2 for the Conservation Committee's discussion of the proposed ship strike workshop.

## 11.4 Whale welfare

### 11.4.1 Intersessional work by the United Kingdom on welfare and ethics

#### REPORT OF THE WORKING GROUP

The Working Group received a report from the United Kingdom on the intersessional workshop which it convened in March 2012 in London (see IWC/64/WKM&AW13). There was considerable discussion within the Working Group on how the IWC might take the issues forwards, following which the Working Group requested the Commission's approval that it forms an *ad hoc* intersessional working group to:

- (1) review its Terms of Reference and existing Action Plan; and
- (2) identify and agree upon important issues or themes to progress the promotion of good animal welfare and agree a timetable of regular future technical workshops on these issues.

In addition the Working Group recommended the development of plans for an expert workshop on the euthanasia of large whales (both stranded animals and those entangled whales for which euthanasia appears to be the only option in accordance with the decision tree developed at the Maui Workshop). This workshop could take advantage of the extensive previous discussions at IWC expert workshops relating to the criteria for determining unconsciousness and death in whales. The technical workshops would report back to the relevant working groups, recognising the success of previous IWC workshops on specific issues incorporating invited external experts.

Finally, the Working Group recommended that the Secretariat be asked to: (a) develop a database of external contacts with expertise in animal welfare science pertinent to work being undertaken by the Commission; and (b) recommend to the Commission opportunities for constructive co-operation with other relevant animal welfare bodies.

#### COMMISSION DISCUSSIONS AND ACTION ARISING

Argentina, Brazil, India and the USA thanked the UK for holding the intersessional workshop and supported its recommendations. The USA congratulated the Head of Science on his presentation to the workshop and requested it be made available to Commissioners via the website. Colombia stated that it was important to continue working on euthanasia and response to entanglements and suggested that the Secretariat could develop a database of contact information for specialists within and outside the IWC who could work jointly to help manage such cases. Colombia, Mexico and the USA insisted that animal welfare should not be limited to whale hunting and should extend to all aspects addressed by the IWC including responsible whalewatching. Colombia supported the strengthening of financial mechanisms for activities related to animal welfare. Mexico indicated that it was developing new regulations to govern whalewatching and India recognised the need to implement measures to circumvent the under-reporting of entangled whales. The USA recorded its desire to participate in the forthcoming euthanasia workshop as well as in future work related to the Working Group's recommendations.

The United Kingdom thanked the countries who had participated in the positive discussions surrounding welfare issues and indicated it would co-ordinate the intersessional work and convene the workshop on euthanasia of stranded whales next year. It invited all Contracting Parties to participate in the work and said it would report back to IWC/65 in 2014.

Claire Bass of The World Society for the Protection of Animals (WSPA) congratulated the United Kingdom on its constructive leadership on the animal welfare issue and welcomed the recognition in the workshop report that numerous human activities in the marine environment can have direct and indirect adverse impacts on whale welfare. WSPA welcomed the recognition by Cyprus, Colombia, USA and others that animal welfare is relevant and important to a wide range of issues discussed within the IWC, including but not limited to ship strikes, whalewatching, entanglements and scientific research, as well as whaling. Furthermore, it was encouraged that the United Kingdom workshop recommendations had been well-received by the Commission and that there was an opportunity for constructive and collaborative work on animal welfare to take place. Given the relevance and importance of animal welfare across the spectrum of the IWC's work WSPA believed that it would be beneficial for the Working Group to begin to draft guiding principles on animal welfare. It suggested that such principles be of a general nature, not specific to particular activities, and that they could be used by the Commission and all of its working bodies to help ensure clarity and consistency of approach to the promotion of good animal welfare across all areas of the IWC's work. Noting the likely costs in realising the recommendations – for example, the possible need for an intersessional meeting – WSPA wished to donate £3,000 towards the costs of these activities.

The Commission noted the report of the Working Group on Whale Killing Methods and Associated Welfare Issues and endorsed its recommendations.

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

### 12.1 Commission discussions and action arising

Japan introduced IWC/64/9 which was a proposal to amend the Schedule of the ICRW so as to establish a minke catch limit for Japanese small-type whaling vessels. Japan noted that previous IWC Resolutions had recognised the importance of the socio-economic, cultural and traditional needs arising from coastal and small-type whaling especially given the impact of the moratorium. It highlighted the importance of allowing coastal communities to use their resources sustainably and noted that the need to alleviate the difficulties being faced by those communities had previously been agreed to some extent. However Japan's requests on this matter had always been rejected. From 1986 to 1995 Japan had submitted 37 anthropological, social and economic research papers by international experts in the field of the history, culture and tradition of coastal whaling. The coastal whaling culture shares many aspects in common with the aboriginal subsistence whaling which is approved by the IWC through its catch limits.

Japan explained that its proposal would allow the traditional regional culture of landing, processing and consumption of whales to be restored. Traditional ceremonies and rituals would also be restored. Catch limits would be allocated to the regional communities. Japan's proposal was not to request a lifting of the moratorium but instead to ask for an exemption to the moratorium, as in the case of Aboriginal Subsistence Whaling.

Japan confirmed that document IWC/64/9 did not indicate a specific catch quota because it was willing to negotiate on this issue with Contracting Governments. It stated that in order to secure an appropriate level of whaling activity



it was intending to introduce monitoring and surveillance measures which included acceptance of an international inspection and monitoring protocol. This would include a vessel monitoring system and also DNA registration of the whale meat obtained. Japan said that to ensure transparency, reliability and accountability it was willing to accept IWC Contracting Governments forming a monitoring committee.

Japan commented that it had shown through document SC/61/O15 that the catch of minke whales by this proposal would be negligible in terms of the long term sustainability of the stock. In addition document SC/62/NPM31 showed that the J-stock could not be considered as a protection stock under the terms of the New Management Procedure.

Japan proposed that the duration of the catch limits should be either five or six years in order to accommodate the proposed cycle of IWC biennial meetings. It re-emphasised that: (1) the landing, processing, allocation and consumption of whales are traditional practices and that the whaling would be permitted in order to restore those community based practices; (2) the consumption of the meat and products would be limited to domestic consumption and the landing and processing would take place within the traditional regions and communities; and (3) the catches of minke whales from the Pacific would be negligible in terms of the long term sustainability of the stock and the J-stock minke bycatch which may occur in small numbers is also negligible in terms of the long term sustainability.

Japan repeated that its proposal is not to lift the moratorium but rather to request an exemption to it under the control of the IWC. Monitoring and surveillance measures coupled with an oversight committee would ensure that excessive catching would not take place and that the whaling activity would be transparent. It hoped that all Contracting Governments would support the proposal and that it could be adopted by consensus.

The President of the Small Type Whaling Association said that 25 years have passed since the commercial whaling moratorium came into effect in the coastal waters of Japan. The whaling communities of Abashiri, Ayukawa, Wadaura and Taiji previously engaged in small-type whaling as an integral part of their history. Small-type whaling operations are limited in scale and Japanese research has shown that coastal minke whale resources are healthy and abundant. Historical evidence shows that ancestral communities had started utilising beached whales thousands of years ago in a move which created the beginning of the Japanese whaling industry. Whale meat and blubber are traditional food and whale dishes are an indispensable part of weddings, funerals and the New Year season. The meat and blubber of the first whale caught each season is distributed to the local people and such traditional practises have been passed down from generation to generation. The Small Type Whaling Association believed that its communities have survived today thanks to their whaling activities. The IWC's Convention stipulates that its purpose is to ensure the sustainable use of whales and for the orderly development of the whaling industry. Unfortunately IWC's commercial whaling moratorium had caused great distress to the Japanese coastal communities for a quarter of a century. The Small Type Whaling Association continued to hope that the IWC will return to the spirit and letter of its charter and establish a minke whale quota for its communities before it rendered itself entirely irrelevant to the issue of whaling management.

Korea expressed its support for the Japanese proposal because it would allow the maintenance of their long coastal whaling tradition and the associated cultural and nutritional

needs for whale meat as a traditional dish. Korea commented that Japan's situation was similar to its own and referred to the presentation it made of whaling history around Ulsan at IWC/61 in 2009. It commented that dietary cultures which developed based upon the historical and geographical environment were not easy to change. Korea expressed concern about the absence of a practical review of Article 10(e) of the Schedule which requires the Commission to undertake a comprehensive assessment of the effects of the moratorium and consider modifications.

Iceland said that the long history of the Japanese proposal to establish catch limits for small-type coastal whaling showed that the IWC is still having problems functioning in a regular and sensible way. Iceland associated with Japan and Korea and stated that sustainability is the main issue. As long as the hunting is sustainable, Iceland would support the proposal.

St Vincent and The Grenadines identified with the plight of the coastal communities of Japan and highlighted the need to understand the cultures of peoples who lived in differing conditions and who depended upon marine resources for their subsistence and survival. It noted the inherent desire of all independent peoples to retain their traditions and culture in a sustainable manner and supported the proposal made on behalf of the coastal peoples of Japan.

The Republic of Guinea commented that it was in favour of the protection and conservation of marine resources and that whaling was banned under its laws governing fishing. However, the IWC's Scientific Committee was able to assess stocks and could define what could be removed without harm to existing stocks and that it was necessary to consider the traditions relating to people's lives. If there is no threat to the stock it could not see why the IWC would adopt a philosophy which continuously rejected requests to take whales and jeopardised local populations. In this regard it requested that such issues be dealt with in the light of scientific advice.

Australia stated that the proposal by Japan sought permission from the IWC to carry out a commercial whaling venture. This was confirmed by the request to include this quota under Paragraph 10 of the Schedule as an exception to the moratorium on commercial whaling. Australia confirmed it was resolutely opposed to all forms of commercial whaling and that it strongly supported the global moratorium on commercial whaling that was put in place by the IWC. Australia could not support a proposal that would legitimise commercial whaling and completely undermine the moratorium in the process. Australia believed that the proposed Schedule amendment made a mockery of the scientific advice given the concerns over the viability of minke whale populations in the northwest Pacific arising from the impacts of existing whaling under JARPN II, the increased accidental catch, entanglements and other emerging threats to cetaceans including ship strikes, climate change, marine pollution and the risks the proposal represents to the J-stock for which the conservation status remains unknown. Australia stated the total mortality of whales had continued to escalate over the past decade. The Commission has recognised concerns over the conservation status of J-stock minke whales and has listed this population as a Protection Stock under Schedule Paragraph 10(c) which clearly stipulates that there shall be no commercial whaling on protection stocks. Australia emphasised that it could not support a proposal that would legitimise commercial whaling and it expressed deep concerns over the disregard of science through the proposed Schedule amendment. Australia said

that efforts must be made to recover this whale population and that the range states concerned should be putting their efforts into a conservation management plan. Monaco stated its strong opposition to commercial whaling and supported the statement by Australia.

The USA associated itself with the comments of Australia and highlighted its concern regarding the large removals of minke whales in the waters off Japan and Korea. The USA supported the Scientific Committee completing its review of these stocks as a matter of the highest priority and noted that this was expected to be achieved in 2013. The USA confirmed that it supported the moratorium on commercial whaling and could not support the Japanese proposal.

Denmark enquired if the figure for the minke whale catch limit would also cover scientific whaling or whether the requested quota would be additional to whales taken under special permit.

The Russian Federation commented that Japan started to use whales 9,000 years ago with large whale hunts dating back 2,000 years. Only Korea had a similarly long traditional history and indeed the first international agreement on whales was signed between Japan and Korea in the 19<sup>th</sup> century. The four coastal villages highlighted by Japan had the longest history of whaling and it is important to protect not only biodiversity but also cultural traditions. Resolution 2004-2 reaffirmed the Commission's commitment to work to alleviate the continued difficulties caused by the cessation of minke whaling in Japanese coastal towns and the Russian Federation suggested that the decision on the proposal contained in IWC/64/9 should be taken at the current meeting rather than waiting a further year for the outcome of the Scientific Committee's analysis of the North Pacific minke whale stocks.

New Zealand commented that this was a difficult issue and that the initial impact of the moratorium on Japanese communities should not be underestimated. However, the moratorium came into effect over 25 years ago. New Zealand expressed its sympathy to the plight of the communities following the great east Japan earthquake and tsunami and recalled that it was one of the first countries to send a search and rescue team after that event. However the proposal in IWC/64/9 asked for an exception to the moratorium on commercial whaling which could not be accepted by the IWC. Furthermore the status of the stocks being fished, including by members of these communities under Japan's so-called research programs, is highly questionable and accordingly New Zealand stated it could not support the proposal.

Mexico stated it could not support the proposal because it wished to defend the moratorium on commercial whaling and because the Scientific Committee's report indicated a complex population structure for North Pacific minke whales and an associated risk to the J-stock. It noted that the boats involved in small-type whaling already took part in scientific whaling which has authorised hundreds of whales to be hunted. Mexico recalled that researchers from universities in Japan have recommended that the communities are not suffering any difficulties when they are unable to hunt whales and so the quotas being requested were unnecessary.

Cyprus spoke on behalf of the EU member states party to the IWC to reiterate its position to proposals for new types of whaling. It believed that any new category of whaling operation would essentially be commercial whaling and accordingly would undermine the current moratorium. Cyprus also raised serious doubts about the potential impact on whale populations and the lack of defined and genuine subsistence needs of coastal communities.

Ecuador expressed its concern over the proposal described by IWC/64/9 to side step the work of the Commission and especially the moratorium. It said that proposal could not be justified based on cultural factors but instead reflected a clear interest in commercial whaling. Ecuador felt that the collective interests of the Commission should be promoted and that these included restoration of the stock of minke whales.

Argentina repeated its full support for the moratorium and highlighted that scientific researchers who were studying the stock structure of the minke whale in the North Pacific have not yet been able to determine whether this is a single stock or whether there are two or more stocks and that there were three different hypothesis under discussion. Therefore, before the IWC could permit any type of catch it should have the report of the Scientific Committee on the implications that this type of hunting could have. On a separate matter, Argentina referred to a report by the Cetacean Research Institute indicating that of the 1,200 tons of whale meat hunted in the northwest Pacific over 75% remained unsold even though it had been offered to the market. In light of this, Argentina asked why it was necessary to permit coastal whaling.

Colombia understood and respected people's rights to food security. Nevertheless it did not support the allocation of a small-type coastal whaling quota because it did not agree with practices for lethal use that would put an end to the moratorium. Colombia was concerned that through this proposal a loophole might be opened to re-establish unregulated commercial whaling as occurs in the case of scientific whaling under Article 8 of the Convention. Costa Rica also stated that the proposal would open up commercial whaling and re-iterated its support for the moratorium.

Chile stated it could not support the proposal partly because the Scientific Committee had not finished its study but also because the stock structures were uncertain, there was a high level of lethal bycatch and there were concerns over scientific whaling. Chile considered that an exception to the moratorium would mean lifting the moratorium on commercial whaling. Moreover, in the light of the Scientific Committee's recent discussions on the levels of radioactivity found in whales and small cetaceans, Chile called on the Government of Japan to avoid any consumption of this type of meat. Brazil considered that the proposal was an exception to the moratorium and represented commercial whaling, which it could not accept for the reasons given above.

The Chair then closed the speakers list because of time constraints with several Contracting Governments still waiting to speak. In doing so he apologised to those Governments and also to the speaker from the IWMC World Conservation Trust who would not be called upon to speak as not all member countries had been able to take the floor. Japan thanked the countries who had expressed support and stated that although it had expected opposition to the proposal it also considered that small-type coastal whaling had much in common with aboriginal subsistence whaling which the Commission had already supported. Japan requested that this agenda Item remain open to allow it to consult with other Contracting Governments on how to move forwards.

Upon continuing this Item later in the meeting, Japan confirmed that it had decided not to request a vote on the proposal contained in IWC/64/9 as it preferred to work through constructive dialogue leading to a consensus decision. Nonetheless, Japan stated that controversial issues need solutions and accordingly it proposed to form a small *ad hoc* working group to serve as a forum to gain

the cooperation of members to resolve the small-type coastal whaling issues. The terms of reference of this group would be in line with Resolution 2004-2 which was adopted by consensus. The working group would identify the unresolved problems and priorities through discussion with relevant parties and the progress would be reported to the next Commission meeting. The group would be supported by the Secretariat and its membership would be composed of five or six countries with interests in Japan's small-type coastal whaling. Japan asked for endorsement of this proposal.

Australia supported by Ecuador and Cyprus indicated that its understanding of the Rules of Procedure was that a new document such as IWC/64/17 could only be considered if there was consensus to do so. Given there was no consensus and the document did not meet the 100 day circulation rule for draft Resolutions, these countries considered the document should not be discussed.

St Kitts and Nevis said there were significant merits in Japan seeking redress for the issues faced by its traditional coastal whalers especially with regards to Resolutions that had previously been adopted by the Commission. It said it was unfortunate that there was reluctance to discuss Japan's proposal and highlighted that five years ago there was a strong possibility that the IWC may have met its demise and another regional organisation would have taken over its role. St Kitts and Nevis considered that the same situation was now occurring again and urged that Japan be allowed to keep the issue on the table.

Japan responded to the question of the need for prior circulation by referring to Rule J and highlighting that this rule referred to Schedule amendments, recommendations under Article VI and Resolutions. It said that IWC/64/17 was a proposal to establish a working group and was not a Resolution or Schedule amendment, and as such it was not necessary to have consensus. However Japan's basic stance of pursuing constructive dialogue remained and that was the reason for requesting consensus agreement. It recognised there was no agreement to establish the small *ad hoc* group at this meeting so it did not ask to continue discussion on this subject at IWC/64.

However, Japan observed that the purpose of the ICRW was to provide for the proper conservation of whale stocks and thus make possible the orderly development of the whaling industry so as to realise the sustainable use of whale resources. Japan noted that the Commission had never denied the commerciality of whaling in itself. In this connection, it further noted that the commercial whaling moratorium was intended not to impose a permanent ban on commercial whaling but to provide a temporal suspension within a limited time period so that the Commission could obtain scientific data which was deemed insufficient when the moratorium was adopted.

Emphasising that Japan's small-type coastal whaling had similar characteristics to those of aboriginal subsistence whaling, Japan stated its great regret that the two issues had not been treated equally but instead were based on a double standard, as was also shown in the denial of Japan's proposal to establish an *ad hoc* small working group to seek options for resolving matters related to small-type coastal whaling.

Japan explained that there had recently been increasing domestic pressure on the Government in Japan which included the voices of Japanese citizens as well as politicians that the Government should fundamentally review its approach to the IWC and that it should seriously reconsider its range of possible options such as withdrawal from the

ICRW, establishment of a new organisation, and resumption of small-type coastal whaling.

Japan concluded by stating it hoped to resolve the matter of small-type coastal whaling at the next Commission meeting. It intended to present a new proposal concerning this issue to the next Commission meeting after consultation with the member countries who share interests with Japan.

### 13. REVISED MANAGEMENT PROCEDURE (RMP)

#### 13.1 Report of the Scientific Committee

##### 13.1.1 General issues<sup>25</sup>

The main focus on this section was on the priority items presented to the Commission last year. The first item has been examined for some time. It relates to the plausible range of maximum sustainable yield rates, MSYR. This is used in the testing of the RMP. MSYR relates to the productivity of the stocks. The present range of values is from 1-7% of the mature component of the population. The issue of productivity is important to general issues of conservation and management and not just the RMP.

The objective of the MSYR review is to examine whether new information and data suggest that the existing range needs to be changed. A work plan has been agreed that should result in completion of the review at next meeting. Since two other items on the agenda depend upon the completion of this work, it has also been agreed that in the event that the expected analyses are not completed by next meeting, then the existing range will continue to be used.

A number of Committee agenda items under this topic are of a technical nature. Here, focus will be made on the remaining item that is of general relevance and this relates to abundance estimates. This topic is not only important to RMP discussions but also to the Committee's work on assessing any stocks.

The Committee has developed requirements and guidelines for conducting abundance surveys and for analysing these types of data, where the goal is to obtain acceptable abundance estimates. The guidelines have been periodically reviewed in the light of new developments and the Scientific Committee feels it is important to question whether guidelines related to the newer spatial modelling approaches should be included. Further examination has also been given to some of the requirements and guidelines for the traditional design-based approaches to make them clearer. To assist this process it has been recommended that a review should be available at next year's meeting.

##### 13.1.2 Implementation process<sup>26</sup>

The *Implementation* and *Implementation Review* process follows requirements and guidelines developed by the Committee and approved by the Commission. *Implementations* and *Implementation Reviews* provide a robust framework for determining safe levels of anthropogenic removals (e.g. whaling, ship strikes, and incidental deaths in fishing gear) in the light of the Commission's conservation objectives and user objectives for commercial whaling. In general, the purpose of an *Implementation Review* is to examine new information to ensure that the extensive simulation testing which was undertaken during the original *Implementation* still remains

<sup>25</sup>For a full account see *J. Cetacean Res. Manage. (Suppl.)* 14, Item 5 [2013].

<sup>26</sup>For a full account see *J. Cetacean Res. Manage. (Suppl.)* 14, Item 6 [2013].

adequate to make sure that the conservation objectives of the Commission are being met. The focus was again on priority items presented to the Commission last year.

#### 13.1.2.1 WESTERN NORTH PACIFIC BRYDE'S WHALES

The first issue addressed was the timing of the *Implementation Review* for western North Pacific Bryde's whales. Normally these are scheduled to occur every six years. However, for logistical reasons the Committee has recommended that the review be delayed until 2016.

#### 13.1.2.2 CENTRAL NORTH ATLANTIC FIN WHALES

Given the new information received by the Committee this year, it recommended that the North Atlantic fin whale *Implementation Review* be brought forward one year and take place next year.

#### 13.1.2.3 NORTH ATLANTIC COMMON MINKE WHALES

Discussions continued on preparations for the 2014 *Implementation Review* for North Atlantic common minke whales. The Committee agreed to a work plan to ensure that the required data and analyses will be available for the review. This includes a joint Workshop with the AWMP after the next Annual Meeting.

#### 13.1.2.4 WESTERN NORTH PACIFIC COMMON MINKE WHALES

Due to the complexity of the situation, this *Implementation Review* has taken longer than expected. The complexity of the situation is mainly due to the nature of the stock structure hypotheses and the fact that the hunts are carried out during their migration. Despite these complexities, the work this year at both the intersessional Workshop and at the Annual Meeting means that completion of the *Implementation Review* at next year's meeting is possible.

The efforts of last year focused on ensuring that the computer models that are used to test the various proposed hypotheses are able to mimic the proposed hypotheses and fit the available data. This process is known as 'conditioning' and it was agreed that this has been successfully completed.

Consideration was then given to the simulation trials that are to be used in the review stage. These trials are developed to ensure that the range of scientific uncertainty is fully tested and plausibility was then given to these trials. Plausibility plays a role in the review of the results, to make sure that the advice given is in accord with the Commission's conservation objectives. The Committee spent a considerable amount of time on this. Medium plausibility has been given to trials using all of the different stock structure hypotheses that were proposed. This is because consensus could not be reached over assigning any of them low plausibility.

To examine future conservation performance, the Committee has to model information from potential removals including potential whaling operations and bycatches, and information from potential survey plans. As reported last year, two governments presented information on potential whaling operations – Japan and Korea. These are incorporated into what are called 'management variants'. The Committee's advice is provided based on the conservation performance of these management variants. Next year, after reviewing the results of the simulation trials, the Committee will advise, which, if any, of these management variants meet the Commission's conservation objectives.

#### 13.1.2.5 NORTH ATLANTIC SEI WHALES

The Committee reconsidered an outstanding request from Iceland for the Committee to evaluate the information available on North Atlantic sei whales to see if these data were sufficient to be considered a candidate for a future

*pre-Implementation assessment*. It is the Commission's responsibility to decide whether a request for an *Implementation* by a Government should go ahead. The Committee established an intersessional group to review the available information to see if it meets the *Requirements and Guidelines for Implementations and Implementation Reviews*. If the Committee agrees that the data do meet these requirements, then the Committee will ask the Commission for advice on whether or not the Scientific Committee should begin the *Implementation* process.

#### 13.1.3 Bycatch<sup>27</sup>

The Scientific Committee addresses the issues of bycatch and ship strikes for a number of conservation and management reasons. These include the fact that under the RMP, recommended catch limits must take into account estimates of mortality due to human factors. In addition, such mortality can lead to conservation problems for populations other than those for which the RMP might be considered. Ship strikes are also discussed by the Commission's Conservation Committee and entanglement issues are also discussed by the Working Group on Whale Killing Methods and Animal Welfare Issues. The Committee encouraged further activities that can help quantify mortality related to marine debris.

The Committee has been co-operating with FAO on bycatch and fisheries information. All bycatch information received by the IWC has been submitted to FAO. The Committee requests the Secretariat to contact the FIRMS collaborative partnership under FAO to see if it is still collecting fishery effort in a manner that will assist the Committee in estimating bycatch.

The Committee received papers on long-term records of bycatches off South Africa and off western Canada. Amongst other valuable information these papers confirmed the relationship between population size and density and the amount of fishing effort with respect to bycatch rates. The Committee recommended the continuation of such studies where they exist and the initiation of such studies where they do not.

With respect to estimating risks and rates of entanglement, the Committee was pleased to hear that the recent capacity building efforts in entanglement response under the auspices of the IWC that took place in Argentina had stimulated an analysis of southern right whale entanglement data.

The Committee welcomed the report of the second IWC Workshop on Welfare Issues related to Large Whale Entanglement and endorsed its recommendations, including the proposed expert group and the establishment of an entanglement database. This is discussed further under Item 11 above.

The Committee's discussions on ship strikes were initially reported to the Conservation Committee. Those discussions can be found under Item 8.2 above.

### 13.2 Commission discussions and action arising

The USA supported by Mexico and Australia drew the Commission's attention to document IWC/63/15 which contained information on RMP catch limits calculated by the IWC's Scientific Committee. The current fin whale quota, which had been unilaterally approved by Iceland, was as much as three times higher than the potential sustainable limit calculated by the Scientific Committee. It also considered that at this time a sei whale *Implementation Review* was not a priority. Iceland responded that the fin

<sup>27</sup>For a full account see *J. Cetacean Res. Manage. (Suppl.)* 14, Item 7 [2013].

whale *Implementation* had been on-going for some years and the quotas issued by Iceland were based on variant two which was one of the variants acceptable with research under the terms of the RMP. The catch limits had also been discussed under NAMMCO's Scientific Committee which concluded that the catch levels were sustainable and precautionary. Iceland felt that this was also supported by the work of the IWC's Scientific Committee. The United Kingdom supported the USA's comments and noted that the catch limit of 150 was still 1.7 times higher than would be allowed under the RMP even if the less conservative variant was considered acceptable.

Without compromising the moratorium on the killing of whales, India supported the Revised Management Scheme which contains strong safeguards for the conservation of whales along with a robust compliance mechanism and an assurance on the implementation of the catch limits and other rules of the Commission. In this regard India was concerned at reports that some countries were not adhering to the RMP as agreed by the IWC and it asked Norway if it was at risk of exceeding its own quota this year in some of the zones where whaling takes place. Norway responded that it was about halfway through its current catch season and that catch levels were below those of the previous few years because of weather conditions. It confirmed it would report details of the catch both next year and especially during the *Implementation Review* planned for 2014. There were no indications that numbers were being taken above the quotas calculated through use of the RMP.

During this Agenda Item the Government of the Republic of Korea announced plans to conduct special permit scientific whaling so as to improve the availability of data regarding the stock structure and abundance estimates of minke whales in Korean waters in relation to the *Implementation Review* of the western North Pacific minke whales. This announcement by the Government of the Republic of Korea and the associated Commission discussions are reported under Agenda Item 14.2 below dealing with new Scientific Permits.

The Commission noted the report of the Scientific Committee on this item and endorsed its recommendations.

## 14. SCIENTIFIC PERMITS

The Chair confirmed that since IWC/63 in 2011 Japan had issued permits for taking minke, fin and humpback whales in the Antarctic through its JARPA II programme and for taking minke, Bryde's, sei and sperm whales in the North Pacific through its JARPN II programme. Japan had agreed to continue suspending the take of humpback whales through its Antarctic research programme in the 2011/12 season so long as progress was being made in discussions on the future of the IWC.

### 14.1 Report of the Scientific Committee<sup>28</sup>

#### 14.1.1 Review of results from existing permits

The Committee had developed and the Commission approved a process for full regular review of individual special permit programmes under a process known as 'Annex P'. For long-term programmes the review occurs around every six years. As part of that process there is a specialist intersessional workshop whose report, along with

the Scientific Committee's review of it, is made available to the Commission. The first time that process was used was in 2009 for the 6-year review of results from the JARPN II programme. Following the experience gained during that review the Committee has developed improvements and clarifications to the process as discussed under Item 14.1.3 below.

In between these detailed regular reviews the Committee has agreed to receive only short annual reports on activities under the programmes at Annual Meetings with only brief discussions, leaving the major consideration to occur under the 'Annex P' process. It is important to note therefore that the lack of comments in the Committee's report does not imply its support or disagreement with these programmes.

The Committee is preparing for a full review of the results of the now completed Icelandic research permit on common minke whales. The specialist intersessional Workshop will be held during February/March of 2013 and the Scientific Committee will discuss the specialist Workshop report during its 2013 meeting.

The first 6-year review of JARPA II is also now due. However, undertaking two reviews in parallel is logistically difficult and the Committee proposes that the 'Annex P' process for JARPA II should begin after the 2013 Scientific Committee meeting. This would result in an intersessional specialist workshop during spring 2014 and the Committee's discussion of this will therefore occur at the 2014 meeting of the Scientific Committee.

#### 14.1.2 Review of new or continuing proposals

Japan reported that there was no plan to change either of the existing JARPA II or JARPN II programmes and no new proposals were presented.

#### 14.1.3 Procedures for reviewing scientific permit proposals

As noted under Item 14.1.1, the Committee has been reviewing how the Annex P process had worked when it was first used for the JARPN II review in 2009. Last year the Committee agreed additional guidelines to clarify the admittance of Scientific Committee observers who will now have the same admittance rights as proponents of the Permit, and further guidance to ensure that the Panel member selection process will facilitate a full, fair, independent, balanced and objective review.

This year, again by consensus, the Committee clarified the interactions between its Data Availability Agreement rules, timetables for data availability, and the Annex P process. The full text can be seen in Annex P3 of the Report of the Scientific Committee<sup>29</sup>. In summary, this clarifies that descriptions of the available data must be provided to the Committee at the Annual Meeting prior to the intersessional expert Workshop, while the data themselves shall be available in electronic format one month after that meeting. Applications to use the data must be via the Committee's Data Availability Group and the timings of the submission and receipt of data are clarified, as is what is meant by collaboration and offers of co-authorship.

Given this agreement was only made at the present meeting, it was agreed that the proponents for the forthcoming final review Workshop of the Icelandic programme will not have to follow the new timeline strictly but they have indicated that the data should be available by the end of September 2012.

<sup>28</sup>For a full account see *J. Cetacean Res. Manage. (Suppl.)* 14, Item 17 [2013].

<sup>29</sup>See *J. Cetacean Res. Manage. (Suppl.)* 14 [2013].

## 14.2 Commission discussions and action arising

### 14.2.1 Discussion on review of existing permits

Japan noted that many scientific articles had been issued based upon the outcomes of its special permit programmes including 380 general articles and 170 journal articles (see paper IWC/62/20). Japan had also provided the data from its programs to the IWC's Scientific Committee and this had been received, referenced and recognised in the Committee's report. Japan emphasised that lethal special permit research was essential to answer particular questions, for example data on age composition and population dynamics. It urged the Commission to base its discussions on scientific factual evidence.

Norway, supported by Grenada, said that there could be no doubt that the Japanese research programmes, JARPA, JARPA II, JARPN and JARPN II had given and continued to give valuable information on a number of scientific questions including for example data on condition, age and stomach contents of minke whales, and on general questions about changes in the ecosystem of the Southern Ocean. Norway stated that some of these questions could not be investigated by the currently available non-lethal methods.

Iceland, supported by Grenada, recalled the long conversations on the utility of scientific permit research and concurred with the views expressed by Norway and Japan about the usefulness of the results obtained in the Scientific Committee based upon the special permit programmes. Iceland noted that a relatively small special permit programme comprising about 230 fin whales and 70 sei whales conducted by Iceland from 1986-89 led to the publication of over 150 articles and scientific reports. Accordingly, Iceland strongly disagreed with views that scientific permit proposals have not produced any useful results.

Australia stated its view that there was no reason to kill whales in the name of science and that all necessary information for the proper and effective conservation and management of whales could be obtained by non-lethal means. It said that the special permit programmes conducted by the Government of Japan, namely JARPN, JARPN II, JARPA and JARPA II and the programme previously conducted by the Government of Iceland had produced no agreed or substantiated research outcomes relevant to the work of the IWC and were unnecessary for the conservation and management of whales. This was all the more serious due to the potential impact of the open ended and generally expanding programs and their impacts on the status of some populations of whales. Australia referenced the discussions in the previous Scientific Committee reports which highlighted the many substantial, general, and specific objections to the purpose and operation of special permit whaling programmes and the lack of any genuine response to the scientific review processes. Australia believed it was an appropriate time for all Contracting Governments to combine their research efforts under carefully designed non-lethal programmes such as the Southern Ocean Research Partnership (SORP).

Australia went on to state that there was a solid scientific basis for the criticism that it and many other countries had offered on the utility of the data from lethal special permit research. There was no information and no science that is required and is useful for the conservation and management of whales that cannot be delivered through non-lethal techniques. Whilst there was a debate in the Scientific Committee over some current data the Committee had not

been able to conclude any useful conclusions from that data and most of the discussion revolved around details of the analysis and flaws in the way the data were collected. Australia said that its scientific criticism of the special permit programs went well beyond any political, or ethical, or welfare issues. Norway responded to Australia and said that Article VIII did not relate only to information relevant to the management of whaling and whales; instead Article VIII included all relevant science. Noting the publication of results in the scientific literature, Norway said that valuable scientific information was being generated by both the JARPA and JARPN programmes.

New Zealand opposed Scientific Permit whaling under Article VIII as it believed that modern science techniques could increase understanding and conservation of whales without killing them. New Zealand took particular exception to whaling in the Southern Ocean Whale Sanctuary. Japan's two scientific whaling programmes in the Antarctic and in the northwest Pacific had not, in New Zealand's view contributed meaningfully to species management or conservation. New Zealand fully supported and collaborated in the Southern Ocean research project undertaking successful non-lethal whale research within the Southern Ocean.

Mexico stated that the JARPA and JARPN programmes and all of their derivatives had contributed little to science and have done very little to improve the stocks of whales. Mexico drew attention to the errors in the programmes and stated that the results had not been encouraging in relation to the many years over which whales had been killed. For example natural mortality had been estimated at 0.04 with confidence levels so broad that it was impossible to say whether any increase or change had been experienced by the population and so the matter remained unknown. Thus the central objectives of the programme had not been met.

Monaco noted the publications which had been generated by the special permit programmes and reflected on the merits of individual papers. It questioned whether the scientific papers had affected knowledge and paradigms on cetacean science, and it asked why it was necessary to kill cetaceans for research when so many other study opportunities were available through bycatch and stranding events.

The Global Guardian Trust (GGT) said that as a conservation body its purpose was to promote the sustainable use of natural resources and to use the best available scientific information as the basis for conserving all living natural resources. Article VIII of the ICRW was critical to the proper operation of the IWC and the Chair of the Scientific Committee had reported that the scientific permit whaling had provided important information. Hundreds of scientific papers had been produced and peer reviewed. Some people took the view that this type of information was not of any interest to them and therefore that scientists should not undertake the research. But just as in the context of indigenous whaling, the preferences of some should not be allowed to subvert the activities of others. Understanding the biology of whale populations was one of many areas of scientific research. Research should take place when there is an identified need, not when there is a global consensus that it should be carried out. There was a need to understand the biological status of whale populations in order to be able to establish appropriate management mechanisms in the future. GGT asked delegates to recognise that scientific permit whaling had produced useful information that had a clear application in the future management of whale stocks and the sustainable use and conservation of whales.

#### 14.2.2 Discussion regarding new proposals

##### PLANS BY THE GOVERNMENT OF THE REPUBLIC OF KOREA TO CONDUCT SPECIAL PERMIT SCIENTIFIC WHALING

The Republic of Korea stated that it was considering conducting whaling for scientific research in its waters in accordance with Article VIII of the Convention<sup>30</sup>. The Republic of Korea had a long history of whaling and whale meat was still part of the dietary tradition in some local areas such as Ulsan. However the long tradition of coastal whaling was suspended in 1986 in compliance with the IWC's decision and the Korean Government had to scrap all whaling vessels, promising that whaling would resume upon the recovery of resources. With this, Korean fishermen had been waiting for the IWC to lift the ban for more than 25 years. The Republic of Korea had respected the moratorium since it entered into force in 1986. Whaling was banned and subject to a strong punishment. The moratorium put significant social and economic burdens on people in some areas of Korea. Therefore, local people had constantly requested the Government to allow limited whaling. The local people said that minke whale populations had recovered to the level maintained before the moratorium and the increased numbers of whales were eating a huge amount of commercial fish stocks which should be captured by fishermen.

Since 2001 the Korean Government had been conducting non-lethal sighting surveys to assess the state of the stock and estimate the abundance of whales in the Korean waters. However these surveys could not identify different whale stocks and it was regretful that the survey results could not support discussions within the Scientific Committee on the number of whale stocks in Korean waters<sup>31</sup>. In addition, sightings only surveys could not identify feeding habits of marine mammals and contribute to understanding the impacts of whale populations on fisheries resources as a whole. Therefore the Korea Government had been forced to consider conducting whaling for scientific research in order to calm the complaints of Korean fishermen and to make up for the weaker aspects of the non-lethal sighting survey.

The proposed scientific research programme would be designed to analyse biological and ecological data on minke whales migrating off the Korean Peninsula. The programme would provide scientific information on stock structure using genetic analysis as well as the nature of interactions with fish stocks. The Korean Government said it was planning to submit a detailed research plan to the next meeting of the Scientific Committee and would take appropriate steps to gain validity for the scientific whaling research through relevant expert workshops. No decision had yet been made regarding the number of minke whales to be taken, the research period or the research area. However, the research would be done within the national jurisdiction of the Republic of Korea. It hoped that its research plan would be

given the highest consideration at the next meeting of the Scientific Committee so as to take into account the severe difficulties of Korean fishermen as well as the scientific justifications to conduct this research.

St Kitts and Nevis respected the right of all Contracting Governments to engage in scientific research under special permits and urged other members to do the same. It said that the IWC had benefitted from research results that had been obtained under special permits in the past and it viewed this type of research as valuable and critical. St Vincent and The Grenadines and Grenada recognised scientific permit whaling and respected the rights of states to conduct research under the Article VIII of the Convention. It believed that scientific research was fundamental to the management of marine resources and it endorsed research proposals which followed the stipulated guidelines under Article VIII.

Norway supported the right to scientific research including the right to issue special permits under Article VIII of the Convention. It highlighted the need to follow and strictly adhere to scientific protocol when whales are taken under special permits and recognised that valuable knowledge on whales and ecosystems was undoubtedly collected through this type of scientific activity.

The Russian Federation stated its general support for scientific research. It said that the scientific results from the Japanese research programmes were interesting for understanding the situation with the whales and their habitats in Antarctica.

Mexico, the USA, Colombia, Australia, Argentina, Panama, Ecuador, Germany, Monaco, the United Kingdom, New Zealand, Switzerland, Cyprus on behalf of EU member states party to the IWC, India, Chile, South Africa and Brazil all expressed their concern at the announcement by the Republic of Korea. Denmark expressed its wish not to participate in discussions on scientific whaling.

Mexico stated that the announcement by Korea was worrying and would bring greater pressure on the J-stock especially in regards to the number of entangled individuals. Mexico commented that the objectives of the JARP research programmes had not yet been met and that this second research effort would very likely reach the same result as the Japanese programme.

The USA continued to oppose lethal scientific research whaling programs and believed the scientific data needed to improve management and promote recovery of large whale populations could be collected through non-lethal means. It said that lethal scientific whale research, although allowed under Article VIII of the ICRW, was unnecessary for modern whale conservation management. It encouraged the Government of Korea to follow 'Annex P' which required submission of information six months prior to the Scientific Committee meeting at which it was to be considered. The USA also understood that takes of minke whales in this area would be composed 100% of J-stock animals which would be of considerable concern to the IWC.

Australia reiterated its view that there was no reason to kill whales in the name of science and that all necessary information for the effective conservation and management of whales could be obtained by non-lethal means. It invited the Republic of Korea's scientists to visit the Australian Marine Mammal Centre in Hobart so as to discuss the use of non-lethal techniques to help solve some of the data shortages.

Cyprus spoke on behalf of the EU member states party to the IWC to indicate its strong regret that the Republic of Korea was considering undertaking whaling for scientific

<sup>30</sup>See also the Republic of Korea's Opening Statement; document IWC/64/OS Korea, available at: <http://www.iwcoffice.org/iwc64docs>.

<sup>31</sup>In an intervention under Agenda Item 13 the Republic of Korea referred to the report of the Scientific Committee made at Agenda Item 13.1.2.4 which announced that the *Implementation Review* of minke whale stocks in the North West Pacific was scheduled for completion in 2013. The Republic of Korea noted that there several controversial points on the stock structure and population estimates of minke whales in Korean waters and highlighted its concern that the limited information on biological parameters may make it difficult to distinguish the stocks. Therefore the Government of the Republic of Korea said it was planning to conduct scientific whaling to improve the data availability and to elaborate on the existing information on stock structure and abundance estimation. Korea hoped that the working group would finalise the RMP *Implementation Review* on the basis of sufficient scientific data and evidence.

purposes. It noted that the impact of whaling on the North Pacific minke whales was being evaluated by the Scientific Committee and that the impact on the endangered J-stock must be considered carefully so as to avoid catches on this stock. It noted that the minke whale population of the North Pacific was already subject to very high levels of bycatch. Given the unknown effects of taking any numbers in the area concerned precaution should prevail. Cyprus stated its disagreement with the conclusion set out in the opening statement of the Republic of Korea, and highlighted its disagreement with the sentence which read 'minke whales are eating away large amount of fish stocks which should be consumed by human beings'.

Germany reported that there was a broad consensus in the German parliament across all political parties to stop scientific whaling as soon as possible. Germany believed that non-lethal research was the correct approach to improve knowledge of whales. All activities in this field should be continuously enhanced and promoted in contrast to scientific whaling which did not have an added value regarding knowledge on whales. Germany was also deeply concerned that scientific whaling would open the door to commercial whaling.

Monaco asserted that scientific whaling was an obsolete legacy of a Convention drafted 60 years ago. Since that time cetacean science had moved on and given the enormous body of scientific literature and other non-lethal ways of studying cetacean ecology there was no reason to kill cetaceans on the pretext of science. Monaco noted that Asian science in particular was progressing well and that there was no doubt that scientists from Korea could take advantage of the non-lethal techniques and enormous body of scientific papers on this subject.

The United Kingdom considered Special Permit whaling programs to be unnecessary and of questionable value scientifically. There were perfectly adequate non-lethal alternatives which could secure the information required by the IWC for stock assessment and management purposes. The UK noted that the impact of whaling on the North Pacific minke whales is currently being evaluated by the Scientific Committee and the need to avoid catching whales from the endangered J-stock would need to be looked at carefully so as to avoid depletion.

Japan responded to the United Kingdom intervention by drawing attention to the Report of the Scientific Committee<sup>32</sup> which listed the catch data obtained through the special permit catch as having been received by the IWC and thus were therefore scientific data. Japan also noted that the Scientific Committee had agreed that the available information was sufficient to warrant an *Implementation Review*.

New Zealand noted that the Scientific Committee had already undertaken a considerable amount of work through its *Implementation Review* on North Pacific minke whales around Japan and Korea. Extensive research and analysis covering issues related to stock structure and abundance estimates had already been completed on the minke whales on which Korea was proposing to undertake lethal research. The J-stock minke whales in this area are seriously depleted and New Zealand strongly believed that lethal scientific whaling on this stock was unnecessary. New Zealand was strongly opposed to the Republic of Korea's proposal.

Switzerland recognised the rights of Contracting Governments to undertake whaling through special permits.

However it urged all Contracting Governments to redesign scientific whaling programmes and abstain whenever possible from lethal research.

India's position was in favour of the moratorium and it expressed concern about the large number of whales being killed for scientific research. Research methods should be developed to reduce the killing of whales for research. While not compromising the moratorium, the countries concerned should issue scientific permits on a minimum needs basis which included a comprehensive evaluation of the objectives of such research and appraisal of the performance of such permits.

Chile stated that scientific research programs were not necessary for whale conservation and management nor were they relevant to the Commission's endeavours. Regarding the Republic of Korea's request, Chile believed that the largest bycatch of whales occurred in that country and therefore no scientific research programs should be necessary as those individuals should be used for study purposes. Chile expressed its rejection of the years of legal excuses which had allowed undercover lethal research to be carried out in the Southern Ocean.

South Africa recognised that science had made many advances since the Convention was created in 1946. With many new non-lethal methods to obtain data there was no longer any need to kill animals. South Africa did not support any lethal scientific whaling and respectfully asked the Republic of Korea to reconsider its plans to start lethal scientific whaling and rather explore other non-lethal methods to obtain the necessary scientific data.

Brazil commented that other non-lethal methods were available to research cetacean populations and therefore it had strong objections to those countries that continued to use lethal methods. Accordingly it encouraged other countries, including Korea, not to undertake or start to undertake lethal research.

The Republic of Korea acknowledged the comments regarding its proposed plan for scientific whaling and said that it was under no obligation to inform the Commission in advance of any plan. However it said that it was under obligation to submit the relevant papers six months before the Annual Meeting and confirmed that it was prepared to do this in a spirit of trust and transparency as a responsible member of the Commission. It did not accept any proposition that whales should not be killed or caught. The IWC was not a forum of moral debate and instead was a forum of legal debate. Accordingly Korea requested that discussions should focus on legal arguments.

#### 14.2.3 Discussions on procedures for reviewing Scientific Permit proposals

Chile expressed its concern about the Scientific Committee's permit review process which was delegated to a small, closed group of experts as this led to the Committee as a whole being unable to examine in detail the results of the programmes. This in turn led to very little discussion within the Committee. Chile believed that the permits should be examined at the Committee level given it is the body responsible for the management and review of special permits. Monaco supported Chile's comments and asked for improvements in the Scientific Committee's reporting of its discussions on special permits. It noted that there was often no consensus within the Committee on matters related to special permits but asked for the opposing arguments and evidence to be presented to the Commission.

<sup>32</sup>J. Cetacean Res. Manage. (Suppl.) 14 [2013].



**COSTS OF SPECIAL PERMIT REVIEWS<sup>33</sup>**

Australia, supported by Mexico, Monaco, USA and the United Kingdom highlighted the upcoming intersessional Workshop to review Iceland's special permit whaling programme and the associated costs of £24,000 included in the proposed research budget. Noting the Commission's budgetary problems and the scaling back of the overall Scientific Committee funding Australia strongly suggested that there was no benefit in having the Workshop paid for by the Commission and instead it proposed re-allocation of those funds to areas which were not included in the Committee's budget. The USA understood that only about 200 minke whales were taken before Iceland commenced its commercial whaling and therefore the examination of the data could easily be folded into a future review. Accordingly the USA recommended that the review of the data be delayed until a future date.

Iceland opposed suggestions to postpone the review of its special permit programme. It confirmed that the programme operated from 2003-07 and that approximately 200 minke whales were taken. Iceland said the program was justified and conducted according to the ICRW. It noted that the Scientific Committee had proposed the review and that the proposal had been adopted by the Commission. Accordingly Iceland had been preparing for the independent review during the forthcoming winter in accordance with the 'Annex P' process. It recognised that if the Commission did decide to cancel the review then it would have to accept the decision. However Iceland highlighted a wide range of scientists had been involved in the programme and some of these had been engaged on a temporary basis. If the review was to be postponed or held at a location outside Iceland many of the scientists would not be available. It also recalled that when Iceland agreed to the review programme there was a clear understanding that the costs would be paid by the IWC.

Responding to Iceland's comments, Australia said that it was important that the special permit programme was reviewed given the previous controversy and criticisms which surrounded it. It clarified that it was the timing of the review and who should fund it that was being questioned.

Norway supported Iceland's wish for the review of its research programme to be carried out according to the original plans, and considered it to be a disregard of the Scientific Committee if the review did not proceed.

Discussions on the future work plan of the Scientific Committee and the review of the Icelandic special permit programme were concluded under Item 19.4.2.

The Commission noted the report of the Scientific Committee on this item and endorses its recommendations.

**15. SAFETY ISSUES AT SEA**

This agenda Item was included at the request of the Government of Japan who stated that since 2005 the vessels conducting the JARPA II programme had experienced on-going violent protests and acts of sabotage arising from the actions of the Sea Shepherd Conservation Society. These protest activities had included illegal boarding of ships, collisions between vessels, use of improvised weapons and efforts to entangle vessels' propellers. Japan drew attention to its efforts to resolve this issue through international cooperation including the adoption of Resolutions and statements criticising the Sea Shepherd Conservation

Society by the International Maritime Organisation (IMO) and by the IWC<sup>34</sup>. Japan stated that it had obtained arrest warrants for five Sea Shepherd activists and had approached governments who were either port or flag states for Sea Shepherd vessels. However, despite these actions no effective measures had been taken against Sea Shepherd and Japan called for the implementation of other approaches including the inspection of Sea Shepherd vessels, the prohibition of departure of Sea Shepherd vessels from port, the strengthening of monitoring of Sea Shepherd members and access to information regarding any preferential treatment including tax and subsidies.

Antigua and Barbuda emphasised the seriousness of issues surrounding safety at sea and said that countries who acted as flag or port states for Sea Shepherd vessels had an additional responsibility to conduct themselves in an acceptable manner. St Vincent and The Grenadines supported by Tanzania highlighted the responsibility for the protection of human life and said that the reality was that neither flag nor port states would take action. St Kitts and Nevis recorded its sympathies for the crew and scientists of the research vessels and said that Sea Shepherd was operating without fear of reprisals or sanctions from port or flag states or the country where it was registered. It noted that the Sea Shepherd actions had prevented the Southern Ocean sighting surveys from taking place and anticipated that the increased protest actions would ultimately lead to lives being lost.

St Lucia, supported by Norway, Kiribati and the Russian Federation stated that although the IMO was the primary organisation to deal with safety at sea the matter should also be addressed by the IWC because the data collection work being undertaken by the IWC was being affected by Sea Shepherd's actions. St Lucia highlighted the seriousness of the issue and stated that it must be dealt with to avoid the possibility of fatalities in future years. Benin noted that the question of safety was linked to the opportunity to carry out research, and accordingly the solution to the problem lay with the IWC. The Russian Federation called upon the IWC and flag and port state countries to take measures to stop Sea Shepherd operations.

Norway, supported by Iceland, expressed its support for the Japanese seamen and scientists and expressed regret that the research activities in the Southern Ocean could not be carried out as planned because of the violent actions. It called on states not to support the activists and to use the legal means at their disposal to pursue them. It said that passivity was indirect support, which was dangerous as it undermined diplomatic attempts to handle the controversy. Norway urged all parties including relevant flag and port states to be clear in their message and in their actions to prevent activities that put at risk human lives and property at sea. It noted that in mid-May 2012 Paul Watson had been arrested in Germany. At the time of this meeting he was awaiting extradition to Costa Rica on charges of endangering people's lives by interfering with legal fisheries operations.

Guinea attached great value to the research conducted under JARPA I and JARPA II and recalled that these programmes showed that some whales fed exclusively on

<sup>33</sup>See also discussions under Item 19.4.2 on the Scientific Committee's proposed work programme.

<sup>34</sup>See Resolution 2006-2 on the Safety of Vessels Engaged in Whaling and Whale Research-related Activities (*Ann. Rep. Int. Whaling Comm. 2006:69* [2007]); Resolution 2007-2 on Safety at Sea and Protection of the Marine Environment (*Ann. Rep. Int. Whaling Comm. 2007:91* [2008]); the statement issued by the Commission at its intersessional meeting in March 2008 and Resolution 2011-2 on Safety at Sea (*Ann. Rep. Int. Whaling Comm. 2011:60* [2012]).

pelagic species. Given that the peoples of some countries were also consumers of small pelagic species, Guinea attached great importance to the food security relationship between fish and whales. Accordingly it condemned all activities which jeopardised scientific research.

India endorsed the IWC's Resolutions on safety at sea and shared Japan's concerns. It was opposed to violent protests at sea by any organisation but also recognised the rights of an individual or organisation to express their protests in a peaceful manner within the ambit of the law of the land and international rules and regulations. Kiribati, the Republic of Korea and Iceland supported the right to legitimate and peaceful protest but expressed concern over further escalation in the confrontations. They urged flag and port states to take the necessary actions to discourage the violent protests.

Australia stated that on matters associated with safety at sea nothing less than full compliance with domestic and international laws was acceptable. Australia had fulfilled and would continue to fulfil all of its international legal obligations arising from events in the Southern Ocean. However its view was that the IMO was the appropriate forum to address safety at sea matters, not the IWC. The Australian Government respected the right to peaceful protest but did not condone and had repeatedly condemned dangerous, reckless or unlawful behaviour, including on the high seas. In January 2012, Australia's Prime Minister had made it clear that the actions of the three Australian protestors who boarded a Japanese vessel were unacceptable. In addition Australia referred to the joint Ministerial statement on Whaling and Safety at Sea released by the Foreign Ministers of Australia, the Netherlands, New Zealand and the USA on 14 December 2011 as a statement of its position on this issue.

The Netherlands was firmly opposed to any type of commercial or scientific whaling. It was disappointed and concerned about the repeated activities of the Japanese whaling fleet in the Southern Ocean Sanctuary as it constituted a violation of the Sanctuary's intent. There was no necessity to kill whales for scientific purposes as there were sufficient non-lethal research methods available. Japan had yet to demonstrate such a need, and NGOs were therefore all the more likely to continue to protest. It called on Japan to end this practise. The Netherlands remained of the opinion that safety at sea did not fit within the remit of the IWC as the appropriate forum for any discussion in the field of maritime safety was the IMO. The Netherlands remained committed as a flag state and called upon the masters of all vessels to strictly observe the IMO's international collision avoidance regulations. It referred to the joint statement made with the Governments of Australia, New Zealand and the USA published on the 14 December 2011 which underlined that any unlawful activities should be dealt with in accordance with the relevant international and domestic laws. The Netherlands fully respected the right to protest peacefully, including on the high seas, but deplored the incidents between ships of the Japanese whaling fleet and the Sea Shepherd Conservation Society during the 2011/12 season. The Netherlands remained particularly concerned about the apparent escalation of violence in such incidents and had, on a number of occasions, discussed these and related matters bilaterally with Japanese representatives both in the Hague and Tokyo with a view of better understanding each other's position.

New Zealand took issues of safety at sea seriously and insisted that all persons operating on the high seas comply with international standards of safe navigation,

particularly in the harsh conditions of the Southern Ocean. New Zealand acknowledged its international obligations and said that it would take and had taken appropriate action where obligations required it to conduct investigations and establish jurisdiction. This included the case where New Zealand's maritime authority carried out a full investigation into the incident in the Southern Ocean that led to the sinking of the New Zealand registered *Ady Gil* during the 2009/10 whaling season. That investigation found that the masters of both vessels involved engaged in conduct that resulted in the collision. New Zealand understood Japan's concerns about Sea Shepherd's operation in the Southern Ocean and had repeatedly called on Sea Shepherd vessels operating there to act responsibly. It was very concerned that there would be a serious incident leading to loss of life or serious injury. Since the sinking of the *Ady Gil* New Zealand was not a flag state to any Sea Shepherd vessel. It noted that the Sea Shepherd Conservation Society had stated its intention to return to the Southern Ocean to protest against Japan's special permit whaling for as long as Japan continued to undertake whaling in the Southern Ocean Sanctuary. New Zealand respected the rights of individuals and groups to peaceful protest, including on the high seas, but it did not condone violent protests that endangered life or property.

The USA stated that the safety of vessels and human life at sea was its highest priority and it condemned acts that intentionally jeopardised crew members' lives or the safety of vessels. It was deeply concerned that confrontations in the Southern Ocean could lead to injury or loss of life of the whaling crews and protesters. In 2010 and 2011, the United States had joined Australia, the Netherlands and New Zealand in calling for responsible behaviour in the Southern Ocean and urged the masters of all vessels to observe international collision avoidance regulations. The USA continued to support the comprehensive set of instruments at the IMO to promote, enhance and protect maritime safety.

Brazil, Chile and the Dominican Republic supported all efforts to strengthen safety at sea. However, it noted that the issue fell within the remit of the IMO which had the appropriate instruments and mechanisms to deal with such questions which were also related to the jurisdiction of flag and port states. Brazil condemned any acts of violence at sea, but at the same time supported the rights of individuals and organisations to freely demonstrate. It regretted that special permit whaling operations in the Southern Ocean Sanctuary were at the origin of such incidents. Colombia, Chile and the Dominican Republic condemned all violent actions related to safety on the high seas but considered that this issue had been addressed at IWC/63 in 2011<sup>35</sup> and stated that the matter should now be referred to the IMO. The Dominican Republic recommended that the Government of Japan reconsider its scientific whaling as it was not worth risking the lives of Japanese researchers in such a situation.

Japan thanked those delegations who expressed concern and support. It drew attention both to Resolution 2011-2 which urged all Governments concerned to continue to co-operate to prevent and suppress actions that risk human life and property at sea and to IMO Resolutions which encouraged Governments to cooperate. Noting that the 2011-12 JARPA II scientific survey had been disrupted it said that this was a serious loss of scientific knowledge for the IWC as it represented the only dedicated cetacean data in that region of the Southern Ocean. Japan repeated its call for all governments to cooperate in taking action to address

<sup>35</sup>Resolution 2011-2, see *Ann. Rep. Int. Whal. Commn. 2011*: 60 [2012].

the issue. Australia clarified that the information collected through JARPA II was not the sole source of cetacean information collected in that sector of the Southern Ocean as substantial cetacean research was also conducted by the USA, France, Australia, New Zealand and other nations.

Mr. Chikimasa Ohkoshi of the International Transport Workers' Federation (ITWF) said that it supported the efficient use of whale resources when they were sustainably available. It had carried out research in the Southern Ocean over many years to provide the IWC's Scientific Committee with valuable data, but Sea Shepherd had consistently put the boats and lives of its crew members at risk. Such malicious activities were condemned every year at the IWC, but again this year Sea Shepherd had carried out sabotage acts. It stressed that it was nothing but sheer luck that no one was injured by persistent attacks. The ITWF asked that standards for international seamanship be applied to Sea Shepherd. Forcing others to change their opinions with violence was not acceptable and was terrorism. It hoped that the flag states of the anti-whaling vessels fulfilled their obligations as members of the international community and also asked any member state which allowed Sea Shepherd vessels to call at their ports for refuelling to review whether they were meeting their obligations. ITWF felt that such actions were no different to supporting a terrorist group.

Mr Ohkoshi said that he was a gunner of a catcher boat and had been engaged in the research whaling for nineteen years. ITWF's members were working hard doing their job and they had a right to do their work safely. On behalf of all the fishing workers in the world, the ITWF protested against violent campaign activities and requested that all the IWC member countries take a firm attitude against Sea Shepherd's actions.

## 16. CATCHES BY NON-MEMBER NATIONS

### 16.1 Report of the Scientific Committee

Last year, the Secretariat contacted both Canada and Indonesia to request information on recent catches. No response came from Indonesia. Canada kindly responded and provided catch information on the 2011 bowhead whale catches which was considered by the Scientific Committee under their agenda item 7.3.4.1. The Secretariat has been requested to continue to ask for information on this issue.

### 16.2 Commission discussions and action arising

The Observer from the Government of Canada confirmed that it had submitted data to the Scientific Committee regarding the 2011 Aboriginal Subsistence harvest of bowhead whales by the Canadian Inuit. Canada was pleased to share this information with the Committee and would continue to cooperate with the IWC's Scientific Committee in the future.

There were no further discussions under this Item and the Commission noted the report of the Scientific Committee on this item and endorsed its recommendations.

## 17. INFRACTIONS, 2011 SEASON

The Infractions Sub-committee met in Panama on 25 June 2012. Lars Walløe (Norway) chaired the meeting which was attended by 22 Contracting Governments. The full report of the Sub-committee is available at Annex H.

A summary of catches by IWC member nations in the 2011 and 2011/12 seasons is provided at Annex I.

### 17.1 Report of the Infractions Sub-committee

The Chair of the Sub-committee referred to the infractions reports received in 2011 which were tabulated in Appendix

3 of its report (see Annex H). The Chair described the Sub-committee's discussions regarding the take of a bowhead calf in September 2011 and also the follow up to earlier infractions reports by Denmark (Greenland), Iceland, Korea and a 2009 infraction report by Norway involving the use of a cold grenade harpoon. The Chair also reported on surveillance of whaling operations, on information required or requested under Section VI of the Schedule to the ICRW (1946), and on submissions of national laws and regulations.

### 17.2 Commission discussions and action arising

There were no discussions under this agenda Item. The Commission noted the report of the Infractions Sub-committee and endorsed its recommendations.

## 18. ENVIRONMENTAL AND HEALTH ISSUES

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

#### 18.1.1 Report of the Scientific Committee<sup>36</sup>

The SOCER report uses peer-reviewed literature to provide an annual update on environmental matters that potentially affect cetaceans. It is tailored for a non-scientific audience and this year focused on the Indian Ocean. The primary source of information was the International Indian Ocean Cetacean Symposium, held in the Maldives in July 2009. In general, the authors concluded that awareness of environmental-related threats to cetaceans is high in this region, although implementation and control measures are not. Information is scant or absent in many areas with most research focused in a few locations. There are fifteen new peer-reviewed papers from this region in issue 12(2) of the *Journal of Cetacean Research and Management*.

Next year the focus of SOCER will be the Atlantic Ocean with an emphasis on papers published between 2011 and 2013.

#### 18.1.2 Commission discussions and action arising

Cyprus spoke on behalf of the EU member states party to the IWC to welcome the work undertaken through the SOCER report, which provided a non-technical period summary of the positive and negative events affecting conditions in the marine environment. It noted that environmental degradation from a number of sources had taken their toll on the state of the marine environment and many of those were of increasing conservation importance. It believed that sound science was essential to enhancing the conservation status of whales and stated its appreciation for the work of the IWC's Scientific Committee.

### 18.2 POLLUTION 2000+ research programme

#### 18.2.1 Report of the Scientific Committee<sup>37</sup>

The IWC's POLLUTION 2000+ programme has been one of the Scientific Committee's successful international collaborations. It is examining the complex and difficult issue of the effect of chemical pollutants on cetaceans and cetacean populations. Phase I of the programme was completed in 2008. Phase II is focusing on trying to examine population level effects. Its four objectives are to: (1) improve the existing concentration-response function for PCB-related reproductive effects in cetaceans, which was largely completed in 2011; (2) integrate improved

<sup>36</sup>For a full account see *J. Cetacean Res. Manage. (Suppl.)* 14, Item 12.1 [2013].

<sup>37</sup>For a full account see *J. Cetacean Res. Manage. (Suppl.)* 14, Item 12.2 [2013].

concentration response components into a population risk individually-based model for two case study species (the bottlenose dolphin and the humpback whale), again largely completed in 2011; (3) derive additional concentration-response functions to address other endpoints (e.g. survival, fecundity) in relation to PCB exposure, which was discussed this year; and (4) implement a concentration-response component for at least one additional contaminant of concern, which has not yet been completed.

This year, progress on the third objective was provided from an IWC-funded project. This used a modelling framework based on individual animals to examine how possible effects of pollutants on the immune function of individuals was reflected at the population level. In the examples chosen, the focus was on the potential effects of polychlorinated biphenyls (PCBs) on breeding females from bottlenose dolphin populations in Florida and Georgia. The model prediction for Florida, which has low PCB levels, was that they would remain stable or increase slightly over the next 50-100 years. However, the population in Brunswick, Georgia is predicted to decline over the same period. In this area, PCB levels in breeding females are 10 times higher than in Florida.

The Committee commended the authors for this work and strongly supported their continued programme to develop the necessary tools for analyses of pollutant exposure risk to cetaceans. The programme will continue this year and the Committee has provided additional advice to the researchers. The Committee also strongly recommended that the bottlenose dolphins in Brunswick, Georgia are monitored given their extremely high PCB levels.

*18.2.2 Commission discussions and action arising*  
There were no discussions under this Item.

### 18.3 Cetacean diseases

*18.3.1 Report of the Scientific Committee's working group on Cetacean Emerging and Resurging Diseases<sup>38</sup>*

The CERD (Cetacean Emerging and Resurging Diseases) working group was formed in 2007 to increase research and standardise reporting in a wide range of disciplines dealing with the health of cetaceans. For example, a two-level CERD component to the IWC website is being developed with the help of the Secretariat. The first public level will provide basic information on diseases in cetaceans, as well as access to selected discussion forums. The second level is for registered users and will include in-depth disease information, as well as the ability to post and map locations of disease incidents and to discuss events with professionals. Standardised tissue collection protocols will also be included on the website.

The Committee also received several interesting papers on diseases in cetaceans this year: a paper on *Morbillivirus*-infested cetaceans that stranded in Italy between 2009 and 2011; a paper on organochloride contaminants (such as DDT) which were high in gray whales calves from Mexico; and a paper on the diseases and microorganisms that impact cetacean strandings in Costa Rica during 2004-11, where some cetacean diseases, such as *Brucella*, can also affect humans.

The Committee welcomed these papers and recommended additional research be conducted on pathogens, particular those like *Brucella*.

<sup>38</sup>For a full account see *J. Cetacean Res. Manage. (Suppl.)* 14, Item 12.3 [2013].

### *18.3.2 Commission discussions and action arising*

The USA noted that 2012 marked the 20-year anniversary of its Marine Mammal Health and Stranding Response Program. This Program leads the investigation of unusual mortality events which are declared in the USA when a stranding event or disease outbreak is unexpected, involves a significant die-off of any marine mammal species and demands an immediate response. As of May 2012 the programme had investigated 56 unusual mortality events in the USA with four events currently under investigation from the past year. Over the last several years the USA's collaborations with its partners had documented new viruses, new bacterial diseases and new fungal diseases in cetaceans in the wild. Over the past year the program has investigated the role of emerging infectious diseases on marine mammal health, the transport of terrestrial pathogens to marine mammals, the risks of animal to human and human to animal transmission of shared pathogens and the emergence of pathogens in the marine food web<sup>39</sup>.

Cyprus spoke on behalf of the EU member states party to the IWC to express concern about the health status of whales and especially small cetaceans. New scientific information showed that dolphins and whales were increasingly suffering from skin diseases, bacterial and viral infections which originated from a wide variety of pathogens. Cyprus highlighted the increased involvement of European scientists in the work of the CERD working group. It believed that the IWC had a significant role to play in these areas of research and said that further work was important, especially as it is closely connected to other threats such as pollution, ship strikes and entanglement.

### 18.4 The impacts of oil and dispersants on cetaceans

*18.4.1 Report of the Scientific Committee<sup>40</sup>*

The Committee was provided with an update on the 2010 Deepwater Horizon oil spill in the Gulf of Mexico that started when a drilling platform collapsed in April 2010. In particular it was informed of a number of major projects being undertaken within the USA. The damage assessment process included a wide range of techniques including photo-identification, biopsy sampling, telemetry, live capture health assessments and evaluation of stranding data for common bottlenose dolphins in nearshore waters.

The Committee commended this research and strongly recommended continued investigations into the impacts on cetaceans of the oil and oil spill related contaminants, and to continue the health assessments.

The Committee has previously referred to the important issue of capacity building with respect to oil spills and cetaceans. This year it received information on several initiatives in this regard including a workshop at the 2<sup>nd</sup> International Conference on Marine Mammal Protected Areas. It is concerned about the potential problems of oil spills in the Arctic and the Committee agreed that the recommendations from that workshop<sup>41</sup> will provide a useful basis for discussions related to oil at the forthcoming Arctic Anthropogenic Impacts Workshop (see Item 18.9).

*18.4.2 Commission discussions and action arising*  
There were no discussions under this Item.

<sup>39</sup>The Program's findings were described in detail in the USA's voluntary cetacean conservation report (IWC/64/CC5).

<sup>40</sup>For a full account see *J. Cetacean Res. Manage. (Suppl.)* 14, Item 12.2.2 [2013].

<sup>41</sup><http://second.icmmpa.org>.

## 18.5 Marine renewable energy developments and cetaceans

### 18.5.1 Report of the Scientific Committee<sup>42</sup>

The Committee held a Workshop on Marine Renewable Energy Development (MRED) in Panama immediately prior to this year's Scientific Committee meeting (SC/64/Rep6).

MREDs include wind farms, tidal-stream driven devices and wave energy converters. All are potential ways to make energy and mitigate climate change, but all have the potential for negative interactions with cetaceans during their construction, operation and decommissioning. The demand for this type of energy is increasing around the world. The Workshop received reports on the current state of development and management of MREDs in Europe and the USA. Given the movements and migrations of cetaceans, trans-boundary issues are an important consideration. The Workshop developed, and the Committee endorsed, general principles and a strategy to minimise environmental threats posed by these developments. The Scientific Committee can assist in implementing aspects of this including: (1) assisting with international, collaborative research to determine baseline basic information about cetaceans that might be affected; (2) evaluating possible population impact assessments, especially those using modelling approaches that account for cumulative impacts from all sorts of threats; (3) designing monitoring projects to assess potential impacts; and (4) helping to promote data-sharing.

The Committee also reiterated its previous recommendations with respect to mitigation against noise which is also relevant to energy developments (see Item 18.6).

Finally, the Committee was concerned to receive information on the development of MREDs in Chilean waters that are in critical cetacean habitat. It strongly recommended urgent development of environmental impact studies and noted the need for a precautionary approach.

### 18.5.2 Commission discussions and action arising

Cyprus spoke on behalf of EU member states party to the IWC and said that in the European Union marine renewable developments and especially wind farms were increasing rapidly. There were a number of research programmes to monitor and mitigate the possible effects of such installations. These effects included habitat alteration, entanglement, collisions, contamination and the impacts of underwater noise. However, in light of the potentially accumulative effects arising from other anthropogenic threats there was a strong need to develop alternative and quieter techniques for the construction of wind farms to avoid underwater noise. Moreover, comprehensive environmental assessment must be conducted during the development of renewable marine energy facilities and Cyprus was committed to work cooperatively towards the mitigation of negative effects on cetaceans.

## 18.6 Anthropogenic sound

### 18.6.1 Report of the Scientific Committee<sup>43</sup>

The Committee has often considered the issues surrounding the effects of noise on cetaceans. This year, the Committee discussed a paper that proposed a way to assess these effects. The first stage is to develop acoustic habitat maps integrating sound from multiple sources and overlay these with habitat maps of the spatial-temporal distribution and abundance of

cetaceans. This can then assist in identifying areas or periods of concern and data gaps. This information can lead to the development of precautionary measures to protect marine mammals from potential impacts as well as prioritisation of research to fill in the data gaps.

The Committee was pleased to receive information on relevant US work, specifically the projects called CetSound and CetMap (see below). It welcomed the development of mapping tools and recommended further development and improvements of the tools. It also welcomed the work being undertaken by the IUCN Western Gray Whale Advisory Panel and its Noise Task Force.

With respect to underwater noise from commercial shipping, it was noted that the IMO is working on guidelines related to noise from commercial ships; the Secretariat participates on the relevant IMO working group.

The Committee was pleased to receive an update on a major programme now known as PCoD (Population Consequences of Disturbance). It is envisioned that in the future, accumulative effects, behavioural responses and other factors, such as acoustic masking that could potentially affect health may be incorporated into the model. The Committee strongly encouraged further work on this model and looked forward to progress updates.

### 18.6.2 Commission discussions and action arising

The USA highlighted the report by the Scientific Committee which indicated that since 2011 it had been engaged in a project to improve evaluation of the impacts of human induced noise on cetaceans. As part of this project, the USA had convened two data and product driven working groups; the first one on underwater sound field mapping (CetSound) and the second on cetacean density and distribution (CetMap). The working groups completed their work in May 2012 and the USA held a symposium where their products were presented to scientists, NGOs, industry, Federal Agencies and local managers with a view to developing management applications. The USA expected that the final products and analysis would provide a biological and acoustic basis to inform subsequent management decisions. The USA supported the Scientific Committee's recommendations for further development of these tools and would continue to address ocean noise issues. It also encouraged the IWC to continue working with other international organisations, particularly the IMO as it works to develop ship quietening technology and reduce ocean noise. It further encouraged the IWC to explore new partnerships to further this work including potential collaboration with the Arctic Council. Mexico, Australia, Argentina and South Africa congratulated the USA on the development of CetSound and CetMap and described them as spectacular and sophisticated mapping packages which were incredibly useful for developing practical mitigation measures. Australia and South Africa indicated that they would like to collaborate intersessionally with the USA on further development and use of the tools.

Cyprus spoke on behalf of the European Union states party to the IWC and said that during the last century noise levels in the world's oceans had increased significantly as a result of multiple human activities. It said that the effects of noise ranged from disturbance of communication and group cohesion through to injury and mortality. It supported the Scientific Committee's work and especially its recommendation to improve mapping tools to depict the characteristics of both chronic and episodic underwater noise. Cyprus welcomed continued discussions between the IMO and the IWC regarding efforts to reduce the noise of newly

<sup>42</sup>For a full account see *J. Cetacean Res. Manage. (Suppl.)* 14, Item 12.6 [2013].

<sup>43</sup>For a full account see *J. Cetacean Res. Manage. (Suppl.)* 14, Item 12.4 [2013].

built vessels. It encouraged efforts to develop a modelling tool to determine the population level consequences of acoustic disturbance on marine mammals.

### 18.7 Climate change

#### 18.7.1 Report of the Scientific Committee<sup>44</sup>

The Committee has held two major Workshops on climate change and one follow-up Workshop on small cetaceans.

The Committee welcomed an update of a study related to the second climate change workshop's theme regarding single species-regional contrasts. This involved passive acoustic sampling from two recorders in the Atlantic and Pacific sectors of the High Arctic during 2008-09 and revealed a seasonal difference in occurrence of bowhead whales in the high Arctic. The Committee was also pleased to receive information from a programme known as SOAR (the Synthesis of Arctic Research) which, although not focused on cetaceans, includes some projects involving white whales and bowhead whales.

#### 18.7.2 Commission discussions and action arising

India said that it had researched the impacts of climate change, including the impacts on marine mammals, as part of its overall climate change assessment. While the efforts to address climate change can be national and regional, the causative factors are global and cannot be attributed solely to developing countries. The actions and efforts to understand the effects of climate change that are undertaken by the developing countries must be supported financially and technologically by the developed whaling nations.

### 18.8 Ecosystem modelling

#### 18.8.1 Report of the Scientific Committee<sup>45</sup>

This year, one of the Committee's priority topics was a review of ecosystem modelling undertaken outside the IWC. It first considered a review on which types of ecosystem models can best be used to address different types of ecological questions. The review concluded that: (a) the choice of model depends strongly on the questions being asked; and (b) it is usually better to start with simple multi-species models with few components, then build up to more complex models if needed. Finally, the more complex multi-species models, such as food-web models and whole-system models are more suited to address broader questions.

The Committee then considered an analysis that attempted to develop quantitative bounds on consumption estimates for marine mammals. Parameter values were taken from the literature and sensitivity and risk analyses were undertaken to develop reasonable bounds on these parameter values. This technique is particularly useful when it is not possible to collect direct information on consumption from the animals of interest.

The Committee welcomed these analyses. It noted that consumption by marine mammals warrants inclusion as a source of natural mortality in assessments of prey stocks. It also noted the challenges involved in defining concepts such as optimum sustainable production in a multispecies context. Next year, the Committee will consider ecosystem modelling and the effects on predators of fishing for forage fish and simple models of whales and prey.

The Committee also considered three somewhat conflicting papers on Antarctic minke whale body condition

that led to major discussions. This followed similar discussions last year. One paper indicated there was a statistically significant decline in mean blubber thickness of Antarctic minke whales using data from JARPA. The second indicated that the JARPA data showed unlikely trends and much higher levels of variability in some parameters than would be expected, thus casting doubts on the results of the first study. The third paper used JARPA data from almost two decades and indicated a decline in energy storage in Antarctic minke whales which suggested that food availability may have been declining recently. No consensus view emerged and a number of analytical suggestions for future analyses were made as well as suggestions related to biological issues. The Committee looked forward to future analyses of these data.

#### 18.8.2 Commission discussions and action arising

There were no discussions under this item.

### 18.9 Proposal for a Workshop on Anthropogenic Impacts to Cetaceans in the Arctic

#### 18.9.1 Report of the Scientific Committee<sup>46</sup>

In 2010 the Commission asked the Committee to develop an agenda for a Workshop on Anthropogenic Impacts to Cetaceans in the Arctic and in 2011 a draft agenda was completed and a steering group formed to further develop a plan for the workshop. This year a revised Agenda was presented to the Committee that focused on anthropogenic activities related to oil and gas exploration, commercial shipping and tourism. Recognising the broad complex nature of potential anthropogenic impacts to cetaceans in the Arctic, the Committee suggested that other activities such as commercial fishing and research could also be considered. Given the extent and complexity of the topic, the Committee recommended an initial scientific workshop to be followed by a workshop that addresses management and policy aspects related to Arctic anthropogenic impacts on cetaceans. It is expected that final specifications for the workshop will be developed by the workshop steering group, other IWC representatives and the Secretariat.

#### 18.9.2 Commission discussions and action arising

The USA indicated that it was looking forward to the workshop and said that it would work with interested member Governments and members of the Scientific Committee's Environmental Concerns Working Group to help finalise the Agenda. The USA planned to work by correspondence over the next few months with a goal of holding the workshop in early 2013. Cyprus spoke on behalf of the EU member states party to the IWC to express support for the workshop and agreement with the Scientific Committee's recommendation that the workshop should address the full range of anthropogenic threats faced by Arctic cetaceans.

### 18.10 Reports from Contracting Governments on national and regional efforts to monitor and address the impacts of environmental change on cetaceans and other marine mammals

#### 18.10.1 Commission discussions and action arising

The United Kingdom welcomed all the efforts being made to address cetacean environmental and health concerns. It reiterated support for the moratorium and for the UK's fundamental position against scientific whaling, now or by countries who wish to go down that road in the

<sup>44</sup>For a full account see *J. Cetacean Res. Manage. (Suppl.)* 14, Item 12.5 [2013].

<sup>45</sup>For a full account see *J. Cetacean Res. Manage. (Suppl.)* 14, Item 13 [2013].

<sup>46</sup>For a full account see *J. Cetacean Res. Manage. (Suppl.)* 14, Item 12.5.3 [2013].

future. It welcomed the increasingly important work of the Conservation Committee and countries continuing to look for constructive ways to work together to address the increasing threats to all cetaceans. In particular, the UK followed with great interest the progress being made by the IWC on welfare issues, including those associated with the entanglement of large whales and marine debris, and also the on-going work on whalewatching.

### 18.11 Health issues

#### 18.11.1 Commission discussions and action arising

##### CORRESPONDENCE WITH THE WORLD HEALTH ORGANISATION

The Secretariat drew attention to document IWC/63/9 which was submitted to IWC/63 in 2011 but not discussed. It explained the steps taken by the Secretariat to reactivate communication with the World Health Organisation (WHO) following a Commission request made in 2010. The information provided by the WHO showed that it had, in 2006, reaffirmed a Provisional Tolerable Weekly Intake of 1.6µg of methyl mercury per kg body weight to protect consumers of fish and other seafood. St Kitts and Nevis welcomed the Commission's intention of involving the WHO in this issue and asked for equal treatment towards the IMO on safety at sea. It believed that safety at sea should become an IWC issue with advice being given from IMO.

##### RESOLUTION ON THE IMPORTANCE OF CONTINUED SCIENTIFIC RESEARCH WITH REGARD TO THE IMPACT OF THE DEGRADATION OF THE MARINE ENVIRONMENT ON THE HEALTH OF CETACEANS AND RELATED HUMAN HEALTH EFFECTS

Cyprus spoke on behalf of the EU member states party to the IWC and said that the health of the oceans and marine biodiversity were negatively affected by a variety of marine pollution from various sources. Over the past years there had been mounting evidence of degradation of marine biodiversity along with potential harm to ecosystem services and functioning. In some places the increase in levels of organic contaminants, heavy metals and pathogens had taken its toll on the conservation status of cetaceans and could, in specific cases, also entail effects on human health. Cyprus noted that the IWC had already expressed concern over environmental degradation and its effects on cetaceans arising from organic contaminants and heavy metals in previous Resolutions. However it believed that the time had come to revisit this issue and accordingly it had submitted a draft Resolution for the Commission's consideration (IWC/64/13).

Germany elaborated on the key elements of the Resolution by stating that the increasing levels of organic contaminants and heavy metals in the marine environment raised concerns about their impact on the health of cetaceans and their potential harm to people consuming whale meat. The last time the IWC adopted a Resolution on this important topic was more than 10 years ago<sup>47</sup> and since then a number of scientific studies had been published on this issue. In particular the Arctic Council's 2011 study on Arctic Pollution gave a comprehensive overview of the serious challenges to be tackled. The Resolution placed continued scientific research as a first priority and requested the Scientific Committee to remain engaged in the evaluation of the available data on organic contaminants and heavy metals

in cetaceans and effects on reproduction. Secondly, the Resolution called upon Governments to take all necessary steps to implement existing legislation and standards aiming at reducing the import of contaminants including heavy metals into marine ecosystems. Finally, the Resolution appealed to the Governments concerned to remain vigilant and to inform consumers about all potential health effects related to the consumption of cetacean products.

Norway requested four small amendments to the text to clarify that the concerns regarding contaminants were related only to some rather than to all cetacean species and populations. Iceland emphasised the difference in contaminant levels between baleen whales and toothed whales. Mexico drew attention to recent studies showing that contamination is not limited to toothed whales but is found also in baleen cetaceans, for example accumulation of mercury and heavy metals in minke whales beyond levels that are tolerable to human beings. Australia requested the addition of a preambular paragraph reading 'Recalling also that IWC Resolution 2003-2 urges Governments to limit scientific research to non-lethal methods only'. The USA requested a change to the penultimate operative paragraph to request governments to inform consumers about both the positive and negative health effects related to consumption of cetacean products and to take actions to counter the negative effects.

Switzerland stated that the environment health issue had become a bigger concern over the years and that the consequences for human health were beyond the role of the IWC. However it invited Contracting Governments to work together to tackle problems relating to the United Nations Framework Convention on Climate Change and as well the on-going negotiations surrounding the Convention to regulate or minimise the negative effects of mercury. Switzerland confirmed it was happy to be associated with the draft Resolution and requested the sponsors to accept co-sponsorship from Switzerland.

Norway, Switzerland, Australia, St Kitts and Nevis, the USA, Ecuador, Colombia, New Zealand, India, Brazil, Mexico, Argentina and Chile expressed support for the Resolution and the proposed amendments by Norway, the USA and Australia. Iceland, St Lucia, Japan, Palau, and Tanzania also supported the draft Resolution and amendments, with the exception of that proposed by Australia.

The Chair observed that there was widespread support for the draft Resolution and proposed to hold the item open so as to give the proponents time to take account of the requested changes. Upon returning to the discussion, Germany confirmed that the text of the draft Resolution had been updated as follows: (1) Switzerland had been added as a co-sponsor; (2) modifications had been made to the text in response to Norway's proposed amendments; (3) a preambular paragraph had been added as requested by Australia; (4) the change requested by the USA regarding both the positive and negative health effects had been made to the penultimate operative paragraph; and (5) the second sentence of the penultimate operative paragraph had been proposed for deletion as it repeated the meaning of the first sentence.

Mexico and Australia said that they would have preferred the second sentence of the penultimate operative paragraph to be retained rather than deleted. Japan noted that the proposed Resolution referred to several previous Resolutions (e.g. 2003-2) which were adopted by vote rather than consensus. Noting the Chair's request that the

<sup>47</sup>See Resolution 2001-10 'Resolution on the Stockholm Convention on Persistent Organic Chemicals' (*Ann. Rep. Int. Whaling Comm. 2001: 58* [2002]).

current draft be adopted by consensus Japan requested the removal of references to previous Resolutions which had been adopted by vote.

Australia said that given the importance of the draft Resolution it did not wish to block consensus adoption. Accordingly it was willing to delete the paragraph it had proposed for addition which referred to IWC Resolution 2003-2 urging Governments to limit scientific research to non-lethal methods only. Australia stated that it attached very great importance to Resolution 2003-2 and it made the proposal to delete the paragraph only because of the importance of health effects on cetaceans and human beings. The Chair, Germany, the USA and St Kitts and Nevis thanked Australia for assisting the achievement of consensus.

St Kitts and Nevis highlighted the wording of Resolution 1999-4 which requested the Secretariat to *correspond with* the World Health Organisation which led to a welcome exchange of information. However, the proposed draft Resolution requested *increased cooperation* with the WHO, which St Kitts and Nevis considered to be a different activity and that it was outside of the scope of the IWC to become involved in the affairs of another organisation. In order to ensure consistency with Resolution 1999-4 St Kitts and Nevis requested that the phrase *increased cooperation* in the first operative paragraph be changed to *increased exchange of information*.

Germany reported that the amendments discussed were acceptable to the co-sponsors of the Resolution including the additional amendments as suggested by Mexico and St Kitts and Nevis and the withdrawal of the paragraph referring to Resolution 2003-2 as proposed by Australia. With regards to these final amendments the Chair acknowledged the consensus support for the Resolution, which was adopted accordingly. The agreed text of Resolution 2012-1 is provided at Annex D.

Sandra Altherr of Pro Wildlife welcomed the proposed Resolution which summarised past discussion on contamination of cetacean products and encouraged closer cooperation with the World Health Organisation. Given recent scientific findings, Pro Wildlife said this initiative should be of high priority for all IWC members. In 2012 a scientific review of five cohort studies in the Faroe Islands indicated that consumers of all ages were exposed to serious health risks related to the consumption of contaminated cetacean products. In children impacts on reaction time, attention, memory and language were recorded where their mothers had consumed contaminated whale meat during pregnancy and breast feeding. These effects correlated with exposure to mercury and PCB levels. A follow up study documented that the effects still manifested in children seven years later. Adults were also affected as shown by cohort studies from the Faroe Islands. These showed that adults in their 70's had an increased risk to diabetes and Parkinson's disease in relation to PCB and mercury levels. In Greenland a 2004 study showed that variations in mortality were thought to be related to differences in organo-chlorine levels. Furthermore, persistent organic pollutants may contribute to sex ratio changes in the offspring of exposed populations. In Canada in 2011 new results from a study involving 300 children from all 14 Nunavik communities were published. The study directly associated mercury exposure from beluga whale meat with a 'poor intellectual function and attention in school'<sup>48</sup>. In 2011, the Arctic Monitoring and Assessment Program released a report on Arctic pollution

which underscored that marine mammals and fish were the main source of mercury exposure for Arctic indigenous people. The report called on health authorities to 'promote the availability and consumption of imported food items with high nutritional value and to promote consumption of traditional local foods such as fish and terrestrial mammals that have lower levels of mercury and high nutrient value'. There were several other scientific papers which have been published over the last two years with alarming results. These findings were not limited to toothed whales as baleen whales with high contamination levels exceeding safety limits had been identified for example northern minke whales and Bryde's whales. Pro Wildlife said that the issue needed to be addressed urgently and the Resolution was therefore timely and appropriate.

#### 18.12 Other

The Commission noted the Scientific Committee's report on Environmental and Health Issues and endorsed its recommendations.

### 19. OTHER SCIENTIFIC COMMITTEE ACTIVITIES, ITS FUTURE WORK PLAN AND ADOPTION OF THE SCIENTIFIC COMMITTEE REPORT

#### 19.1 Small cetaceans

##### 19.1.1 Review of ziphiids in the North Pacific Ocean and the northern Indian Ocean

#### REPORT OF THE SCIENTIFIC COMMITTEE

The Committee's main focus this year was a review of ziphiids in the North Pacific Ocean and the northern Indian Ocean. This was a major task and involved reviewing 10 species. Considerable valuable information was presented on biology, ecology, status and conservation issues. A number of specific scientific recommendations were made. This is not surprising given that beaked whales are difficult animals to study and so there are major information gaps for several of the species. This is reflected in the fact that eight of the species are listed as data deficient by IUCN and the Committee had no information to suggest changes to the classification.

This summary focuses on common issues and threats and on general recommendations. A well-known threat to beaked whales comes from military sonar and seismic surveys. The Committee received information on field techniques to examine stranded animals to try to establish cause of death. Provided that the animals can be examined within about 12 hours then sampling bubbles for gas composition is a valuable technique, especially for mass strandings.

The Committee also noted that there have been no atypical mass strandings of beaked whales off the Canary Islands since international military exercises ceased in 2004. This supports the inference that the atypical mass strandings reported there before that time were caused by mid-frequency sonar.

Given the evidence, the Committee strongly recommended that military exercises involving sonar and seismic surveys should avoid important beaked whale habitat and other mitigation measures should be improved. To assist in this, international collaborative efforts should be made to determine important beaked whale habitats. The Committee also reiterated two previous recommendations regarding further studies on beaked whales and noise, and the provision of advance notice of military sonar exercises and seismic surveys.

<sup>48</sup>Quote taken from a video by the Nunavik Regional Board of Health and Social Services.



The Committee also received information on the possibility that beaked whales are especially vulnerable to marine debris. It recommended further investigation of this issue including the development of standard pathology protocols. Further information is needed to enable better assessment of status including population structure and abundance. Special attention should be paid to small and/or exploited populations.

Related to this, the Committee recommended that more efforts are made to develop methods for assessing these difficult-to-study species including the use of acoustics and improved analytical techniques for visual and acoustic surveys. Collaborative spatial modelling exercises similar to that undertaken for Mediterranean beaked whales should be undertaken in the region, to develop maps of potential critical habitat.

As for many other species, entanglement in fishing gear is an actual or potential threat to beaked whales in the region. The Committee recommended that methods be developed and applied to estimate mortality rates with special attention being given to areas where beaked whales and fishing operations overlap.

The Committee received some evidence of a decline in beaked whale abundance along the west coast of the USA that might be related to large-scale environmental change. It recommended that studies be undertaken to investigate this further.

Finally, the Committee recommended collaborative integrated studies to work further on genetics, photo-identification, acoustics and surveys.

#### 19.1.2 *Vaquita*

##### REPORT OF THE SCIENTIFIC COMMITTEE

The Committee was extremely sorry to have to once again stress that this species is close to extinction. It has stated this many times and made very strong recommendations but the most recent monitoring information showed that the population has continued to decline since 2008 when the abundance estimate was perhaps as few as 220 animals. This is despite the actions taken by the government to reduce fishing effort. The Committee received information that illegal fishing continues with one report of 87 boats fishing within the refuge.

The Committee strongly endorsed the report and recommendations of the International Committee for the Recovery of the Vaquita held from 20-23 February 2012. It also made two additional recommendations: one on the expedited approval and adoption of shrimp trawls as alternatives to shrimp fishing with gillnets throughout the entire range of the vaquita not just within the refuge; and a second on continued research on technologies to reduce gillnetting for finfish or otherwise to remove all gillnets from the vaquita's entire range.

To conclude, the Committee strongly reiterated its extreme concern. It reaffirmed that the only reliable approach for saving the species is to eliminate vaquita bycatch. That means removing entangling gear from all areas where the animals occur. It strongly recommended that, if extinction is to be avoided, all gillnets should be removed from the upper Gulf of California immediately.

##### COMMISSION DISCUSSIONS AND ACTION ARISING

The USA, supported by Argentina, Chile and Panama, commended the Government of Mexico for its past conservation initiatives on the fisheries bycatch of the vaquita. Nonetheless these countries were greatly concerned about the continuing plight of the species. Noting that the

Scientific Committee had expressed its extreme concern for the status of the vaquita these countries supported continued joint efforts with Mexico to develop alternate fishing gear and alternate approaches to fishing that adequately protected a species at the brink of extinction.

Austria said that the core responsibility of the IWC was to protect whale and dolphin population species from extinction. One worst case scenario had taken place very recently; namely the extinction of the baiji in China and the IWC was on the brink of another worst case scenario in respect of the vaquita in Mexico. Austria said that there was a need to take responsibility for species conservation, and that the responsibility would be all the greater when a highly evolved mammal species is lost forever. The Scientific Committee has communicated its concern in the strongest language they have at their disposal. Austria considered that it was time for diplomatic niceties and step wise strategies to take a back seat to immediate concrete action, with no compromise. It therefore called upon the Commission, the Secretariat, the range state and NGOs to bundle and boost their efforts on the vaquita to an entirely new higher level of urgency and resoluteness. Ecuador said that it had recognised the rights of nature in its constitution and urged support for Austria's proposals and the reduction of impacts by gillnets.

Cyprus spoke on behalf of the EU member states party to the IWC to express its deep concern about the threats to vaquita posed by gillnets. It said that bycatch is an extremely severe threat to cetaceans worldwide which is estimated to kill 300,000 whales, dolphins and porpoises each year. It congratulated Mexico for its positive stance which had included a programme to reduce the use of gillnets in vaquita habitat. Cyprus hoped to see the rapid implementation of the Scientific Committee's recommendation that all gillnets now be removed immediately. The EU had been working with Mexico on this initiative and hoped to continue doing so.

Mexico expressed its gratitude for all comments related to the vaquita and recalled that it had reported progress on this issue since 1997. It recognised that there was still much to be done to eliminate the gillnets and allow this species to recover. The goal of the comprehensive vaquita recovery programme was to protect and conserve the marine mammal and it included socio-economic and cultural considerations as well as fisheries management and monitoring concerns. Progress made so far included significant declines in illegal fishing and the rate of loss of the population had become much slower but was not yet able to bring about a recovery of the population. A working group was currently developing a process to amend the law regulating shrimp fishing with the idea being to remove gillnets from 2013 onwards. The progress made so far was due in great measure to the Scientific Committee's recommendations and also the IWC Resolution 2007-5 on vaquita. Mexico thanked the countries who continued to support work on vaquita and particularly the USA for its on-going partnership and Sweden for its assistance in the development of alternative fishing gears.

#### 19.1.3 *Eastern North Atlantic harbour porpoise*

##### REPORT OF THE SCIENTIFIC COMMITTEE

The Committee considered the eastern North Atlantic harbour porpoise and specifically those living in the Baltic, Kattegat/Belt and North Sea areas. Results from ASCOBANS reinforce earlier concerns about the sustainability of bycatch in the region. In addition, a number of other factors potentially affecting the porpoise populations in the region, including declines in availability of prey, ship traffic, construction work, seabed exploitation, contaminants and diseases.

The Committee is especially concerned about harbour porpoises found in the Belt Sea stock where there are indications of decline. The Committee looks forward to receiving the results from a dedicated survey carried out in the summer of 2012. Bycatch is the major source of mortality and should be monitored and mitigated. Bycatch is not adequately monitored and mitigated there because the EU regulations do not apply to boats <12m. The Committee also made a number of recommendations with regard to the 'Gap' area. These relate to gaining a better understanding of threats and the development of appropriate mitigation measures.

Finally the Committee reiterated its longstanding concern regarding the critically endangered harbour porpoise population in the inner Baltic ('Baltic proper'). The Committee urged that effective monitoring and mitigation measures are included in national management plans.

#### COMMISSION DISCUSSIONS AND ACTION ARISING

There were no discussions under this Item.

##### 19.1.4 *Franciscana in Brazil*

#### REPORT OF THE SCIENTIFIC COMMITTEE

The Committee was pleased to receive the results of a survey undertaken under the IWC's Small Cetacean Voluntary Fund of the franciscana in what is called Franciscana Management Area 1 (or FMA 1) in Brazil. The estimate for FMA 1 was around 2,000 franciscanas with a wide confidence interval of 800-5,000. A comparison with the only available bycatch estimates from the early 2000s suggests that current bycatch may be high and unsustainable. The Committee endorsed the recommendations in the National Action Plan for the Recovery of the Franciscana developed by the relevant government agency of Brazil, as well as a number of additional recommendations.

#### COMMISSION DISCUSSIONS AND ACTION ARISING

Brazil said that it was concerned over the problems faced by the franciscana and had evaluated the Scientific Committee's recommendations, which it would adopt. Brazil provided a paper containing further details which had been analysed and welcomed by the Scientific Committee. Brazil thanked the IWC for the research it had undertaken and stated that it was committed to improving research and monitoring in order to reduce anthropogenic mortality.

##### 19.1.5 *River dolphins*

#### REPORT OF THE SCIENTIFIC COMMITTEE

The Committee has expressed great concerns over the status of river dolphins in the past. This year, it reiterated serious concerns over the population implications of the intentional killing of botos and tucuxis for use as bait in the piracatinga fishery in Brazil. This relatively new and rapidly growing problem is in addition to other historical and ongoing threats to these dolphins, e.g. from incidental mortality in fisheries, vessel traffic, hydroelectric dams, mining and other development.

In this light, the Committee recommended the organisation of an international scientific workshop involving scientists and managers from the range states. The goals of the workshop would be to address research and conservation priorities, standardise methodologies and develop long-term strategies. The status of the boto and tucuxi will be added as a recurrent item on the Committee's agenda. The Committee welcomed information that the Government of Brazil was supporting a PhD studentship to further methods of assessing river dolphins.

The Committee was pleased to hear that WWF-Pakistan had hosted a Conservation Strategy Planning Workshop in

Lahore (Pakistan) during April 2012 to begin to develop a ten-year strategic action plan for the endangered Indus River dolphin.

All freshwater populations of Irrawaddy dolphins are listed on the IUCN Red List as Critically Endangered. The non-calf Mekong River population is estimated at 85 individuals with recruitment close to zero. The available information suggests a slow decline (2.2% per year) with serious implications for the long-term viability of the population. Last year, the Committee expressed grave concern about the rapid and at least partially unexplained decline of this riverine population. Unfortunately, the high mortality of young calves has continued as has the occasional mortality of adults from entanglement. This year, the Committee commends the Cambodian government agencies and WWF-Cambodia for making serious, concerted efforts to diagnose the cause(s) of calf mortality and further reduce the risk of entanglement. The 'Kratie Declaration' is a major step forward and the Committee recommended that it be fully implemented as quickly and as effectively as possible.

#### COMMISSION DISCUSSIONS AND ACTION ARISING

Brazil welcomed the Scientific Committee's recommendations regarding the boto and tucuxi and was ready to adopt them. It was particularly concerned with the new problem of these species being used for bait and said it was committed to organising the suggested international scientific workshop on these species as soon as possible.

Colombia indicated that it would act in line with the Scientific Committee's recommendations to undertake coordinated efforts with the range states to evaluate the impact of the dedicated catch of the species which were endemic to the Amazon watershed. These threats, including the use as bait, were a cross-border problem which had been gathering strength in recent years. The results of the deliberations would be submitted to the next meeting of the Scientific Committee and Colombia asked for this topic to remain on the Commission's agenda.

China introduced information on its work to protect the Yangtze finless porpoise whose population numbers around 1,400 individuals living exclusively within the Yangtze River. The Government had introduced nature reserves and established protection from hunting. A number of dolphins had been removed to support breeding programmes and two or three babies had been born each year. Public awareness measures had also been introduced and China would continue to make future efforts to protect the population.

##### 19.1.6 *Central American small cetaceans*

#### REPORT OF THE SCIENTIFIC COMMITTEE

The Committee was pleased to receive three papers on work on small cetaceans in Columbia, Venezuela and Costa Rica. Such work to establish baselines, distribution records, and habitat requirements was essential to addressing the concerns of the Committee.

#### COMMISSION DISCUSSIONS AND ACTION ARISING

There were no discussions under this Item.

##### 19.1.7 *Hector's dolphins*

#### REPORT OF THE SCIENTIFIC COMMITTEE

The Committee received new information on endangered Hector's dolphins in New Zealand, where bycatch from legal and illegal fishing is a serious problem. Although the news was better for the Banks Peninsula where there is a protected area which shows signs of improving, the Committee expressed particular concern about the low abundance of Maui's dolphins, a North Island subspecies of

Hector's dolphin which may number as few as 55 animals. It recommended the immediate implementation of the proposal by the New Zealand Ministry for Primary Industries to extend the North Island protected area. This would at least protect an area with high gillnet and trawl fishing effort. The Committee also agreed that adequate observer coverage across all inshore trawl and gillnet fisheries was important in order to obtain robust scientific data on continuing bycatch as a means of assessing the effectiveness of protection measures.

#### COMMISSION DISCUSSIONS AND ACTION ARISING

Cyprus spoke on behalf of the EU member states party to the IWC and noted that the Maui's dolphins of New Zealand were strongly affected by gillnets. Given the extremely low numbers of Maui's dolphin, recommendations to ban all gillnets from the Maui's dolphin's habitat had been made by the Scientific Committee. Cyprus was interested to know what steps New Zealand intended to take to implement the recommendation and address this critical problem.

New Zealand stated that its Government and people were very concerned about the Maui's dolphin population and it had reported to the Conservation Committee on the steps being taken to protect the endemic dolphins. In response to a Maui's dolphin being caught in a commercial gillnet off Cape Town in January 2012, New Zealand undertook a threat management assessment process. As a result of that assessment the Department of Conservation and the Ministry for Primary Industries proposed to extend the boundaries of the existing marine mammal sanctuary and fisheries restricted area off the west coast of the North Island. In July 2012 the Ministry for Primary Industries was expected to implement the decision to extend the area banning all commercial and recreational set netting by 80 linear miles and by over 230,000 hectares. The extension of the sanctuary and fisheries restricted area meant that there will be protection for Maui's dolphins over the whole of the dolphin's known range.

New Zealand considered that Protective Area Management was effective for improving marine mammal survival. In the same context it reported that the survival of Hector's dolphins at Bank's Peninsular had improved by over 5% since the creation of a marine mammal sanctuary in that area.

Argentina, Chile and Sweden thanked the Government of New Zealand for its actions to protect the Hector's and Maui's dolphins. Argentina recorded its support for all of the Scientific Committee's recommendations on small cetaceans.

#### 19.1.8 Catch and bycatch information

##### REPORT OF THE SCIENTIFIC COMMITTEE

The Secretariat provided a summary of small cetaceans catch and bycatch in 2009-11 from this year's national Progress Reports. The Committee is concerned that it is not doing enough to take advantage of the significant catch and bycatch information it receives and has agreed to consider this further intersessionally. It reiterated the importance of having complete and accurate catch and bycatch information and encouraged all countries to submit data, appropriately qualified and annotated. The Committee received an update on a humpback dolphin project which had found evidence of a significant bycatch problem in Congo.

#### COMMISSION DISCUSSIONS AND ACTION ARISING

There were no discussions under this Item.

#### 19.1.9 Future priority topics

##### REPORT OF THE SCIENTIFIC COMMITTEE

The Committee had agreed that ziphiids of the Southern Hemisphere will be the priority topic at the 2013 meeting and the systematics and population structure of *Tursiops* should be the priority topic for 2014. However, in the past, the Committee has sometimes re-evaluated the priority topics based on the location of the meetings. The Committee also agreed to proceed with planning for a workshop characterised along the lines of 'poorly documented hunts of small cetaceans for food, bait or cash'.

#### 19.1.10 Other small cetacean issues

##### COMMISSION DISCUSSIONS AND ACTION ARISING

South Africa thanked the Scientific Committee for its review of ziphiids and also noted that the Committee had expressed great concern regarding the conservation status of several small cetacean species and had made recommendations to mitigate impacts. South Africa endorsed all those recommendations and urged the Commission and range states to adopt and implement such measures.

Peru provided an update on the recent mortality of small cetaceans that occurred along the northern Peruvian coast between February and the first half of April 2012. The Peruvian Government had investigated the event and produced a multi-disciplinary report that considered the ecological, environmental and human impacts. The main results indicated that the individuals examined showed good physical condition without evidence of injuries or clinical signs related to *Brucella*. The results of the molecular analysis were also negative. No internal haemorrhaging was found or alterations to the organs including the brain. Climate conditions in the region had been atypical with warm waters from the northwest, intense rainfall that led to higher than average river levels and the occurrence of an El Niño event along the coastline. Causes related to human activities including direct impact resulting from contamination by heavy metals and other pollutants had been discounted, and the seismic exploration undertaken in northern Peru in 2012 was not related because the strandings began before the survey commenced. Peru had not been able to determine the exact cause but was considering the possibility of bio-toxins related to algal blooms may have played a role. It said that it would continue to investigate and would present a further report to the Scientific Committee.

Chile congratulated the Scientific Committee on its work and the growing concern for the conservation of small cetaceans. It said that this year there were many recommendations to promote further research but a lesser number of recommendations related to conservation. It said that this was uneven across the working groups and urged the Scientific Committee to also focus on conservation recommendations. Mexico supported Chile and highlighted the conservation management recommendations it had received in respect of the vaquita.

#### 19.2 Regional non-lethal research partnerships

##### 19.2.1 Report of the Scientific Committee<sup>49</sup>

The Southern Ocean Research Partnership (SORP) was originally proposed by Australia. The objective is to develop a multilateral non-lethal research programme that will provide relevant scientific information to the IWC. The partnership now involves 10 countries. The IWC has a voluntary budget associated with SORP with contributions from Australia and the USA.

<sup>49</sup>For a full account see *J. Cetacean Res. Manage. (Suppl.)* 14, Item 19 [2013].

Many of the recommended SORP projects have been discussed under other items and this is particularly true of the major projects related to blue whales, especially the Antarctic Blue Whale Project and the project on blue and fin whale acoustics. The Committee encouraged further international involvement in this programme, stressing the importance of standardised research protocols. The Committee was also pleased to receive updates on work on killer whales and Oceania humpback whales.

The Living Whales Symposium comprised an open symposium and four subsequent workshops that were held in Chile from 27-29 March 2012 (see SC/64/O14). Its full title was 'Living whales in the Southern Ocean: advances in methods for non-lethal cetacean research'. The workshop on health assessment recommended that health assessment data and studies should be integrated with population dynamics data, where possible; and that integration of live animal health assessment with studies on dead and stranded animals, particularly within the same geographical region, is highly informative and should be a priority. The workshop on large whale population dynamics and environmental variability looked at data and modelling/analytical approaches. It recommended that long-term studies, photo-identification and biopsy sampling be routinely used. It also promoted the use of geochemical tracers (e.g. stable isotopes) and other 'eco-markers', including DNA, since this approach can help to identify foraging locations of populations. The workshop on advances in long-term satellite tagging techniques reviewed recent advances on tag development. It recommended increased design effort to minimise/eliminate trauma of implant and water ingress. Some devices have the potential to cause considerable tissue damage and that studies on carcasses derived from incidental mortality should be conducted, as well as the monitoring of tagged animals. In addition to technical development recommendations, the workshop highlighted the need to create awareness on the use of these techniques prior to the tagging project. The workshop on the estimation of diet and consumption rates highlighted several techniques that might be used to achieve this difficult objective. Understanding interspecific differences in prey preference will help to predict how climate driven changes affect krill and, ultimately whales. The need for improved knowledge of how local oceanographic conditions and prey availability affect the foraging behaviour and distribution was highlighted. The importance of better understanding of foraging strategies, prey choices and feeding destinations was also recognised.

The Committee thanked the Symposium/Workshop organisers and funders. Its value for improving current cetacean research was stressed. It may also assist with research on climate change impacts on cetaceans, e.g. southern right whales in the southwest Atlantic, in line with wider SORP objectives.

#### 19.2.2 Commission discussions and action arising

The USA thanked the Chair of the Scientific Committee for her presentation of the SORP and noted the growing consensus on the importance of the programme which was inter-disciplinary as well as international in scope. The USA commended Australia for its efforts and pledged to continue USA participation and support. It noted that in this budgetary environment Australia's effort was truly exceptional and should be applauded. France thanked Australia for the SORP initiative which showed that non-lethal scientific research could be constructively carried out in the Southern Ocean. It said that the French participation would be carried out from the icebreaking vessel *Astrolabe*

in the Southern Ocean and the data obtained would be at the disposal of the SORP community so as to contribute to better understanding of the species, their movements and their relationship with the environment. Chile supported the work done under SORP and had actively participated in the programme. It recalled that it had hosted the Living Whales Symposium in March 2012 and thanked the Governments of the USA and Australia as well as the IWC for supporting the event. Mexico, Argentina, Monaco and New Zealand all congratulated Australia on the SORP programme. Australia thanked those countries who had participated in SORP and especially thanked Chile for hosting the Symposium.

### 19.3 Other activities

#### 19.3.1 Report of the Scientific Committee

##### 19.3.1.1 STOCK IDENTITY<sup>50</sup>

This item deals with the technical issues related to stock definitions and population structure that face the Committee. Information on population structure is an essential part of the Committee's work and it is especially important when assessing the status of whale populations using the modelling frameworks that form the basis for the provision of conservation and management advice. This modelling forms the basis of in-depth assessments and RMP or AWMP status evaluations. These are all key to providing advice on the effects of human activities on whales, including direct hunting, bycatch in fishing gear and ship strikes.

The Committee agreed a number of recommendations concerning the methodological and technical issues related to stock definitions as well as general guidance on the presentation and interpretation of genetic data.

The Committee also discussed the progress made in updating the 'living document' that provides guidelines for ensuring sufficient quality in genetic data. This is especially important when they are used to inform the provision of conservation and management advice. The Committee is also close to completing a set of guidelines for the use and interpretation in an IWC context of some of the more common types of statistical analyses of genetic data. Both sets of guidelines will be available on the IWC website and published. A suite of definitions of terms like 'population', 'subpopulation', 'stock', 'sub-stock' and 'management unit' is being developed.

The Scientific Committee has also developed a software package called TOSSM which can be used to evaluate the value of specific analytical methods for setting stock boundaries. It is very important to understand scientific uncertainty in this when providing conservation and management advice. It can be used to investigate how certain observed genetic results might arise. This is important in providing conservation and management advice. For example, it was helpful in the review of the Pacific Coast Feeding Group of gray whales this year.

##### 19.3.1.2 DNA TESTING<sup>51</sup>

*GenBank* is an important worldwide scientific database that provides an annotated collection of all publicly available DNA sequences. It contains many millions of entries. The Committee has reviewed the cetacean entries in *GenBank* in the past and has found some inconsistencies. It has been trying to clarify these entries but have had some difficulties contacting the relevant authors. It is investigating ways to ensure that the records are updated.

<sup>50</sup>For a full account see *J. Cetacean Res. Manage. (Suppl.)* 14, Item 11 [2013].

<sup>51</sup>For a full account see *J. Cetacean Res. Manage. (Suppl.)* 14, Item 16 [2013].

The Committee has also been reviewing DNA registers held by a number of countries. These domestic registers contain individual identification data and can be used to determine the origin of whale samples. The information is submitted voluntarily to the Committee by countries. To assist the Committee's review, it had agreed a new format for the updates of national DNA registers last year. It welcomed the fact that the updates of the DNA registers by Japan, Norway and Iceland this year were based on this new format. This greatly facilitated the annual review. The Committee also commended the analyses on quality control carried out on the Norwegian DNA register.

#### 19.3.1.3 WORKING METHODS OF THE COMMITTEE<sup>52</sup>

The Committee regularly reviews its working methods and this year covered five topics.

The first topic related to ways to reduce the financial and environmental costs of meetings. This was reported to the Finance and Administration Committee and can be found under Item 21 below.

The second topic related to clarifications of the long established Data Availability Agreement (DAA). This specifically related to requests under what is termed 'Procedure B'. These are requests for data that are deemed important in providing advice to the Commission on matters other than catch limits. The full Data Availability Agreement, adopted by the Scientific Committee and the Commission can be found on the IWC website. The 'Procedure B' process has generally worked well and especially so when the Committee has been able to clearly specify the data request during the Committee meeting. The Committee reiterated the importance of clearly specifying any data requests. The Committee has always encouraged collaboration in research projects under the DAA but this is not mandatory. To avoid misunderstandings, the Committee recommended that an additional point to clarify this be added to the Data Availability Agreement Procedure B text.

The third topic related to updating the Committee's handbook. This follows on from discussions last year, when it was agreed that the Chair of the Scientific Committee should develop a review document for consideration this year. This document focused on whether or not there is a need to expand on the guidelines with respect to further details about the roles of Convenors and co-Convenors, time frames of service and the roles of Heads of Delegation.

After a full discussion, the Committee agreed that the basic responsibilities of Convenors and co-Convenors as described in the Handbook (published on the website), do not need amending. It did, however, recommend additional text to ensure that a draft prioritised list of funding projects should be made available to the full Committee in enough time for them to review it thoroughly, as had been the case this year. It also agreed that the co-Convenor concept has worked well, and it recommended additional text on the eligibility of Convenors and co-Convenors be added to the Handbook. The Committee also agreed that the existing guidelines on the selection of Convenors by the Chair are adequate and provide the necessary flexibility. It reaffirmed that the Chair should take carefully into account the length of service of Convenors when appointing them. This can be revisited in future years if necessary. The Committee also agreed that the roles of Heads of Delegations were adequately provided for in the existing Handbook. Finally, it agreed that the Handbook, when updated, should also be

available as a pdf file. It will eventually contain a glossary of the many acronyms and specialist terms that are used in Scientific Committee reports.

The fourth topic related to providing assistance to new members on the working of the Committee. One of the reasons for the introduction of the Handbook was to assist new members, as well as being a reference for all. However, the Committee recognised that it can seem a complex place for new members. Therefore, it has agreed that an introductory lecture on the Committee and its methods of working will be given during the first or second day of the Scientific Committee meeting.

The fifth topic related to a suggestion by one member that suggested that while management recommendations are widely given in some sub-committees, especially when addressing whaling issues, in other sub-groups, the attention seems to be more focused on scientific recommendations with relatively few conservation recommendations. It was suggested that this be reviewed further in the context of an increased emphasis on conservation recommendations. Given the limited time available at this meeting to discuss this issue, the Committee agreed that this matter should be placed on the Agenda for discussion at next year's meeting.

#### 19.3.1.4 PUBLICATIONS

Despite staff limitations the IWC publications department produced a 520pp Supplement, 3 issues of the *Journal* (two are at the printers) with one more almost complete; and a Special Issue on Southern Hemisphere humpback whales.

The special issue on the RMP is progressing and should be available early 2013. A special volume commemorating the IDCR/SOWER cruises will be undertaken by an Editorial Board under Bannister.

The testing and trial process for a complete online submission and review process has been completed and has recently become operational.

All of the *Journal* volumes are now available as pdf files and the *Journal* will become available in that format either directly via the new IWC website or through an existing company; the Secretariat is in the process of examining the practical and financial implications of this and will report back to the Committee next year.

The Committee thanked Donovan and his team for the excellent work on publications. It reiterates the importance of these to its work as well as providing outside scientists the opportunity to benefit from the Committee's work and to encourage co-operation with the Committee.

#### 19.3.1.5 ELECTION OF OFFICERS

This was third and last year as Chair of the Scientific Committee for Debra Palka. The Committee expressed its great appreciation for her tireless, fair and excellent work during the three-year term. It was also Dr Toshihide Kitakado's last year as Vice-Chair and the Committee was pleased that he has agreed to take on the role of Chair at the end of the Commission Meeting. Finally the Scientific Committee Heads of Delegations unanimously nominated Dr Caterina Fortuna from Italy as Vice-Chair and the Committee welcomed her acceptance.

#### 19.3.2 Commission discussions and action arising

The Chair of the Commission was joined by the USA, Australia and Mexico in congratulating Dr Palka on the completion of her three-year term as Chair of the Scientific Committee. They commended her efforts and thanked her for her excellent handling of difficult issues. The Chair wished Dr Kitakado and Dr Fortuna every success in their new roles.

<sup>52</sup>For a full account see *J. Cetacean Res. Manage. (Suppl.)* 14, Item 24 [2013].

## 19.4 Scientific Committee future work plan

### 19.4.1 Report of the Scientific Committee<sup>53</sup>

The Committee developed a proposed work plan and initial draft agenda. It stressed that it is the Commission that establishes overall priorities and the final agenda for next year's meeting will as usual take into account Commission discussions.

### 19.4.2 Commission discussions and action arising

Australia noted that the Commission establishes the Committee's overall priorities and said that it did not consider the proposed intersessional expert workshop for final review of Iceland's Special Permit programme on common minke whales as a Commission priority<sup>54</sup>. This was particularly the case where budget allocations were limited. Special Permits were self-issued by the originating country and Australia saw no reason for the IWC to allocate significant resources to review self-issued Permits. At the very most, it suggested that some IWC funds could be used to support the core elements of the IWC implementation of the 'Annex P' process, including perhaps support for the Scientific Committee Chair and Vice-Chair and perhaps Head of Science. Australia said that this matter had a bearing on wider budgetary issues because of the number of other calls on the Commission's budget being raised through the work of other Committees and Sub-committees for which no provision was made in the budget. Accordingly it suggested that there was merit in including a standing item in the F&A Committee Agenda looking at the budget for intersessional work across all of the Committees, Sub-committees including the Scientific Committee, ASW Sub-committee, the group on Whaling Killing methods and associated welfare issues, the Conservation Committee and the Infractions Sub-committee. The F&A Committee could then recommend to the Commission a budget which addressed the Commission's key priorities across the work of all its Committees. The need to appropriately address funding of intersessional work programs was all the more important with the proposed move to biennial meetings.

The USA understood the need to finalise the review of Iceland's scientific whaling research programme which was an agreed process by the Scientific Committee and the Commission. The review was already overdue. However, given Iceland had already concluded its research programme the review could not be considered a priority or an immediate need. The USA asked that the Government of Iceland considered supporting half the cost of the workshop or that the total cost be reduced to less than £12,000. The UK and Mexico supported the statements by USA and Australia and the UK said that priority should be given to other projects identified by the Scientific Committee. Mexico said that those who undertook unilateral whaling should pay for it.

Iceland repeated its views recorded at Agenda Item 14.2.3 that it was unable to postpone or delay the workshop because of the advanced nature of the planning and the restricted availability of the necessary scientific staff. It welcomed the USA's suggestion of reducing the budget but was unable to accept the proposal because of the advanced nature of the plans.

Japan believed that the Commission should respect the Scientific Committee's proposed allocation of funding. It also highlighted that the proposed budgetary allocations had been approved and recommended in both the Budgetary Sub-

committee and the Finance and Administration Committee. Japan said that given the unanimous recommendations from both Committees there should be no need for the Commission to examine the budget.

In light of the discussions Australia, supported by Mexico and the United Kingdom proposed acceptance of the Scientific Committee's future work plan and the budget, including the £24,000 for the final review of Iceland's Special Permit whaling programme, but in doing so it recorded its view that countries who conduct unilateral self-determined whaling programmes under special permit should pay the full costs associated with any IWC reviews and that these reviews should not be paid for by the IWC. The issues had arisen because of a lack of clarity in 'Annex P' on how reviews would be funded. Recognising upcoming future reviews Australia suggested that the Commission (through the Finance and Administration Committee) should develop guidelines for funding such reviews and these be included in 'Annex P'. The USA accepted the proposed budget for the Scientific Committee and agreed the issue should be dealt with by the F&A Committee.

Iceland, supported by Japan and St Kitts and Nevis welcomed Australia's acceptance of the proposed budget. However these countries noted their disagreement with the view that all costs associated with the process should be borne by the country conducting the research. The review was organised by the Scientific Committee and the total costs were therefore decided by the IWC. There was no upper limit to such costs in 'Annex P' and so it was unreasonable that such costs should be inflicted on the research country. Iceland agreed that there should be a further discussion on this in the F&A Committee.

## 19.5 Adoption of the Scientific Committee's report

The Commission noted the entire report of the Scientific Committee, including its work plan and budget and endorsed any recommendations. The Chair thanked the outgoing Chair of the Scientific Committee for her considerable hard work and excellent reporting.

## 20. CO-OPERATION WITH OTHER ORGANISATIONS

### 20.1 Report of the Scientific Committee

The Committee greatly values its co-operation with other organisations. There are many matters discussed by the Committee which are of mutual interest and the exchange of ideas and observers facilitates both the IWC's work and that of other organisations. A compilation of observer's reports was available as document IWC/64/4.

### 20.2 Other reports

There were no other reports under this Item.

### 20.3 Commission discussions and action arising

#### *Discussion on trade in whale meat*

Mexico supported by Argentina and Chile noted that Iceland resigned from the Commission in 1992 and re-adhered in 2002 with the reservation to paragraph 10 of the Schedule to the ICRW. It then unilaterally began commercial minke and fin whale hunting and established a reservation for whales on the CITES appendix. From 2008 it had been exporting about 2,000 tons of whale products for commercial purposes to Japan and the Faroe Islands. The hunt and export of whale meat occurred while discussions were taking place on the Future of the IWC. Mexico asked Iceland to refrain from

<sup>53</sup>For a full account of the work programme see *J. Cetacean Res. Manage. (Suppl.)* 14, Item 21 [2013].

<sup>54</sup>See also discussions under Agenda Item 14.2.3.

requesting permits to export whale meat and to provide information on the level of trafficking on meat and other whale products.

Norway, supported by Iceland, Japan and the Russian Federation stated that the matter of exports of whale meat was not in the remit of the IWC and instead lay with CITES. Norway noted that Iceland, Japan and Norway held a reservation on CITES appendices for minke whale meat. Therefore the trade was perfectly legal to the extent that it was going on and was also not within the remit of the IWC.

India said that it was appropriate for the IWC to co-operate with other international conventions including CITES, CMS, CBD, UNFCCC and IMO so as to ensure effective functioning. India recommended that in due course it may be appropriate to develop collaboration with the UN, but that the IWC should not lose the focus of its mandate.

The Commission noted the Scientific Committee's report on collaboration with other organisations and endorsed its recommendations.

*Proposed Resolution on Highly Migratory Cetaceans in the High Seas*

Monaco referred to document IWC/64/11rev, which was a draft Resolution on highly migratory cetaceans in the high seas. Monaco explained that the Resolution addressed the fragmented legal coverage of highly migratory cetacean species in the world's oceans. The fragmented coverage arose because cetaceans travelled long distances between the high seas and waters under national jurisdiction and were protected by some countries in their domestic waters but not in others. This occurred at a time when the global community was calling for integrated marine governance. The problem was aggravated by the limited ability of the IWC to ensure compliance with its own conservation and management measures, and was further complicated by its taxonomic mandate which meant that the IWC addressed only 20% of the highly migratory cetacean species listed at Annex 1 of UNCLOS. Accordingly the Resolution was to set up effective synergies and coordination between the IWC and the relevant United Nations processes. Monaco commented that the integrated conservation of migratory cetaceans was of central importance for marine ecosystems, for the whale and dolphin watching economy and for many developing island and coastal states.

Monaco explained that the Resolution would not shift responsibility for whaling issues from the IWC to the United Nations. On the contrary it would seek synergies with UN processes by drawing the attention of a larger community of nations to the IWC's Schedule and Resolutions which would strengthen the Commission's work and embed it in the ongoing initiatives at UNCLOS. Monaco commented that the remarkable progress being made by the Scientific and Conservation Committees was being undermined because some of the IWC's key decisions such as the moratorium and the Southern Ocean Sanctuary were being undermined by its own members. It commented that if the IWC continued to operate in isolation, as a restricted club with limited visibility that the situation would not be likely to improve. In drawing attention to this issue, Monaco indicated that it wished to proceed with discussion aimed at reaching consensus.

Monaco summarised the two key elements of the proposal as being: (1) the necessity to engage in determined and substantive cooperation with the UN General Assembly so as to achieve protection for cetaceans, particularly in the context of the annual negotiations for the UN Resolution on Oceans and the Law of the Sea; and (2) to examine the

gaps in international legislation regarding the conservation of wholly migratory cetacean species. Monaco said it had worked to accommodate the concerns of a great many countries and expected that the text could be used as platform for discussion. It emphasised it wished to work towards gaining consensus approval of the document.

Cyprus spoke on behalf of the EU member states party to the IWC and said that the draft Resolution stressed the need to improve the functioning of the IWC and emphasised the points on which the organisation must improve its regulation of unjustified whaling practises such as so called scientific whaling sanctuaries. The draft Resolution also highlighted the lack of consideration of a significant number of species of cetaceans by the IWC. Furthermore, the migration of whales and their occurrence in several geographical areas involving coastal state waters and the high seas is something upon which the IWC should reflect. In terms of international governance, Cyprus believed that the IWC was the appropriate forum for discussions on the protection of cetaceans, including on the high seas. Contracting Governments' efforts to modernise the IWC embodied the collective will to continue discussions within the IWC. Cyprus, New Zealand, Panama, Ecuador, Costa Rica, Argentina, Mexico, Chile, USA and Brazil echoed Monaco's request that the matter be decided by consensus.

Panama believed the Resolution would lead to a better exchange of information and cooperation between the IWC and the parties and relevant organisations of the UN. Ecuador agreed with the need to improve the international framework regarding highly migratory cetaceans in the high seas, especially considering the significant number of unregulated catches and other threats. Ecuador therefore supported the proposal to strengthen coordination with the UN General Assembly and the annual Oceans Resolution. Colombia shared the need for improving compliance with decisions and the effectiveness of the IWC on issues such as the moratorium and commercial whaling. The agreements at the Rio+20 Conference had highlighted the need to strengthen international governance, in particular through greater synergy with other agreements and the United Nations. Costa Rica, Mexico, Chile and Argentina indicated their support for the Resolution. Brazil said it was appropriate to call the attention of the international community to the significant unregulated catches of highly migratory cetaceans which continued to take place and that many of those species were not included in the Schedule of the ICRW. It was therefore appropriate to seek collaboration with the UN General Assembly. India noted that close involvement between the IWC and UN Conventions was crucial to effective working and accordingly it supported the Resolution.

New Zealand said that the regulation of small cetaceans was an unresolved issue between the IWC and all other relevant bodies. This also raised the question of the relationship between the ICRW and the United Nations, and New Zealand expressed concern of bringing the divisions of the IWC into the United Nations where negotiations proceeded largely by consensus. Nonetheless the protection of small cetaceans was a serious question which was worthy of consideration in the context of the UN Oceans Resolution. The USA supported New Zealand's comments and said that highly migratory cetaceans depended on international cooperation for the conservation and management.

Norway, supported by Iceland, shared New Zealand's concerns about bringing the IWC's divisions to the General Assembly. The proposed Resolution should be seen in the light of a text which was tabled by Monaco at the UN in 2011

for inclusion in a General Assembly Resolution on Oceans and the Law of the Sea. Norway opposed that text in 2011 on the grounds that the issues regarding cetaceans and species issues in general were not a matter for the General Assembly but for the competent fisheries management organisations among which was the IWC. At that time several other countries shared Norway's position and the proposed text was not included in the UN Resolution. Norway's position had not changed and it could not therefore accept a renewed attempt at bringing cetacean management before the General Assembly. Accordingly Norway stated it would oppose a consensus.

Iceland's view was that the mandate of the IWC covered only those cetaceans listed in the Schedule to the ICRW (1946) and it noted that small cetaceans were protected by NAMMCO in its region. Iceland drew attention to the wording of the proposed Resolution which asked the IWC to regret and show deep concern for actions carried out in part by Iceland. Iceland said it would not do this and accordingly the Resolution was dishonest and it could never be a consensus agreement.

Japan considered the proposed Resolution would divide the IWC because it contained irrelevant, inconsistent and imbalanced facts. Japan provided many examples which included:

- (1) the title of the Resolution referring to the High Seas contrasted with the body of the Resolution which referred to efforts by coastal states;
- (2) the reference to Article 64 of UNCLOS, which it considered to be important for highly migratory species, was not referred to in the proposed Resolution; and
- (3) the first preambular paragraph on the conservation of migratory species contrasted with Article 65 of UNCLOS which described measures for exploitation and regulation of marine mammals.

Japan particularly emphasised the need to refine the relationship between the wording of the proposed Resolution and Articles 61, 62, 63 and 64 of UNCLOS. Japan considered that the fifth preambular paragraph did not relate to issues concerning highly migratory cetaceans on the high seas and that the sixth paragraph referring to 'without agreed limits' was inconsistent with Article VIII of the ICRW (1946). In conclusion Japan said it had given consideration to participating in consensus but could not do so, partly because of the inconsistencies and partly because it believed it was not appropriate for the IWC to give up its responsibilities and pass them to the United Nations instead.

China shared the concerns highlighted by Norway, Iceland and Japan and said that the IWC was the appropriate forum for the conservation and management of cetaceans. It said that all waters where whaling activities took place were covered by IWC including the high seas. China took into account the extensive agenda before the UN General Assembly and said that instead the members of the IWC should continue to work together to tackle such issues difficult though they may be. Because of this, China indicated it could not join consensus on the proposed Resolution.

Antigua and Barbuda considered it was inappropriate to refer IWC affairs to the General Assembly and highlighted the comments by previous speakers upon the importance of building consensus. Tanzania did not support taking IWC issues to the General Assembly and said it could not join consensus. Palau associated with these views and those of previous speakers said it could not join consensus. Grenada referred to the deep divide within the Commission regarding

support for sustainable whaling and said that to bring such a Resolution to the General Assembly without consensus would transfer the divide to another organisation which did not have a mandate for the conservation and management of whales. As such Grenada could not support consensus.

Monaco expressed its gratitude for the comments made and said the intention was not to shift responsibility for whaling matters to another body, but instead to capture the interest of a large body of nations which shared the IWC's concern for migratory species. In regard to the relevance of UNCLOS Article 64 Monaco said this was concerned with fish harvesting and that Article 65 was relevant to marine mammals. Monaco considered that both the IWC and UNCLOS had unfinished business. For the IWC there was a need to understand how to deal with the species of cetaceans that were not currently addressed and how to ensure IWC management objectives were respected. In regard to UNCLOS there was a demand to continue its work on Annex 1 relating to highly migratory species. Monaco said its main objective was to build bridges between the IWC and the UN to ensure continuation of progress. Responding to Japan's concern on the use of the phrase 'without agreed limits' Monaco said that Article VIII did not provide a ceiling on catch limits and so there could be no agreement. At this point Monaco indicated it would continue to develop its proposal with a view to finding a way forwards and the Chair adjourned the debate for a short period so as to deal with other items.

Upon returning to the debate, Monaco requested to hear views from Contracting Parties on how to address the issue of small cetacean conservation, and whether it should be taken forward by UNCLOS using Annex I of the Convention which listed highly migratory species or whether the issue should be addressed at the IWC by adding about 40 species to the Schedule of the ICRW.

New Zealand commented that the earlier interventions from Japan, Norway and Iceland on how they saw the issue being dealt with confirmed the fact that there was a serious problem. New Zealand was pleased that Monaco had taken account of initial concerns by issuing a revised document, and said it was happy to continue working on this issue going forwards.

Monaco recognised the support expressed by a number of Contracting Governments and indicated it would establish, on its own initiative, a non-IWC intersessional task force to take the work forwards. The Chair thanked Monaco for its proposal and suggested that any countries interested should contact Monaco during the meeting breaks.

## 21. NGO ADDRESS

The Chair recalled that there had been several NGO interventions during the meeting on specific Agenda items. These interventions had taken place after all Contracting Governments had spoken. Towards the end of the meeting it was clear that additional time had become available for NGOs to make a further address and the three separate interventions are recorded here.

Eugene Lapointe of the IWMC World Conservation Trust spoke about people in a meeting devoted to the management and conservation of whales. He had been fortunate to spend the first 12 years of his life in a wilderness where he had to provide food for his family from hunting and fishing and harvesting what nature was offering. Through this experience he had developed an understanding of the pain and anguish suffered by some peoples in the world. He said he was not happy with the outcome of the meeting because Greenland's



request for ASW catch limits had been rejected. Equally he was not happy that the appeal of the four small Japanese communities had been denied once again, and he identified with the pain felt by Greenland and Japan. Furthermore he was unhappy with the quota allocation to the Russian Federation, the USA and St Vincent and The Grenadines because although they had received their quota he believed that access to food was a basic right and it was demeaning that proud people had to beg to exercise their culture and traditions. He was unhappy that human rights were ignored to the advantage of animal rights. He was unhappy when wild animals were humanised and when humans were demonised for making use of animals. In closing, IWMC thanked the people of Panama for their warm hospitality and hoped that human values would recover their place in the field of international relations.

Samantha Dawes of Campaign Whale said that small cetaceans represented the vast majority of whale species. They faced many threats to their survival arising from toxic pollution, entanglement in fishing gear and large scale commercial and subsistence hunting. Sadly, these small whales now represented some of the most critically endangered species on Earth with populations and even entire species reduced to a pitiful number of animals barely clinging to existence. This year the Scientific Committee report included strong recommendations to help save the vaquita and Maui's dolphin. The baiji was tragically already lost. Campaign Whale asked if there could be any greater focus for the IWC than to help save critically endangered species on the brink of being lost forever. At IWC/63 in 2011, 10 NGOs were able to contribute a total of £10,300 to the Small Cetacean Voluntary Fund. This year Campaign Whale and supporting organisations wished to thank Contracting Governments for their generous contributions to the same fund. The contributions allowed valuable scientific and conservation work such as developing alternative fishing gear in the vaquita's habitat. Campaign Whale recognised the increasingly important work of the Sub-committee on Small Cetaceans and in particular the critical status of several small cetacean species and populations and it was pleased to announce a further donation of £11,000 to the Small Cetacean Voluntary Fund. This donation was made on behalf of Campaign Whale, Cetacean Society International, Humane Society International, International Fund for Animal Welfare, Naturschutzbund International, OceanCare, Whaleman Foundation, Windstar Foundation, Royal Society for the Protection of Animals and WWF International.

The Green Association of Panama represented many conservation-based NGOs and was pleased to be able to speak before the close of the meeting. It hoped that the NGO interventions that had been made had supported the debate and decision making and requested that the opportunities for NGOs to speak be implemented as permanent practice. The Green Association of Panama celebrated the Commission's work on non-lethal use of cetaceans and thanked those Governments who had committed funds or actions focusing on mitigating threats to cetaceans and their habitats. Although it understood the value of consensus it also recognised that the reintroduction of the voting system was a positive influence on governance. Although the South Atlantic Sanctuary had not been established it thanked the proponents and supporters of the proposal and urged them to continue working to make the Sanctuary a reality. It thanked the Government and people of Panama and congratulated the Chair on a successful meeting.

## 22. ADMINISTRATIVE MATTERS

The Finance and Administration Committee met in Panama on 28 June 2012. Donna Petrachenko (Australia) chaired the meeting, which was attended by 33 Contracting Governments. A summary of the Committee's discussions is included below and the full report is available at Annex J.

### 22.1 Meeting arrangements and procedures

#### 22.1.1 *Need for a Technical Committee*

##### REPORT OF THE F&A COMMITTEE

The Chair of the F&A Committee indicated that the Technical Committee had not met since IWC/51 in 1999. The question of an on-going need for a Technical Committee was an issue that the F&A Committee and then the Commission may need to address in the context of broader discussions relating to the Bureau.

##### COMMISSION DISCUSSIONS AND ACTION ARISING

There were no discussions under this Item.

#### 22.1.2 *Report of the Intersessional Group on Quorum*

##### REPORT OF THE F&A COMMITTEE

The F&A Committee had considered a range of options to clarify the Commission's procedures relating to quorum and a growing consensus had developed about a proposed series of changes to Rule of Procedure B.1. In addition there was extensive discussion on the need to link suspension of voting rights to quorum, and one member had raised a question about whether quorum was necessary to adjourn a meeting.

##### COMMISSION DISCUSSIONS AND ACTION ARISING

New Zealand, supported by the USA recalled that the intersessional group was established because of the problems experienced at IWC/63 in 2011. The group, which was chaired by New Zealand, had made recommendations which appeared initially to have consensus support, but subsequently at the private Commissioners' meeting there were some countries that were not in favour of making changes to the rule at this stage. New Zealand was comfortable to leave the rule as it stands, if that was the preference of the membership. But it was equally supportive of making a change regarding when to apply the rule on quorum as this would be a helpful clarification. However, in New Zealand's opinion the most important outcome of the exercise had been to re-establish an understanding about how the Commission should conduct its business.

Cyprus, supported by Switzerland and Monaco, spoke on behalf of the EU member states party to the IWC to state that the principle objective on the quorum issue should be to ensure that the Commission operates under a clear set of rules to avoid behaviour that brings the Commission into disrepute. Cyprus accepted the need to determine quorum at the time decisions are taken by the Commission, but it also believed that those Contracting Governments who were not entitled to vote as a consequence of non-payment of financial contributions should logically also not count towards the number of members required to constitute a quorum.

Japan, supported by Guinea, stated that the requirement for quorum was on-going throughout the meeting but applied especially at the point of decision making. Japan also stated that suspension of voting rights did not mean suspension of membership and so a member with a suspended vote should be counted as a constituent member of the quorum.

Following discussion, the Chair noted that the rules would be left unchanged although it may be necessary to return to the discussion in the future. He also hoped that it would be possible to handle the Commission's meetings without the need for further clarification on quorum.

### 22.1.3 Report of the Intersessional Group on Biennial Meetings and Establishment of a Bureau

#### REPORT OF THE F&A COMMITTEE

The intersessional group had developed four discussion documents, one of which included a checklist of actions for moving to biennial meetings and establishing a Bureau. Within the F&A Committee there was unanimous support for moving to biennial meetings and accordingly the F&A Committee recommended that the Commission should change the frequency of its meetings to biennial, commencing with the next meeting being held in 2014. This recommendation was supported by advice from the Scientific Committee that six year blocks for Aboriginal Subsistence Whaling catch limits would be safe, and a proposal from the Budgetary Sub-committee for a two year budget. The F&A Committee recommended that the Scientific Committee would continue to meet on an annual basis in May or June and reiterated the agreement from IWC/63 in 2011 that meetings of the Scientific Committee and Commission should be separated by a period of 100 days or longer.

The F&A Committee proposed the establishment of a Bureau comprising the Chair and Vice-Chair of the Commission, the Chair of the F&A Committee and four Commissioners representing a range of views and thematic interests. The host government for the next Commission meeting and the Secretary would also attend Bureau meetings in an *ex-officio* capacity.

The Chair of the Commission would serve as the Chair of the Bureau and may call upon Chairs of the Commission's subsidiary bodies to participate in Bureau discussions as appropriate. The Bureau would not be open to observers. Its role would be to support the Commission by providing advice to the Chair and the Secretariat on on-going work programmes, especially in terms of implementing Commission decisions at times when the Commission is not in session. The Bureau will also assist in: (1) preparations for meetings of the Commission and subsidiary bodies; (2) reviewing the progress of work undertaken through Sub-committees; and (3) provision of support to the Chair during Commission meetings. The Bureau's mandate would be to assist with process management and it would not be a decision making forum. It will not deal with substantive or policy matters under the Convention as these are reserved for the Commission. The Bureau may consider issues relating to financial or administrative tasks within the scope of the F&A Committee, but only in the context of making recommendations to that Committee.

A small group comprised of the USA, Japan and St Lucia had been tasked with finalising proposed changes to the Rules of Procedure which were necessary to implement these recommendations.

#### COMMISSION DISCUSSIONS AND ACTION ARISING

Switzerland, Cyprus (on behalf of EU member states party to the IWC), the UK, Guinea, USA, Monaco, Palau, Argentina, St Kitts and Nevis and Korea thanked the intersessional group for its work and supported the proposed move to a two yearly (biennial) cycle of meetings. Cyprus considered that a more effective schedule of meetings would put the IWC on a par with other multilateral agreements and that the establishment of a Bureau was necessary to ensure the smooth progress of Commission business during the intersessional period. The UK highlighted the importance of intersessional working in advance of IWC/65 and indicated its intention to lead or participate in a number of initiatives. Guinea supported the move as it would allow the Scientific Committee to develop more detailed advice

and because it would help many countries overcome their problems with arrears of payments. The USA noted that a reduced meeting frequency would provide cost savings to member governments and requested, since it was a member of the Advisory Committee, that it wished to have a seat on the Bureau. Argentina requested a seat on the Bureau for a member of the Buenos Aires Group, and St Kitts and Nevis requested a seat for the Caribbean countries. Korea highlighted the need to adjust the length of service of the Chair and Vice-Chair should the Commission move to a biennial cycle. Following these interventions the Chair of the F&A Committee confirmed that a drafting group was working to refine detailed amendments to the Rules of Procedure, and accordingly the Chair adjourned debate on this item until the drafting group's output was ready.

Upon resuming the debate, the Chair of the F&A Committee introduced the proposed changes to the Rules of Procedure and Financial Regulations and highlighted the following key items.

- The majority of the changes altered the word 'annual' to 'biennial', and these changes occurred throughout the document.
- At Rule B (Meetings) a new item 3 was proposed which read 'The Scientific Committee shall meet annually. Other Committees and sub-groups shall meet biennially prior to the meeting of the Commission. However this does not preclude intersessional work by these Committees and sub-groups from continuing'.
- Also at Rule B (Meetings) a new item 4 was proposed which read 'The Bureau shall meet in those years in which the Commission does not meet, and shall otherwise meet as required to fulfil its functions in accordance with Rule M.9'.
- At Rule F (Chair) the length of time for the term of office of the Chair is changed to two years, and an additional sentence was added which read 'The Chair is to serve the Commission, and as such, shall serve in an individual capacity and not represent the views of their Contracting Government, when acting as Chair.' Similar changes were made to Rule G (Vice-Chair).
- At Rule M (Committees) item 9 had key changes to establish the Bureau which was proposed to comprise the Chair and Vice-Chair of the Commission, the Chair of the F&A Committee and four Commissioners representing a range of views and regional interests. Commissioners were to be appointed to the Bureau for a period of two years at biennial Commission meetings. The Commissioner for the host Government of the next meeting would serve in an *ex-officio* capacity. The Secretary would support meetings of the Bureau. The Chair of the Commission would serve as Chair of the Bureau and may call upon Chairs of the Commission's sub-groups and Committees to participate in Bureau discussions as appropriate. The changes to Rule M also included a list of Bureau roles which were to:
  - provide advice to the Chair and Secretariat on implementing Commission decisions;
  - assist and advise the Secretariat on administrative and financial matters between meetings of the Commission;
  - assist in preparations for meetings of the Commission, its sub-groups and Committees;
  - to review the progress of work by the sub-groups and Committees; and
  - to provide support to the Chair during meetings of the Commission as requested by the Chair.

The Chair of the F&A Committee concluded by stating that, if adopted, these changes would move the Commission to a biennial meeting cycle, would end the current Advisory Committee, and would establish a Bureau.

South Africa noted that under the proposals the Bureau would comprise the Chair and Vice-Chair of the Commission, the Chair of the F&A Committee and four Commissioners representing a range of views and regional interests. South Africa was unclear how regional interest could work across four Commissioners and proposed deleting the reference to regionality. St Kitts and Nevis proposed that five Commissioners rather than four would be appropriate in order to ensure balanced representation. Norway noted that as currently drafted the Bureau was also composed of three other Commissioners (the Chair, Vice-Chair and Chair of F&A) making seven in total and this gave an opportunity to establish the requested regional balance. St Kitts and Nevis, supported by Ghana, responded that a fifth Commissioner position was necessary in order to accommodate representation from Africa. Ecuador considered it was not necessary to raise the number of members of the Bureau but requested that the phrase 'and ensuring a regionally balanced representation' should be added to the end of the second sentence of the first paragraph of Rule M.9. Monaco commented that it would be necessary to appoint the additional four or five Commissioners after the identity of the Chair, Vice-Chair and Chair of F&A had been established so as not to replicate the interests represented by these Commissioners. In addition Monaco raised the question of how to proceed if there were more Commissioners wishing to join the Bureau than places available and whether it would be necessary to have a secret ballot. South Africa clarified that it had proposed deleting the reference to regionality because of the different regions within the African continent and that one Commissioner would be unable to represent each of the regional views effectively.

Speaking in regard to the membership of the Bureau, Israel noted that the host Government for the next meeting would serve in an *ex-officio* capacity, and advised that the rule should be altered to make clear that this was in addition to the other four Commissioners already members of the Bureau. Monaco suggested that this could be achieved by redrafting the sentence to read 'In addition, the Commissioner for the host government of the next meeting of the Commission will serve in an *ex-officio* capacity for a period of two years'.

Israel drew attention to the statement which said that the role of the Bureau was to 'assist and advise the Secretariat' and suggested it was the other way around with the Secretariat assisting the Bureau. Israel suggested that the word 'assist' should be deleted and the Chair of the F&A Committee responded that this was agreeable. The Chair confirmed this was acceptable.

Chile referred to the long discussions which had taken place regarding the frequency of meetings for the Conservation Committee and requested comments on this point. The Chair of the F&A Committee responded that the proposed rule changes indicated that the Scientific Committee would continue to meet annually and the other Committees would meet intersessionally during the two year period as required. The outcomes of the preparatory discussions had made clear that all of the subsidiary bodies should be treated equally and therefore no Committee was singled out except the Scientific Committee.

Chile also asked for a list of the unresolved tasks that should be discussed before the implementation of the Bureau

or which should instead be taken over by the Bureau. The Chair of the F&A Committee responded that the checklist of actions had been prepared by the Secretariat during the intersessional period and submitted to the F&A Committee (IWC/2012/IGBB1). A number of those tasks had been achieved, for example the setting of two year budgets.

St Lucia noted the existing wording of Rule of Procedure F.1 which read 'The Chair shall remain in office until a successor is elected' and requested the addition of 'if he/she agrees to do so'. The Chair indicated this change was agreeable.

Guinea requested translations into French and Spanish be provided for the Bureau meetings.

St Kitts and Nevis said that the move to biennial meetings may diminish the ability of developing countries to pay their dues because payments were often made on a basis of need or urgency, and the absence of a meeting each year may reduce the perceived need to pay. It was possible that countries would pay for both years immediately before the biennial meeting rather than on an annual basis in order to assist cash flow. Accordingly St Kitts and Nevis asked if the time limit for charging interest on unpaid contributions could be changed from 12 months (as at present) to 24 months.

St Kitts and Nevis also requested that the words 'above the base rate quoted by the Commission's bankers on the day' be deleted. St Kitts and Nevis explained that an interest rate of 2% would still provide incentive to pay without inflating it by the base rate. Switzerland, supported by Australia, recalled discussions in previous meetings where the interest rate had been lowered considerably and expressed the need for caution in reducing the rate further as it would remove the incentive to pay and may not accurately reflect interest rates. Switzerland also spoke as Chair of the Budgetary Subcommittee to state that the IWC finances were based upon receiving annual financial contributions and extending the timescale for charging interest from 12 to 24 months may create cash flow issues for the Secretariat. Switzerland urged Contracting Governments to retain the current financial arrangements as they reflected economic realities and guaranteed the smooth running of the Secretariat.

At this point the Chair again adjourned the debate to allow the drafting group to consider the changes which had been proposed. Upon re-opening the debate the Chair of the F&A Committee described the following additional changes to the proposed alterations to the Rules of Procedure and Financial Regulations, which she hoped the Commission would be able to agree to.

- The incorporation of the suggested changes to Paragraphs F and G (Chair and Vice-Chair) so that it reads 'The Chair shall, however, remain in office until a successor is elected if he/she agrees to do so'.
- At paragraph 7 of Rule M.9 in relation to the interests of the Commissioners comprising the Bureau the word regional was removed so that the Rule would read '...and four Commissioners representing a range of views and interests'.
- Also at paragraph 7 of Rule M.9 the length of service on the Bureau for the Commissioner of the next host Government was clarified by the addition of 'for a period of two years' to the end of the fourth sentence of the first paragraph.
- In relation to the functions given to the Bureau, the word 'assist' was removed from the second function so that the Rule would read 'Advise the Secretariat on administrative and financial matters...'

- With regard to Financial Regulation F.1 the drafting group proposed that interest be added to outstanding payments if that payment had not been received by the Commission within 24 months of the due date as opposed to 12 months as previously. This change was made in the recognition that funds would still be due annually and that this would ensure the effective operation of the Secretariat.

The drafting group proposed to retain the wording regarding the rate of interest to be charged as '2% above the base rate quoted by the Commission's bankers on the day'.

Ecuador indicated that the changes proposed by the drafting group were acceptable but also recommended the inclusion of the words 'with a view to ensuring inclusive and balanced representation' to the end of the sentence describing the composition of the Bureau at Rule M.9. Ghana and Côte d'Ivoire asked for clarification of what was intended by the proposed use of the phrase 'views and interests' and whether it would include regional representation. The Chair of the F&A Committee clarified that the intention was to seek representation of the range of views on conservation and management of whaling held by various delegations as well as geographic interests, and that the word was removed on the understanding that the F&A Committee would be instructed to work intersessionally on the application of the meaning of regional in this context. Panama indicated its support for the proposals on the understanding that the Bureau would have a balanced membership.

St Kitts and Nevis repeated its request for the words 'above the base rate quoted by the Commission's bankers on the day' to be removed from the end of the first sentence of Financial Regulation F.1 dealing with Arrears of Contributions. St Kitts and Nevis supported by Ghana and the Republic of Guinea explained that the base rate was unpredictable and that it wished to have a greater certainty in the amounts it owed to international organisations. It commented that if the Secretariat was operating an overdraft facility and thus incurring charges because of the failure of Contracting Governments to pay dues then the charge was appropriate, but in the absence of the Secretariat operating an overdraft that the level of charge should be reduced to 2% without the addition of the base rate. St Kitts and Nevis emphasised the seriousness of the issue for developing countries.

The Chair of the F&A Committee clarified that the procedure of charging interest at 2% over the bank base rate had previously been in place prior to discussions on a biennial meeting cycle and so the current proposal did not ask Commissioners to agree to anything new in relation to the way interest was charged on arrears of contributions. New Zealand said that the rule applied at the IWC on interest charges for overdue payments was no different to the procedures used at other international organisations, and also stated that as the proposal had been raised for the first time during IWC/64 that there had not been adequate time to consider it. Cyprus noted that the unpredictability of the payments as a result of interest rate fluctuations was a result of Contracting Governments not paying on time.

St Kitts and Nevis moved that the proposal be amended so as to delete the words 'above the base rate quoted by the Commission's bankers on that date'. Accordingly, under St Kitts and Nevis' proposal the first sentence of Financial Regulation F.1 would read:

1. If a Contracting Government's annual payments have not been received by the Commission within 24 months of the due date referred to under Regulation E.2 compound interest shall be added on

the anniversary of that day and each subsequent anniversary thereafter at the rate of 2% above the rate quoted by the Commission's bankers on the day.

The Chair thanked St Kitts and Nevis for its proposal and requested the Commission to decide on the proposal through a vote. The vote received 15 yes votes, 41 no votes and 2 abstentions. Accordingly the proposal was defeated.

Following the vote, St Kitts and Nevis and St Vincent and The Grenadines, supported by Palau, said that there was great inequality with the IWC and that it was important to ensure that developing countries were able to participate fully in the organisation's work. St Kitts and Nevis indicated that it would support the consensus adoption of the proposals as put forwards by the drafting group.

The Chair then asked if the document proposed by the drafting group could be adopted by consensus. Seeing no disagreements the document was adopted.

#### *22.1.4 Report of the Working Group on the Role of Observers at Meetings of the Commission*

##### **REPORT OF THE F&A COMMITTEE**

The Working Group on the Role of Observers had met in Panama on the 27 June (see Annex K). There had been a wide ranging discussion which concluded with a recommendation to the private Commissioners' meeting that the total minimum time for NGO interventions was to be 30 minutes. The Working Group noted that 30 minutes over five days was a short period of time, and that primacy must be given to contracting parties. It would be at the discretion of the Chair how to use the time, or to show some additional flexibility. The Chair of the F&A Committee observed that IWC/64 had been conducted according to this guidance.

##### **COMMISSION DISCUSSIONS AND ACTION ARISING**

The USA and Mexico supported increased participation by observers, as it believed that increased transparency would give a greater legitimacy and because observers could provide a beneficial contribution to the Commission's deliberations. It noted that the process used at IWC/64 of allowing observers to speak under various agenda items after Contracting Governments and as time allows had worked very well. The USA believed this to be a positive and important step forward and it supported providing observers with greater opportunities to participate on each agenda item for which they may have input. It recommended that the IWC use this as the first step towards the ultimate goal of further increasing observer participation at future meetings in line with other inter-governmental organisations.

Cyprus spoke on behalf of the EU member states party to the IWC and was convinced that undertaking steps to improve governance would result in beneficial increases in protection and improved management practises. It would also sustain and reinforce a spirit of partnership among members as they worked to realise common objectives. Cyprus welcomed follow up action based on the experience of practises followed at IWC/64.

Colombia, Chile, Argentina, Ecuador, Uruguay and Brazil supported a greater role for observer organisations, as it would allow them to contribute knowledge and increase the transparency of the Commission. Chile, Argentina Ecuador and Uruguay highlighted the increased openness to working with NGOs within their own countries. Uruguay thanked the organisations and countries who had made voluntary contributions to the Commission's work which had reaffirmed the level of trust in the Commission. Panama, Brazil and India reiterated that the 30 minutes allowance over the five day duration should be considered a minimum

and it should be expanded to the extent possible within Plenary sessions. This should include expansion of the time allowance and also extension of the number of agenda items in which participation was requested. In addition Panama noted that the observers called to speak should reflect a balanced point of view which took account of regional distributions.

France, supported by Monaco, stated that NGO participation was very important as it enriched discussions. It commented that observers had been very responsible in their contributions by respecting time limits and balancing different views. France considered the compromise at IWC/64 was a starting point for wider discussions on the participation of civil society organisations. Monaco said it would be useful to consider a substantial increase in the time of the interventions as the present system of 30 minutes allowed only between 1-2% of the total time available. Monaco suggested the figure should be a minimum of 5% so that delegations could take note of and be guided by the interventions. St Vincent and The Grenadines agreed that civil society should contribute, but noted that the system of block representation amongst Contracting Parties often gave rise to repetitious interventions which reduced the time available for NGO input. Antigua and Barbuda, supported by St Kitts and Nevis, recognised the role of civil society organisations in governance issues but considered that the existing time allocation was sufficient for the time being as the IWC was an organisation of Contracting Governments and NGOs were able to advance their agendas by working domestically within their own countries. It also highlighted the need to ensure that NGOs satisfied all domestic and international requirements for registration.

Japan shared the importance of allowing civil society participation within the time available. Priority must be given to Contracting Parties first, as it had been during the previous days discussions where one NGO was unable to speak because of time constraints. Japan also reiterated that NGO participation had to be at the discretion of the Chair so as to ensure a smooth and efficient discussion.

The Chair considered that the different NGO speakers who had taken the floor at IWC/64 had provided valuable contributions to the discussions. He said that developing NGO participation was part of an on-going process which could be moved on by a willingness to listen to discussion from both sides of the debate.

#### *22.1.5 Report of the Working Group on Provision of Assistance to Governments of Limited Means to Participate in the Commission's work*

##### **REPORT OF THE F&A COMMITTEE**

The Working Group on Provision of Assistance to Governments of Limited Means to Participate in the Commission's Work had developed consensus support for the establishment of a voluntary fund. However problems continued to exist in developing agreeable wording for a Resolution which would ensure that the proposed action was compatible with Article III.5 of the Convention. The Chair of the F&A Committee reported that further work and discussions were needed to resolve this issue, and noted that the Working Group had continued to operate during IWC/64 with a view to presenting a revised proposal.

##### **COMMISSION DISCUSSIONS AND ACTION ARISING**

St Lucia introduced document IWC/64/18 which was a proposed Resolution on the Creation of a Fund to Strengthen the Capacity of Governments of Limited Means to Participate

in the Work of the IWC. St Lucia drew attention to several other Conventions which had a similar Article to that of III.5 of the ICRW (1946) particularly the Inter-American Tropical Tuna Commission (IATTC) and the Indian Ocean Tuna Commission (IOTC). St Lucia noted that 44 of the IWC Contracting Governments were also members of either IATTC or IOTC. In recent years these Commissions had agreed consensus Resolutions which permitted the creation of specific funds to assist the full participation of developing countries, and these funds were used, *inter alia*, to permit the attendance of developing countries at Commission meetings and meetings of the Commission's subsidiary bodies. Recognising the high degree of overlapping membership between the IWC and the other conventions where such measures had been adopted, St Lucia presumed that it would be possible to seek agreement for the adoption of similar measures at the IWC.

St Lucia, Japan, Palau, Kiribati, Korea, St Vincent and The Grenadines and Tanzania supported the proposed Resolution. Japan introduced document IWC/64/19 which was information provided to facilitate discussion on the provision of assistance to Governments of limited means. It noted the similarity of the IWC's Convention with that of the IATTC and the IOTC, and drew attention to a recent IATTC meeting where the European Union had donated \$50,000 to a voluntary fund to help developing countries participate at the IATTC meeting. In addition, the IOTC already operated a voluntary fund to support developing countries. Japan noted that of the 29 countries in the IWC's lowest capacity-to-pay group (Group One), ten were not present at IWC/64 in 2012 and 15 had not participated at IWC/63 in 2011. Japan noted the need for all countries to be able to attend meetings and urged support for the draft Resolution, particularly from those Contracting Governments who were also members of IATTC and IOTC. Palau said that the Resolution would: (1) achieve the objective of Resolution 2011-1; (2) recommend a procedure for disbursing funds and ensure compatibility with Article III.5 of the Convention; and (3) allow Governments of limited means to participate in the Commission's work. Kiribati emphasised that the low attendance at Commission meetings by Group One countries provided a full justification for the Commission to consider and support the proposed Resolution. Korea supported the proposed Resolution and said that as well as ensuring full participation from developing countries it would also ensure transparency on the future of the IWC.

The Russian Federation highlighted the needs of countries with transitional economies and said that CITES provided support not just for developing countries but also for countries with transitional economies. Accordingly the Russian Federation requested that the proposed Resolution be amended to include transitional economies and indicated that it would support the Resolution if this amendment could be made.

Cyprus spoke on behalf of the EU member states party to the IWC and recognised the importance of effective participation of developing country Contracting Governments in the work of the IWC. The establishment of a voluntary fund for that purpose would reflect practice under other multi-lateral agreements where the EU and its member states were strong donors. Nevertheless Cyprus stressed the need to give due regard to Article III.5 which required that the Contracting Governments pay their own costs. It considered that the wording of the article reflected the time of its drafting and would not have found its way into

contemporary international treaties. Nevertheless, it was the rule in force and as such Cyprus could not support wording that would be in direct contradiction to the Convention as was the case of the fifth bullet point of the proposed Resolution. Cyprus recalled that the intersessional working group did not tackle issues related to Article III.5. However Cyprus believed that it was important for the results of projects and information to be disseminated and accordingly it suggested replacing the fifth bullet point of the Resolution with: 'Reporting at meetings of the Commission or subsidiary bodies on the above activities for which funding will be provided'. If such a change was to be made Cyprus would be pleased to support the Resolution.

Following these interventions the Chair adjourned the debate briefly to allow informal consultations. Upon resuming the debate, St Lucia reported that it had not been possible to come to an agreement but that the group had agreed to continue working intersessionally on the issue. The Chair thanked St Lucia and acknowledged that there was support for the upcoming intersessional work.

#### *22.1.6 Review of the work of the Technical Advisor assigned to the Secretariat*

##### **REPORT OF THE F&A COMMITTEE**

In 2011 the USA proposed the secondment of a Technical Advisor (David Mattila) to the Secretariat so as to progress work on reducing conflicts with cetaceans, especially relating to large whale entanglement response and reduction of ship strikes. The F&A Committee thanked Dr Mattila for his work; expressed appreciation for the progress made and thanked the USA for supporting the financial costs. The Committee noted the possibility of extending the secondment and hoped that this would be achieved.

#### **COMMISSION DISCUSSIONS AND ACTION ARISING**

The USA thanked Contracting Governments for their support for the secondment and indicated that they were hoping to be able to extend the duration. Mexico, Costa Rica and Argentina thanked the USA and Dr Mattila for the work achieved and expressed support for extension of the secondment dependent upon obtaining the necessary resources in the forthcoming months.

#### **22.2 The Commission's website**

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

The Chair of the F&A Committee reported that the Secretariat had introduced the pre-launch version of the new IWC website which was available for review. It had been redesigned to improve navigation and ensure clearer communication through the use of a new font and colour scheme. The website also included improved access to previous meeting documents and scanned copies of historic Annual Reports and Chair's Reports of meetings. The Secretariat indicated their intention to continue to develop the site post launch including the establishment of an international domain name address. Members of the F&A Committee were invited to provide feedback and this had included a lot of very positive responses. Some questions regarding general functioning had been discussed, and the Secretariat reported that translations had been established for 17 of the most popular pages on the old website. Proposals for further translation to address the trilingual nature of the site should be referred to the Budgetary Sub-committee.

*22.2.2 Commission discussions and action arising*  
There were no discussions under this Item.

#### **22.3 Operational effectiveness**

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

The Chair of the F&A Committee recalled that at IWC/63 the Commission adopted Resolution 2011-1 which *inter alia* resolved to include the effectiveness of operations of the IWC as a regular Item on the Commission's Agenda. The F&A Committee recognised that the move to biennial meetings would increase operational effectiveness and that other proposals for improving effectiveness linked closely to Item 2.2.4 on cost savings measures.

##### *22.3.2 Commission discussions and action arising*

Discussions under this item are recorded at Item 22.4.2.

#### **22.4 Cost saving measures**

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

The F&A Committee considered document IWC/64/F&A11 which focused on reduction of freight charges and increased use of electronic documents. The Committee thanked the Secretary for efforts to reduce paper consumption and the associated move towards web-based distribution of documents. It emphasised the necessity of ensuring that meeting documents distributed through the website were clearly labelled with the time and date of uploading, and for appropriate back-up measures to be in place in case of failure of electronic equipment.

The F&A Committee concluded that the agenda items on operational effectiveness and cost savings measures should be combined. The USA agreed to convene an intersessional working group to take forward continued discussion on the combined item.

##### *22.4.2 Commission discussions and action arising*

Cyprus spoke on behalf of EU states party to the IWC and recalled that last year the IWC had taken some small but important steps towards the governance improvement. Noting that no organisation can or should stand still Cyprus said that a continued review of effectiveness was important to ensure consistency with current international practice. It therefore welcomed further work to review the IWC's effectiveness. The UK agreed that the move to biennial meetings would provide an opportune moment to conduct a review of IWC processes to ensure that they are fit for purpose, in line with best practice and allow the IWC to function effectively. The UK supported the continuation of intersessional work and said it would be happy to participate in the working group.

### **23. FORMULA FOR CALCULATING CONTRIBUTIONS AND RELATED MATTERS**

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

The Chair of the F&A Committee recalled that the interim formula for calculating contributions had been in place for a long time. This year the Budgetary Sub-committee had reviewed the issue and, based upon their recommendation, the F&A Committee agreed that the word 'interim' should be removed from the name of the measure.

#### **23.2 Commission discussions and action arising**

St Vincent and The Grenadines indicated its satisfaction that the formula for calculating contributions was now regarded as permanent rather than interim. It said that the formula was important in bringing fairness and equity to the way contributions were calculated.

## 24. REPORT OF THE INTERSESSIONAL CORRESPONDENCE GROUP ON STRENGTHENING IWC FINANCING

### 24.1 Report of the Finance and Administration Committee

The Chair of the F&A Committee referred to the report of the intersessional correspondence group, which contained a series of 11 recommendations to support the shared goal of rebuilding and maintaining healthy whale populations and to inject discipline into the way the IWC conducted its financial business. The work was intended to solve the IWC's financial constraints by accessing external funding for various purposes. Of the 11 recommendations, the first three were intended to improve accounting transparency and improve decision making. The remaining recommendations were aimed at:

- (1) creating the environment for fundraising;
- (2) establishing and eligibility and approvals process for projects; and
- (3) establishing a dedicated fund to receive external donations.

The Chair of the F&A Committee noted that further work was necessary in order to prepare a Resolution on this subject which would be presented to the next Commission meeting.

### 24.2 Commission discussions and action arising

There were no discussions under this item. The Commission noted the report of the F&A Committee on this Item and endorsed its recommendations.

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

### 25.1 Review of Provisional Financial Statement 2011/2012

*25.1.1 Report of the Finance and Administration Committee*  
Following review by the Budgetary Sub-committee, the Finance and Administration Committee recommended that the Commission approve the provisional financial statement and adopt it subject to audit following the close of the financial year on 31 August 2012. The F&A Committee also recommended that a standing item be added to the Budgetary Sub-committee's agenda to report the length of time served by the Commission's auditor and to reconfirm their appointment for the following annual or biennial period as appropriate.

The F&A Committee noted that total unpaid debts now amounted to £547,000 and it recommended that the Secretary presented a review of the Financial Regulations to the next Budgetary Sub-committee meeting outlining the additional measures that could be taken to assist Contracting Governments in arrears of payments.

*25.1.2 Commission discussions and action arising*  
There were no discussions under this Item.

### 25.2 Consideration of future budgets, 2012/2013 and 2013/2014

*25.2.1 Report of the Finance and Administration Committee*  
The F&A Committee endorsed the Budgetary Sub-committee's recommendation that the future budget scenarios contained in document IWC/64/7 be adopted by

the Commission, NGO observer fees to be £580 for the first observer and £285 for the second observer for the 2014 meeting.

### *25.2.2 Commission discussions and action arising*

The Commission adopted the budget as recommended by the F&A Committee. Spain asked whether the Secretariat foresaw any possible change in the grouping of countries according to their capacity to pay and the Secretary responded that the assessment of which countries fell into each payment group would be undertaken in August prior to issue of invoices for the forthcoming year.

### 25.3 Other

#### *25.3.1 Changes to the timing of the Commission's financial year*

#### REPORT OF THE F&A COMMITTEE

The decision taken in 2011 to separate the meetings of the Scientific Committee and Commission by a period of 100 days or longer is likely to lead to a situation whereby the Commission meets in September or October 2014, which is after the close of the current financial year on 31 August. Accordingly, the F&A Committee endorsed a Budgetary Sub-committee recommendation that the Commission should change its financial year to 1 January-31 December, effective from 2015 onwards. The F&A Committee also recommended that the Secretary should continue to operate the Commission's finances at a level of expenditure consistent with the previous financial year during the two month period after the end of the agreed budget and prior to the next Commission meeting in 2014. The Secretary was asked to develop a series of options for presentation to the 2014 meeting for allowing Contracting Governments to pay the charges associated with the four month bridging period from 1 September to 31 December 2014, and that these options should include spreading the charges over future years.

#### COMMISSION DISCUSSIONS AND ACTION ARISING

There were no discussions under this Item.

### *25.3.2 Budgetary Sub-committee operations*

The Chair of the F&A Committee noted that there are two open seats on the Sub-committee and urged Contracting Governments to come forwards.

#### COMMISSION DISCUSSIONS AND ACTION ARISING

There were no discussions under this Item.

### *25.3.3 Recommendation from the ASW Sub-committee*

The F&A Committee noted a recommendation from the ASW Sub-committee to consider establishing a voluntary fund at the next Commission meeting to support work associated with the management of aboriginal subsistence whaling. There are a number of funds currently operating for a range of issues including small cetaceans, conservation management plans etc., and therefore this proposal would create an additional, separate fund.

#### COMMISSION DISCUSSIONS AND ACTION ARISING

There were no discussions under this Item.

### *25.3.4 Voluntary fund for Conservation Management Plans*

The Chair of the Conservation Committee drew attention to the guidelines agreed by the Conservation Committee for allocating money from the voluntary fund for Conservation

Management Plans. Consistent with these guidelines the Conservation Committee recommended the approval of funding for the period 2011-13 of up to £50,000 for the South West Atlantic Southern Right Whale CMP and £25,000 for the Western Gray Whale CMP. The Committee had been advised that no funding support was required for the Eastern South Pacific Right Whale CMP at the current time.

#### **COMMISSION DISCUSSIONS AND ACTION ARISING**

There were no discussions under this Item.

### **26. ADOPTION OF THE REPORT OF THE FINANCE AND ADMINISTRATION COMMITTEE**

#### **26.1 Chair of the F&A Committee**

The Commission elected, by consensus, Ms Donna Petrachenko (Australia) for a second three year term as Chair of the F&A Committee.

#### **26.2 Adoption of the Finance and Administration Committee report**

The Commission adopted the report of the F&A Committee and endorsed all recommendations.

### **27. DATE AND PLACE OF FORTHCOMING MEETINGS**

The Commission accepted an offer from Government of the Republic of Korea to host the Scientific Committee

meeting in 2013. There were no offers to host the Scientific Committee meeting in 2014 or the Commission meeting in 2014.

### **28. BUREAU**

Following agreement under Agenda Item 22.1.3, the Advisory Committee was disbanded and replaced by the Bureau. The Commissioners from the USA, Panama, Ghana and Japan were elected by consensus to the four open seats on the Bureau. Thus the membership of the Bureau comprised the Chair (St Lucia), the Vice-Chair (Belgium), the Chair of the F&A Committee (Australia) and the USA, Panama, Ghana and Japan.

### **29. SUMMARY OF DECISIONS AND REQUIRED ACTIONS**

The Chair noted that the Secretariat had posted press releases on the IWC website at the end of each day of the Plenary. In addition, a Status of the Agenda document showing decisions taken under each item and associated voting records was available for download from the IWC/64 documents website. A comprehensive summary of decisions and required actions is provided at the beginning of this report.

### **30. OTHER MATTERS**

The meeting closed at 17.50 on 6 July 2012.



## Annex A

### Delegates and Observers Attending the 64<sup>th</sup> Annual Meeting

(C) Commissioner; (AC) Alternate Commissioner; (I) Interpreter; (S) Support staff

#### Antigua and Barbuda

Joanne Massiah (AC)

#### Argentina

Victor Marzari (AC)

Miguel Iñiguez (AC)

#### Australia

Donna Petrachenko (C)

Tony Burke (AC)

Chris Schweizer (AC)

Nick Gales (AC)

Peter Komidar (AC)

Michelle Evans

Victoria Wadley

Sandy Jacobson

Stephanie Ierino

Darryl Watkins

Pam Eiser

Alexia Wellbelove

Kirsty McNeil

#### Austria

Andrea Nouak (C)

Michael Stachowitsch (AC)

#### Belgium

Frederic Chemay (C)

Fabian Ritter

#### Benin

Jean-Baptiste Degbey (C)

#### Brazil

Marcos Pinta Gama (C)

Carlos Hugo Suarez Sampaio

Paula Morales Pereira (S)

Mariana Horta Vieira de Miranda (S)

#### Cambodia

Ing Try (AC)

#### Chile

Jose Fernandez (AC)

Guillermo Silva

Barbara Galletti

#### China, People's Republic of

Fan Xiangguo (AC)

Shi Wuhong

#### Colombia

Sandra Bessudo (C)

Alejandra Torres (AC)

Giannina Santiago Cabarcas

#### Costa Rica

Ana Lorena Guevara Fernandez (C)

Eugenia Arguedas Montezuma (AC)

Jenny Asch Corrales

Ricardo Meneses (I)

#### Côte d'Ivoire

Denis Kouakou-Phieny (C)

#### Cyprus

Myrofora Hadjichristoforou (C)

Andreas Demetropoulos (AC)

Savvas Michaelides

Chariklia Mavronicola (S)

Maria Marotta (S)

Aikaterini-Zoi Varfi (S)

#### Czech Republic

Jiří Havlík (C)

#### Denmark

Øle Samsing (C)

Gitte Hundahl (AC)

Amalie Jessen (AC)

Maj Friis Munk (AC)

Agathe Fontaine

Nette Levermann

Lars Witting

Leif Fontaine

Martin Mennecke

#### Dominican Republic

Peter Sanchez (AC)

#### Ecuador

Daniel Ortega Pachero (C)

Gustavo Iturralde (AC)

Jorge Samaniego Rivera

#### Estonia

Kadri Alasi (AC)

#### Finland

Penina Blankett (C)

#### France

Jean-Philippe Gavois (C)

Martine Bigan (AC)

Vincent Ridoux

#### Gabon

Guy Anicet Rerambyath (C)

Lee White

#### Germany

Walter Duebner (C)

Lutz Friedrichsen (AC)

Gerhard Adams

#### Ghana

Mike Akyeampong (C)

#### Grenada

Justin Rennie (AC)

#### Guinea Bissau

Oscar Balde (C)

Naula Fortes Cabral

#### Guinea, Republic of

Amadou Teliel Diallo (AC)

#### Iceland

Johann Gudmundsson (C)

Asta Einarsdóttir (AC)

Gisli Vikingsson (AC)

Kristjan Loftsson

#### India

Ashish Kumar Srivastava (C)

Vivek Saxena (AC)

#### Ireland

John Fitzgerald (C)

#### Israel

Esther Efrat-Smilg (C)

#### Italy

Plinio Conte (AC)

Caterina Fortuna (AC)

Saverio Rosini

Francesca Granata

#### Japan

Kenji Kagawa (C)

Kiyoshi Katsuyama (AC)

Akima Umezawa (AC)

Mitsunori Okamoto

Takamaro Fukuoka

Ryuji Kasai

Tomoaki Nakao

Hiroshi Sekitani

Kazutaka Sangen

Katsutoshi Mihara

Yoshiichi Shimomichi

Chikao Kimura

Takaaki Sakamoto

Shinji Hiruma

Akiko Muramoto  
Tsuyoshi Koga  
Tomio Miyashita  
Kayo Ohmagari  
Gabriel Gomez Diaz  
Dan Goodman  
Ikuo Mizuki  
Shuji Goto  
Masato Iida  
Kazuhiro Fujii  
Yoshinori Nishino  
Nobuhiko Tajima  
Emi Onda  
Nana Fushimi  
Chieko Nishimura  
Keiichi Morinaga  
Yurika Shibamoto  
Kiyomi Ito (I)  
Keiko Murata (I)  
Yoko Yamakage (I)

**Kiribati**

Reteta Rimon Nikuata (C)

**Republic of Korea**

Joon-Suk Kang (C)  
In-gu Kang (AC)  
Jeongseok Park (AC)  
Yong-Rock An (AC)  
Du Hae An (AC)  
Hyun-Jin Park

**Laos**

Bounkhouang Khambounheuang (C)

**Luxembourg**

Pierre Gallego (AC)

**Mauritania**

Azza Ahmed Cheikh Ould Jedou (C)

**Mexico**

Lorenzo Rojas-Bracho (C)  
Alejandra Maria Gabriela Bologna-Zubikarai  
Yolanda Alanis Pasini  
Rodrigo Daniel Mendivil Ocampo (I)

**Monaco**

Frederic Briand (C)

**Mongolia**

Tserendash Damdin (C)  
Jalbuu Choinkhor (I)

**Morocco**

Abdelouahed Benabbou (C)  
Yassine Elaroussi (AC)

**Nauru**

Jarden Kephass (AC)

**Netherlands**

Marie-Josée Jenniskens (C)  
Peter Bos (AC)  
Patrick Brandt (AC)

**New Zealand**

Gerard van Bohemen (C)  
Karena Lyons (AC)  
Louise Chilvers

**Norway**

Øle-David Stenseth (C)  
Einar Tallaksen (AC)  
Kathrine Ryeng  
Hild Ynnesdal  
Lars Walløe  
Egil Øen  
Truls Soløy

**Oman**

Abdullah Al Balushi (AC)

**Republic of Palau**

Victorio Uherbelau (C)

**Panama**

Tomás Guardia (C)  
Giovanni Lauri Carretti  
Margarita Zurita  
Hector Guzman  
Zuleika Pinzon  
Jose Julio Casas  
Malena Sarlo  
Yira Jaramillo Regna

**Peru**

German Vera Esquivel (AC)  
Alejandra Ximena Paz Ramos (AC)  
Elisa Goya

**Poland**

Monika Lesz (C)

**Russian Federation**

Valentin Ilyashenko (C)  
Igor Mikhno (AC)  
Ludmila Kasatkina (S)  
Ludmila Golembievskaya (S)  
Alexey Ottoy (S)  
Yuriy Tototto (S)  
Olga Etylin (I)  
Masha Vorontsova (I)

**Saint Kitts and Nevis**

Daven Joseph

**Saint Lucia**

Jeannine Compton-Antoine (C)

**Saint Vincent and The Grenadines**

Edwin Snagg (C)  
Raymond Ryan (AC)

**Slovenia**

Andrej Bibic (C)

**South Africa**

Herman Oosthuizen (C)  
Ed Couzens

**Spain**

Carmen Asencio (C)

**Sweden**

Bo Fernholm (C)  
Claes Pile (AC)

**Switzerland**

Bruno Mainini (C)  
Martin Krebs (AC)

**Tanzania**

Geoffrey Nanyaro (C)

**Togo**

Kossi Maxoè Sedzro (C)

**Tuvalu**

Nelesone Panapasi (C)

**UK**

Nigel Gooding (C)  
Richard Benyon (AC)  
Nicola Clarke (AC)  
James Gray (AC)  
Jolyon Thomson (AC)  
Beatriz Roel (AC)  
Anju Sharda  
Louise Savill  
Mark Simmonds  
Jennifer Lonsdale  
Michael John Holloway (S)  
Ariel Perez (S)  
Clive Hughes (S)  
Simon Stannard (S)

**USA**

Douglas DeMaster (C)  
Roger Eckert (AC)  
Elizabeth Phelps (AC)  
Russell Smith (AC)  
Ryan Wulff (AC)  
Melissa Andersen  
Keith Benes  
Robert Brownell  
Michael Tillman  
Taryn Kiekow  
Michael Lawrence  
George Noongwook  
Rollie Schmitten  
Ira New Breast (S)  
Mike Gosliner (S)  
Allison Reed (S)  
Connie Barclay (S)  
Peter Jones (S)  
Ryland Bovechop (S)  
Brian Gruber (S)  
DJ Schubert (S)  
Bob King (S)  
Bill Munten (S)  
Stephanie Moreland (S)  
Charlotte Brower (S)  
Ann Renker (S)  
Jonathan Scordino (S)  
Greig Arnold (S)  
Keith Johnson (S)  
Eugene Brower (S)

**Uruguay**

Francisco Purificatti (C)  
Carlos Rodriguez Brianza  
Gimena Hernandez

**INTERPRETERS**

Cynthia Diez Menk  
Elizabeth Lewis  
Letiticia Saenz  
Schéhérazade Matallah-Salah  
Mohammed Bennis  
Leila Safi

**SCIENTIFIC COMMITTEE**

Debra Palka (Chair)  
Toshihide Kitakado (Vice-Chair)

**SECRETARIAT**

Simon Brockington  
Cherry Allison  
Greg Donovan  
Mark Tandy  
Julie Creek  
Stella Duff  
Sandra Holdsworth  
Andrea Cooke  
Jessica Rowley  
Brendan Miller  
Sue Burkett

**NON-MEMBER COUNTRIES****Canada**

Barry Green

**INTERGOVERNMENTAL ORGANISATION OBSERVERS****CCAMLR**

Bo Fernholm

**COMHAFAT/ATLAFCO**

Hachim El Ayoubi  
Masaki Oikawa  
Abdellah Reagraui (I)

**Comisión Permanente del Pacífico Sur (CPPS)**

Fernando Félix

**European Union**

François Wakenhut  
Jill Hanna

**NAMMCO**

Hild Ynnesdal

**SPAW-RAC**

Gaelle Vandersarren

**NON-GOVERNMENTAL ORGANISATIONS****Alaska Eskimo Whaling Commission**

Harry Brower  
Johnny Aiken  
Merlin Koonooka  
Isaac Nukapigak  
Robert Suydam  
Jessica Lefevre  
Earl Comstock  
Edward Itta  
Charlie Hopson  
Craig George  
Jenny Evans  
Francisco Esparza  
Randy Hoffbeck  
Elsie Itta  
Marietta Aiken  
Lucy Nukapigak  
Shannon Esparza  
Eric Stafford

**All Japan Seamen's Union**

Kenji Takahashi  
Hideo Kon

**American Cetacean Society**

Cheryl McCormick

**Animal Welfare Institute**

Susan Millward  
Susan Fisher  
Kate O'Connell

**Association of Traditional Marine Mammal Hunters of Chukotka (ATMMHC)**

Eduard Rypkhirgin  
Eduard Zdor  
Olga Ipatova

**Asociación Verde de Panamá (ASVEPA)**

Gabriel Despaigne

**Biodiversity Action Network East Asia (BANE)**

Ayako Okubo  
Yasuhiro Sanada

**Blue Voice.Org**

Hardy Jones  
Deborah Cutting  
Jeff Friedman  
Carlos Yaipen-Llanos

**Campaign Whale**

Andy Ottoway  
Samantha Dawes  
Geert Drieman  
Elleke van Renesse

**Center of Conservation and Ecodevelopment of Samaná Bay and its Environment - CEBSE**

Pamela Lamelas  
Augusto Gonzalez

**Centro de Conservacion Cetacea**

Elsa Cabrera  
Jose Truda Palazzo Jr.  
Maria Clara Jimenez  
Javier Rodriguez  
Marcello Hernandez

**Cetacean Society International**

Heather Rockwell

**Conservación de Mamíferos Marinos de México A.C. (Comarino)**

Mercedes Anzures Aguilar

**Dolphin Connection**

Deborah Adams  
Paul Spong  
Helena Symonds

**Dolphin and Whale Action Network**

Nanami Kurasawa

**Earth Island Institute**

Mark Palmer

**Eastern Caribbean Coalition for Environmental Awareness (ECCEA)**

Marlon Mills  
Louise Mitchell Joseph  
Paul Lewis

**Environmental Investigation Agency**

Clare Perry

**Fluke Foundation**

Mary Whitney

**Fundacion Cethus**

Marta Hevia

**Global Guardian Trust**

Toshikazu Miyamoto  
Jun Akamine

**Greenpeace International**

Phil Kline  
Miko Schwartzman  
John Frizell

**Green Vegans**

Will Anderson  
Toni Frohoff  
Tami Drake

**Humane Society International**

Rebecca Regnery  
Kitty Block  
Naomi Rose  
Bernard Unti  
Grettel Delgadillo

**Instituto Baleia Jubarte**

Marcia Engel  
Mariana Almeida

**Instituto de Conservacion de Ballenas**

Roxana Scheinbarg  
Carolina Andrade Gastambide  
Cristina Castro

**International Fund for Animal Welfare**

Patrick Ramage  
Clare Sterling  
Naoko Funahashi  
Robbie Marsland  
Elizabeth Allgood  
Ralf Sonntag  
Matthew Collis  
Vassili Papastavrou  
Jean Claude Bouvier

**International Transport Workers' Federation**

Chikimasa Ohkoshi

**IWMC World Conservation Trust**

Eugene Lapointe  
Gavin Carter

**Japan Whaling Association**

Konomo Kubo  
Ichiro Wada  
Yoshihiro Takagi  
Kunikazu Shimamoto  
Seiji Ohsumi  
Hayato Sakurai  
Masaya Inoue  
Junichi Miki  
Tetsuya Omotani  
Komei Wani  
Naoya Tanikawa

**Japan Small-Type Whaling Association**

Chikao Kimura

**NOAH**

Siri Martinsen

**Norwegian Society for Protection of Animals**

Tanya Cross

**OceanCare**

Sigrid Lueber

**Pro Wildlife**

Sandra Altherr

**Society for the Conservation of Marine Mammals, Danish Section**

Birgith Sloth

**Smithsonian Tropical Research Institute**

Juan Mate

**Te Ohu Kaimoana**

Matiu Te Rei  
Peter Douglas

**Whale and Dolphin Conservation Society**

Vanesa Tossenberger  
Carolina Cassani  
Laura Doehring  
Fernando Trujillo

**Whaleman International Ltd**

Jeff Pantukhoff

**Whales Alive**

Mick McIntyre

**Windstar**

Nancy Azzam

**World Society for the Protection of Animals**

Joanna Toole  
Claire Bass  
Marcela Vargas

**WWF International**

Wendy Elliott  
Alona Rivord  
Leigh Henry  
Heather Sohl  
Aimee Leslie  
Mamadou Diallo

## Annex B

### Agenda

1. ELECTION OF CHAIR AND VICE-CHAIR
  - 1.1 Election of Chair
  - 1.2 Election of Vice-Chair
2. INTRODUCTORY ITEMS
  - 2.1 Welcome address
  - 2.2 Opening statements
  - 2.3 Secretary's report on Credentials, voting rights and circular communications
  - 2.4 Meeting arrangements
  - 2.5 Review of documents
3. ADOPTION OF THE AGENDA
4. SANCTUARIES
  - 4.1 South Atlantic Whale Sanctuary
    - 4.1.1 Proposal for the establishment of a South Atlantic Whale Sanctuary
    - 4.1.2 Commission discussions and action arising
  - 4.2 Other sanctuary issues raised in the Scientific and Conservation Committees
    - 4.2.1 Report of the Scientific Committee
    - 4.2.2 Report of the Conservation Committee
    - 4.2.3 Commission discussions and action arising
  - 4.3 Other
5. THE IWC IN THE FUTURE
6. WHALE STOCKS
  - 6.1 Antarctic minke whales
    - 6.1.1 Report of the Scientific Committee
    - 6.1.2 Commission discussions and action arising
  - 6.2 Southern Hemisphere humpback whales
    - 6.2.1 Report of the Scientific Committee
    - 6.2.2 Commission discussions and action arising
  - 6.3 Southern Hemisphere blue whales
    - 6.3.1 Report of the Scientific Committee
    - 6.3.2 Commission discussions and action arising
  - 6.4 Western North Pacific gray whales
    - 6.4.1 Report of the Scientific Committee
    - 6.4.2 Commission discussions and action arising
  - 6.5 Southern Hemisphere right whales
    - 6.5.1 Report of the Scientific Committee
    - 6.5.2 Commission discussion and action arising
  - 6.6 North Pacific and North Atlantic right whales and small stocks of bowhead whales
    - 6.6.1 Report of the Scientific Committee
    - 6.6.2 Commission discussion and action arising
  - 6.7 North Pacific research cruises
    - 6.7.1 Report of the Scientific Committee
    - 6.7.2 Commission discussion and action arising
  - 6.8 Other stocks
7. ABORIGINAL SUBSISTENCE WHALING
  - 7.1 Aboriginal Subsistence Whaling Management Procedure
    - 7.1.1 Report of the Aboriginal Subsistence Whaling Sub-committee
    - 7.1.2 Commission discussions and action arising
  - 7.2 Aboriginal Whaling Scheme
    - 7.2.1 Report of the Aboriginal Subsistence Whaling Sub-committee
    - 7.2.2 Commission discussions and action arising
- 7.3 Aboriginal subsistence whaling catch limits
  - 7.3.1 Report of the Aboriginal Subsistence Whaling Sub-committee
  - 7.3.2 Proposals for Aboriginal subsistence whaling catch limits
  - 7.3.3 Commission discussions and action arising
8. CONSERVATION COMMITTEE
  - 8.1 Investigation of inedible 'stinky' gray whales
    - 8.1.1 Report of the Conservation Committee
    - 8.1.2 Commission discussions and action arising
  - 8.2 Ship strikes
    - 8.2.1 Report of the Conservation Committee
    - 8.2.2 Commission discussions and action arising
  - 8.3 Southern right whales of Chile-Peru
    - 8.3.1 Report of the Conservation Committee
    - 8.3.2 Commission discussions and action arising
  - 8.4 National Reports on Cetacean Conservation
    - 8.4.1 Report of the Conservation Committee
    - 8.4.2 Commission discussions and action arising
  - 8.5 Marine debris
    - 8.5.1 Report of the Conservation Committee
    - 8.5.2 Commission discussions and action arising
  - 8.6 Voluntary fund for small cetacean conservation research
    - 8.6.1 Report of the Conservation Committee
    - 8.6.2 Commission discussions and action arising
  - 8.7 Other
9. CONSERVATION MANAGEMENT PLANS
  - 9.1 Report of the Conservation Committee
  - 9.2 Commission discussions and action arising
10. WHALEWATCHING
  - 10.1 Report of the Conservation Committee
  - 10.2 Commission discussions and action arising
11. WHALE KILLING METHODS AND ASSOCIATED WELFARE ISSUES
  - 11.1 Report of the Working Group on Whale Killing Methods and Associated Welfare Issues
  - 11.2 Commission discussions and action arising
12. SOCIO-ECONOMIC IMPLICATIONS AND SMALL TYPE WHALING
  - 12.1 Commission discussions and action arising
13. REVISED MANAGEMENT PROCEDURE (RMP)
  - 13.1 Report of the Scientific Committee
    - 13.1.1 General issues
    - 13.1.2 *Implementation* process
      - Western North Pacific Bryde's whales
      - Central North Atlantic fin whales
      - Western North Pacific common minke whales
    - 13.1.3 Bycatch
  - 13.2 Commission discussions and action arising

- 14. SCIENTIFIC PERMITS
  - 14.1 Report of the Scientific Committee
    - 14.1.1 Review of results from existing permits
    - 14.1.2 Review of new or continuing proposals
    - 14.1.3 Procedures for reviewing scientific permit proposals
    - 14.1.4 Other
  - 14.2 Commission discussions and action arising
- 15. SAFETY AT SEA
- 16. CATCHES BY NON-MEMBER NATIONS
  - 16.1 Report of the Scientific Committee
  - 16.2 Commission discussions and action arising
- 17. INFRACTIONS, 2011 SEASON
  - 17.1 Report of the Infractions Sub-committee
  - 17.2 Commission discussions and action arising
- 18. ENVIRONMENTAL AND HEALTH ISSUES
  - 18.1 State of the Cetacean Environment (SOCER)
    - 18.1.1 Report of the Scientific Committee
    - 18.1.2 Commission discussions and action arising
  - 18.2 POLLUTION 2000+ research programme
    - 18.2.1 Report of the Scientific Committee
    - 18.2.2 Commission discussions and action arising
  - 18.3 Cetacean diseases
    - 18.3.1 Report of the Scientific Committee's working group on Cetacean Emerging and Resurging Diseases (CERD)
    - 18.3.2 Commission discussions and action arising
  - 18.4 The impacts of oil and dispersants on cetaceans
    - 18.4.1 Report of the Scientific Committee
    - 18.4.2 Commission discussions and action arising
  - 18.5 Marine renewable energy developments and cetaceans
    - 18.5.1 Report of the Scientific Committee
    - 18.5.2 Commission discussions and action arising
  - 18.6 Anthropogenic sound
    - 18.6.1 Report of the Scientific Committee
    - 18.6.2 Commission discussions and action arising
  - 18.7 Climate change
    - 18.7.1 Report of the Scientific Committee
    - 18.7.2 Commission discussions and action arising
  - 18.8 Ecosystem modelling
    - 18.8.1 Report of the Scientific Committee
    - 18.8.2 Commission discussions and action arising
  - 18.9 Proposal for a Workshop on Anthropogenic Impacts to Cetaceans in the Arctic
    - 18.9.1 Report of the Scientific Committee
    - 18.9.2 Commission discussions and action arising
  - 18.10 Reports from Contracting Governments on national and regional efforts to monitor and address the impacts of environmental change on cetaceans and other marine mammals
    - 18.10.1 Commission discussions and action arising
  - 18.11 Health issues
    - 18.11.1 Commission discussions and action arising
  - 18.12 Other
- 19. OTHER SCIENTIFIC COMMITTEE ACTIVITIES, ITS FUTURE WORK PLAN AND ADOPTION OF THE SCIENTIFIC COMMITTEE REPORT
  - 19.1 Small cetaceans
    - 19.1.1 Report of the Scientific Committee
    - 19.1.2 Commission discussions and action arising
  - 19.2 Regional non-lethal research partnerships
    - 19.2.1 Report of the Scientific Committee
    - 19.2.2 Commission discussions and action arising
  - 19.3 Other activities
    - 19.3.1 Report of the Scientific Committee
    - 19.3.2 Commission discussions and action arising
  - 19.4 Scientific Committee future work plan
    - 19.4.1 Report of the Scientific Committee
    - 19.4.2 Commission discussions and action arising
  - 19.5 Adoption of the Scientific Committee's report
- 20. CO-OPERATION WITH OTHER ORGANISATIONS
  - 20.1 Report of the Scientific Committee
  - 20.2 Other reports
  - 20.3 Commission discussions and action arising
- 21. ADMINISTRATIVE MATTERS
  - 21.1 Meeting arrangements and procedures
    - 21.1.1 Report of the Finance and Administration Committee
    - 21.1.2 Commission discussions and action arising
  - 21.2 The Commission's website
    - 21.2.1 Report of the Finance and Administration Committee
    - 21.2.2 Commission discussions and action arising
  - 21.3 Operational effectiveness
    - 21.3.1 Report of the Finance and Administration Committee
    - 21.3.2 Commission discussions and action arising
  - 21.4 Cost saving measures
    - 21.4.1 Report of the Finance and Administration Committee
    - 21.4.2 Commission discussions and action arising
- 22. FORMULA FOR CALCULATING CONTRIBUTIONS AND RELATED MATTERS
  - 22.1 Report of the Finance and Administration Committee
  - 22.2 Commission discussions and action arising
- 23. REPORT OF THE INTERSESSIONAL CORRESPONDENCE GROUP ON STRENGTHENING IWC FINANCING
  - 23.1 Report of the Finance and Administration Committee
  - 23.2 Commission discussions and action arising

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| <p>24. FINANCIAL STATEMENTS, BUDGETS AND OTHER MATTERS CONSIDERED BY THE BUDGETARY SUB-COMMITTEE</p> <p>24.1 Review of Provisional Financial Statement 2011/2012</p> <p>    24.1.1 Report of the Finance and Administration Committee</p> <p>    24.1.2 Commission discussions and action arising</p> <p>24.2 Consideration of estimated budgets, 2012/2013 and 2013/2014</p> <p>    24.1.1 Report of the Finance and Administration Committee</p> <p>    24.1.2 Commission discussions and action arising</p> <p>24.1 Other</p> | <p>25. ADOPTION OF THE REPORT OF THE FINANCE AND ADMINISTRATION COMMITTEE</p> <p>26. DATE AND PLACE OF FORTHCOMING MEETINGS</p> <p>27. ADVISORY COMMITTEE</p> <p>28. SUMMARY OF DECISIONS AND REQUIRED ACTIONS</p> <p>29. OTHER MATTERS</p> |
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## Annex C

### List of Documents

IWC/64/		Agenda Item
1	Annotated Provisional Agenda	
2	List of documents	
3	Delegates and Observers attending the 64 <sup>th</sup> Annual Meeting	
4	Cooperation with other organisations	20
5	Audited Financial Statement for the year ended 31 August 2011	24
6	Provisional Financial Statement for the year ended 31 August 2012	24
7	Proposed Budget options for single financial year ended 31 August 2013, and double financial year ended 31 August 2014	24
8	The South Atlantic: A Sanctuary for Whales (Brazil, Argentina and Uruguay)	4.1
8rev1	The South Atlantic: A Sanctuary for Whales (Brazil, Argentina, South Africa and Uruguay)	4.1
9	Proposed Schedule amendment to permit the catching of minke whales from the Okhotsk Sea-West Pacific Stock by small-type whaling vessels (Japan)	12
10	Schedule amendment to enable indigenous peoples to continue meeting their aboriginal subsistence needs (Russian Federation, Saint Vincent and The Grenadines and USA)	7.3
11	Draft Resolution on Highly Migratory Cetaceans and Ocean Governance (Monaco)	20
11rev1	Draft Resolution on Highly Migratory Cetaceans and Ocean Governance (Monaco)	20
11rev2	Draft Resolution on Highly Migratory Cetaceans and Ocean Governance (Monaco)	20
12	Proposed Schedule amendment on Greenland catch limits (Denmark)	7.3
13	Draft Resolution on the Importance of Continued Scientific Research with Regard to the Impact of the Degradation of the Marine Environment on the Health of Cetaceans and Related Human Health Effects (Germany, Austria, Belgium, Bulgaria, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Lithuania, Luxembourg, the Netherlands, Poland, Portugal, Romania, Slovak Republic, Slovenia, Spain, Sweden and the United Kingdom)	18
13rev1	Resolution 2012-x on the Importance of Continued Scientific Research with Regard to the Impact of the Degradation of the Marine Environment on the Health of Cetaceans and Related Human Health Effects (Germany, Austria, Belgium, Bulgaria, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Greece, Hungary, Ireland, Italy, Lithuania, Luxembourg, the Netherlands, Poland, Portugal, Romania, Slovak Republic, Slovenia, Spain, Sweden, Switzerland and the United Kingdom)	18
13rev2	Resolution 2012-x on the Importance of Continued Scientific Research with Regard to the Impact of the Degradation of the Marine Environment on the Health of Cetaceans and Related Human Health Effects (Germany, Austria, Belgium, Bulgaria, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Greece, Hungary, Ireland, Italy, Lithuania, Luxembourg, the Netherlands, Poland, Portugal, Romania, Slovak Republic, Slovenia, Spain, Sweden, Switzerland and the United Kingdom)	18
14	Catches by IWC member nations in the 2011 and 2011/2012 seasons (Secretariat)	
15	Draft changes to F&A Report Appendix 4 from Drafting Group (USA, Australia, Saint Lucia, Japan and the United Kingdom)	21.1
16	Elections to the Advisory Committee (Secretariat)	27
17	Proposal to establish an adhoc Small Working Group to seek options for resolving matters related to the small-type coastal whaling (Japan)	12.1
18	Resolution on the Creation of a Fund to Strengthen the Capacity of Governments of Limited Means to Participate in the Work of the IWC (Antigua and Barbuda, Grenada, Kiribati, Mongolia, Nauru, Republic of Palau, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and The Grenadines and Tuvalu)	21.1
19	Information to facilitate discussion on providing assistance to Government of limited means (Japan)	21.1



**Reports from Commission sub-groups**

<b>IWC/64/Rep</b>		<b>Agenda Item</b>
1	Report of the Scientific Committee	
2	Report of the Finance and Administration Committee	21, 22, 23, 24,25
3	Report of the Aboriginal Subsistence Whaling Sub-committee	7
4	Report of the Infractions Sub-committee	17.1
4rev1	Report of the Infractions Sub-committee	17.1
5	Report of the Conservation Committee	4, 8, 9, 10
6	Report of the Working Group on Whale Killing Methods and Associated Welfare Issues	11
7	Report of the Working Group to Consider the Role of Observers at Meetings of the Commission	21.1

**Summary documents available in French and Spanish**

<b>IWC/64/</b>		
Rep1	-FR or SP	Unofficial summary of IWC/64/Rep1 (Report of the Scientific Committee)
Rep2	-FR or SP	Unofficial Chair's summary of IWC/64/Rep2 (Report of the Finance and Administration Committee)
Rep3	-FR or SP	Unofficial Chair's summary of IWC/64/Rep3 (Report of the Aboriginal Subsistence Whaling Sub-Committee)
Rep4	-FR or SP	Unofficial Chair's summary of IWC/64/Rep4 (Report of the Infractions Sub-committee)
Rep5	-FR or SP	Unofficial Chair's summary of IWC/64/Rep5 (Report of the Conservation Committee)
Rep6	-FR or SP	Unofficial Chair's summary of IWC/64/Rep6 (Report of the Working Group on Whale Killing Methods and Associated Welfare Issues)
Rep7	-FR or SP	Unofficial Chair's summary of IWC/64/Rep7 (Report of the Working Group to Consider the Role of Observers at Meetings of the Commission)

**Opening Statements**

<b>IWC/64/OS GO (Member Governments)</b>
Argentina
Australia
Cyprus
Denmark
Japan
Korea
New Zealand
USA

<b>IWC/64/OS IGO (Inter-Governmental observers)</b>	
CMS	Convention on the Conservation of Migratory Species
NAMMCO	North Atlantic Marine Mammal Commission
NRDC	Natural Resources Defence Council

<b>IWC/64/OS NGO</b>	
COMARINO	Conservación de Mamíferos Marinos de México A.C.
GGT	Global Guardian Trust
HSI	Humane Society International
ICB	Instituto de Conservacion de Ballenas
ITF	International Transport Workers' Federation
WWF	WWF International
Campaign Whale	Campaign Whale
Green Vegans	Green Vegans
Greenpeace	Greenpeace International
IWMC	IWMC World Conservation Trust
JSU	All Japan Seaman's Union

## Annex D

### Resolutions Adopted at the 64<sup>th</sup> Annual Meeting

#### Resolution 2012-1

#### RESOLUTION ON THE IMPORTANCE OF CONTINUED SCIENTIFIC RESEARCH WITH REGARD TO THE IMPACT OF THE DEGRADATION OF THE MARINE ENVIRONMENT ON THE HEALTH OF CETACEANS AND RELATED HUMAN HEALTH EFFECTS

RECALLING IWC Resolutions 1998-11, 1999-4 and 2000-6 expressing the Commission's concern about the negative effects of environmental degradation on cetaceans, in particular the existence of high levels of organic contaminants and heavy metals; and NOTING that, while the consumption of cetaceans products may have positive health effects, scientific evidence demonstrates that some communities may be faced with health problems arising from the high level of such contaminants that are present in those products in their diet;

ALSO RECALLING that IWC Resolution 1998-11 invites Governments directly affected to submit, when possible, reliable information to the IWC relating to possible human health effects resulting from the consumption of cetacean products, and encourages the World Health Organisation (WHO) and other appropriate agencies to put this issue on their own agenda;

FURTHER RECALLING that IWC Resolution 2000-7 notes that the study of the effects of environmental changes on cetaceans is an integral part of their conservation and management;

NOTING to this effect that the need for rigorous scientific advice and risk assessments for cetaceans lies at the heart of the work undertaken by the Scientific Committee, *inter alia*, under the Pollution 2000+ research program, endorsed by the IWC at its 51<sup>st</sup> Annual Meeting;

NOTING that IWC Resolution 1999-4 requests the Scientific Committee to receive, review and collate data on contaminant burdens in cetaceans and forward these as appropriate to the WHO and competent national authorities, and to report on this matter to the Commission;

RECALLING that organic contaminants and heavy metals are seriously polluting the environment and its living resources including some species of whales in some areas, and may have a significant negative health effect on consumers of products from these marine mammals;

NOTING the recent assessments and recommendations of the Arctic Monitoring and Assessment Programme Working Group of the Arctic Council in its report 'Arctic Pollution 2011' (Mercury in the Arctic); and

NOTING that IWC Resolution 1999-4 instructing the IWC Secretariat to correspond with the World Health Organization (WHO) has led to an exchange of information;

NOW, THEREFORE, THE COMMISSION:

INSTRUCTS the Secretariat to forward this Resolution to the World Health Organisation (WHO) with a request for increased exchange of information between the IWC and the WHO;

ENCOURAGES the WHO to conduct reviews of recent scientific publications regarding contaminants in certain cetacean products and give updated advice for consumers;

WELCOMES the work accomplished so far under the Pollution 2000+ research programme;

REQUESTS the Scientific Committee to remain engaged in the evaluation of the available data on organic contaminants and heavy metals in some cetaceans as well as the effect of such contamination on the health of cetaceans and their reproduction; and FURTHER REQUESTS the Scientific Committee to report to the IWC on the progress accomplished thereon, if possible by the next meeting of the Commission (IWC/65);

In this vein, INVITES all Governments to continue supporting the Scientific Committee in its work; and FURTHER CALLS UPON all Governments to take all necessary steps to implement existing legislation and standards aiming at reducing the input of contaminants, including heavy metals, into marine ecosystems;

FURTHER URGES the Governments concerned to remain vigilant and responsibly inform consumers about positive and negative health effects, related to consumption of some cetacean products, and take such steps as necessary to counter negative effects based on rigorous scientific advice and clear risk assessments; and

UNDERTAKES to revisit the issue at a future meeting, in the light of the relevant developments and scientific information, and based on the report by the Scientific Committee.

## Annex E

# Report of the Aboriginal Subsistence Whaling Sub-Committee

Wednesday 27 June 2012, Panamá City, Republic of Panama

### 1. INTRODUCTORY ITEMS

A list of participants is given as Appendix 1.

#### 1.1 Appointment of Chair

Herman Oosthuizen (South Africa) was appointed Chair.

#### 1.2 Appointment of Rapporteur

Greg Donovan (Secretariat) and Karena Rosa Lyons (New Zealand) were appointed rapporteurs.

#### 1.3 Review of documents

The list of documents is given as Appendix 2.

### 2. ADOPTION OF AGENDA

The adopted Agenda is given as Appendix 3.

### 3. ABORIGINAL SUBSISTENCE WHALING MANAGEMENT PROCEDURE

#### 3.1 Progress with the Greenlandic Research Programme

##### 3.1.1 Report of the Scientific Committee

The Chair of the Scientific Committee's SWG on the Development of an Aboriginal Whaling Management Procedure, Greg Donovan (hereafter 'Chair of the SWG'), reported on the Scientific Committee's work in this regard. He explained that two items of the Committee's agenda were relevant to this item: those relating to the work on the development of *Strike Limit Algorithms (SLAs)* (IWC/64/Rep1, Item 8.3); and to consideration of conversion factors for edible products (IWC/64/Rep1, Item 8.6).

#### DEVELOPMENT OF STRIKE LIMIT ALGORITHMS

The Committee developed and the Commission endorsed an interim safe approach to setting catch limits for the Greenland hunts in 2008, noting that this should be considered valid for up to two blocks, i.e. the target is for the Committee to have developed agreed and validated *SLAs* by species by the 2017 or 2018 Annual Meeting. The interim safe approach uses an *SLA* that has been simulation tested in the normal manner but not for as full a range of scenarios as a formal long-term *SLA*.

For a number of reasons, primarily related to stock structure issues, development of *SLAs* for Greenland aboriginal hunts for common minke and fin whales will be more complex than for the *Bowhead* and *Gray Whale SLAs*.

The Committee noted the multi-species nature of the Greenland hunts and Greenland's desire for flexibility amongst species in meeting its subsistence needs. It reiterated that its approach will first be to develop *SLAs* for individual species before considering whether and how to address multispecies considerations.

In order to progress essential *SLA* development work, the Committee agreed that an intersessional Workshop was essential to maintain progress.

With respect to common minke whales and fin whales, it was noted that the Committee's SWG on the AWMP and

its sub-committee on the Revised Management Procedure (RMP) both have interest in North Atlantic common minke whales. The Committee endorsed the planned co-operative and collaborative process that will culminate in a joint Workshop on the stock structure of this species in the North Atlantic in early 2014. This will greatly assist the *SLA* development process and the development of a common simulation testing framework. A similar situation exists for North Atlantic fin whales which are also of interest to the Scientific Committee's sub-committee on the RMP.

#### CONVERSION FACTORS

In 2009, the Commission appointed a small working group (comprising several Committee members) to visit Greenland and compile a report (see IWC/62/9) on the conversion factors used for each species to translate the Greenlandic need request which is provided in tonnes of edible products to numbers of animals. At that time the group provided conversion factors based upon the best available data, noting that given the low sample sizes, the values for species other than common minke whales for which the estimate was robust should be considered provisional. The group also recommended that a focused attempt to collect new data on edible products taken from species other than common minke whales be undertaken, to allow a review of the interim factors; and that data on both 'curved' and 'standard' measurements are obtained during the coming season for all species taken. The report was endorsed by the Scientific Committee.

Last year, the Committee had welcomed an initial report from Greenland, recognising the logistical difficulty of collecting these kinds of data, but had requested additional information. This year, a further report was received from the Greenlandic authorities that provided information on the data collected thus far (IWC/64/ASW10).

Although welcoming the report, the Committee expressed some concerns about it (e.g. low sample size, method used, low yield for fin whale – see IWC/64/Rep1, Item 8.6). It was noted that the Greenland Institute of Natural Resources (GINR) has been asked to investigate the low sample sizes and is working with the hunters and authorities to improve the sample size in the future. Given these concerns the Committee reiterated its recommendations from 2011 and 2012:

- (1) the provision of a full scientific paper to the next Annual Meeting that details *inter alia* at least a full description of the field protocols and sampling strategy (taking into account previous suggestions by the Committee); analytical methods; and a presentation of the results thus far, including information on the sex and length of each of the animals for which weight data are available; and
- (2) the collection and provision of data on recommendation no. 2 of IWC/62/9 comparing standard vs curvilinear whale lengths. This should be done for all three species (bowhead, humpback and fin whales) on as many whales as possible. Guidelines and protocols are suggested in IWC/62/9.

### 3.1.2 Discussion and recommendations

The Sub-Committee endorsed the report of the Scientific Committee and its recommendations.

Greenland presented an updated report on its work on conversion factors in response to the Scientific Committee's recommendations (IWC/64/ASW10). It noted that its current need statement and request (see Item 6.7) used the conversion factors per animal included in IWC/62/9.

Greenland welcomed the comments of the Committee and noted this fuller progress report was for the information of the Sub-Committee. It will be presenting a detailed report on progress in line with the Scientific Committee's recommendations and those of the Commission's small working group of two years ago (IWC/62/9) at next year's meeting. The report can be summarised as follows:

- (1) the focus is on the three species (bowhead, humpback and fin whales) for which IWC/62/9 recommended interim factors and further work;
- (2) that the protocol was introduced seven months into the whaling season in 2010 and as noted in IWC/62/9, the difficult environmental conditions, the huge length of coastline and opportunistic nature of the hunts require collaboration between authorities, hunters, scientists and wildlife officers – the present system was developed by them and has been incorporated into the Greenlandic Executive Orders so that weighing and reporting is mandatory;
- (3) sample sizes have been less than expected and increased efforts to improve this are underway in co-operation with the Greenland Institute of Natural Resources;
- (4) as noted by the Scientific Committee, the methods may be modified in the light of the experience gained to date (e.g. weighing of several rather than a single bin for each product for each whale);
- (5) the limited results obtained thus far do not suggest that changes need to be made to the interim conversion factors developed in IWC/62/9 that were endorsed by the Scientific Committee; and
- (6) a full progress report will be presented to the Scientific Committee in line with its recommendations next year.

In discussion, several countries thanked Denmark/Greenland for presenting the more detailed updated progress report. However, the UK and Australia also indicated concern over the poor sample size and poor following of the developed protocols. They looked forward to receiving information on improved procedures and sample sizes next year. Austria recognised the difficulties involved but highlighted the problems noted by the Scientific Committee with both the methods used (weighing one rather than several bins) and the following of the protocol by only a few hunters. It also noted a lack of consultation with the small working group. The information provided in the document was not sufficient to warrant any change in the conversion factors which should only occur if agreed by the Scientific Committee. Argentina commented that it needed more time to study the report and looks forward to the full progress report that Denmark/Greenland will be submitting to the Scientific Committee next year.

## 3.2 Implementation Review for gray whales

### 3.2.1 Report of the Scientific Committee

The Chair of the SWG noted that the Committee's discussions on this issue can be found under Item 8.1 of IWC/64/Rep1. He recalled that the 2010 *Implementation Review* had shown that the eastern North Pacific population as a whole was in

a healthy state (the population size in 2006/07 was around 20,000 animals), but that a new immediate *Implementation Review* was needed to evaluate the performance of *SLAs* for proposed hunting by the Makah Tribe in the Pacific Northwest, with a primary focus on the small (around 200 animals) PCFG (the Pacific Coast Feeding Group). The PCFG was in essence treated as a separate management stock from the large eastern North Pacific population from which the Chukotkan hunt was taken. The process has taken work by the Committee at two Annual Meetings and two intersessional Workshops. The report of the Scientific Committee documents the extensive work undertaken following the simulation trial approach pioneered by the Committee.

In terms of *SLAs*, the Committee explored the conservation performance of 11 variants of a management plan proposed by the Makah Tribe to reduce the likelihood that a PCFG whale might be taken in the hunt.

Evaluation of *SLAs* is based on the objectives accepted by the Commission in 1982 and 1994 which are to:

- (a) ensure that the risks of extinction to individual stocks are not seriously increased by subsistence whaling;
- (b) enable aboriginal people to harvest whales in perpetuity at levels appropriate to their cultural and nutritional requirements, subject to the other objectives; and
- (c) maintain the status of stocks at or above the level giving the highest net recruitment and to ensure that stocks below that level are moved towards it, so far as the environment permits.

Highest priority is accorded to the objective of ensuring that the risk of extinction to individual stocks is not seriously increased by subsistence whaling.

In order to minimise the risk of taking PCFG whales, the management plan developed by the Makah Tribe restricts the hunt both temporally and geographically. Some PCFG whales are present during the migratory season and thus the plan proposes an Allowable PCFG Limit (APL) during hunts that are targeting eastern North Pacific migrating whales with the aim of ensuring that accidental takes of PCFG whales do not deplete the PCFG.

Weather conditions and availability of whales makes it likely that most hunting will occur in May. However, there are insufficient data to assess the number of strikes by month. Given this uncertainty about how the plan would respond to failing to take into account struck-and-lost PCFG whales, the Tribe had proposed two *SLA* variants (1 and 2) that spanned the options as to when the hunt might occur.

*SLA* variant 1 proposes that struck-and-lost whales do not count towards the APL, i.e. there is no management response to PCFG whales struck but not landed. *SLA* variant 2 proposes that all struck-and-lost whales count to the APL irrespective of hunting month, i.e. the number of whales counted towards the APL may exceed the actual number of PCFG whales struck. The Committee evaluated all of the trial results against the Commission's objectives and concluded:

- (1) *SLA* variant 2 performed acceptably and met the Commission's conservation objectives; and
- (2) *SLA* variant 1 performed acceptably provided that it is accompanied by a photo-identification programme to monitor the relative probability of harvesting PCFG whales in the Makah U&A, and the results are presented to the Scientific Committee for evaluation each year.

The Committee commended these variants to the Commission. It also agreed that the *Implementation Review* is completed. Management advice is discussed under Item 6.2 below.

However, the Committee noted that the *SLA* variants tested did not correspond exactly to the management plan proposed by the Makah to the IWC. The Committee agreed to test such a variant intersessionally and examine the results at the next Annual Meeting.

The Chair of the SWG drew attention to a further relevant aspect of the Committee's work. Last year, the Committee had stressed three points.

- (1) New information on movements of gray whales highlighted the importance of further clarification of the stock structure of North Pacific gray whales. In particular, the matches of animals from the Sakhalin feeding grounds with animals seen in the PCFG area and other areas along the west coast emphasised the need for efforts to estimate the probability of a western gray whale being taken in aboriginal hunts for Pacific gray whales (noting that this did not require incorporation of western gray whales into the *Implementation Review*).
- (2) It had strongly endorsed the basinwide research programme, noting that the results of the research may require further trials for future *SLA* testing; this would be a matter for consideration at the next *Implementation Review* if not before.
- (3) The Committee will continue to monitor the situation and was willing to respond to any guidance or requests for further information from the Commission.

This year the Committee had received a paper (SC/64/BRG9) that provided an initial modelling approach to address point (1) above. Although welcoming this work, a number of questions were raised and further work identified before any conclusions could be agreed. The Committee recommended that a revised document be developed for further review at next year's meeting, noting its potential importance for the provision of management advice.

### 3.2.2 Discussion and recommendations

The Sub-Committee endorsed the report of the Scientific Committee and its recommendations.

## 4. ABORIGINAL WHALING SCHEME (AWS)

### 4.1 Report of the Scientific Committee

The Chair of the SWG noted that this item was found under Items 8.4 and 8.5 of IWC/64/Rep1.

#### *Guidelines for Implementation Reviews*

An integral part of the AWMP process is the undertaking of regular or 'special' *Implementation Reviews*, as noted for example during the development process of the *Bowhead Whale SLA* (IWC, 2003, pp.26-27)<sup>1</sup>.

The Committee had agreed that it would be useful to develop guidelines for *Implementation Reviews*, given the experience gained thus far. The proposed guidelines are provided in IWC/64/Rep1 (Annex E, Appendix 8) and cover the following issues: (1) objectives; (2) timing of regular and special *Implementation Reviews*; (3) outcomes; (4) data availability; and (5) computer programs.

The Committee adopted these internal guidelines.

<sup>1</sup>IWC. 2003. Report of the Scientific Committee. *J. Cetacean Res. Manage. (Suppl.)* 5: 1-92.

### *Scientific aspects of an Aboriginal Whaling Scheme (AWS)*

In 2002, the Committee had strongly recommended that the Commission adopt the Aboriginal Subsistence Whaling Scheme (IWC, 2003b, pp.22-23<sup>1</sup>). The scheme covers a number of practical issues such as survey intervals, carryover, and guidelines for surveys. The Committee has stated in the past that the AWS provisions constitute an important and necessary component of safe management under AWMP *SLAs* and it reaffirmed this view. It noted that discussions within the Commission of some aspects such as the 'grace period' are not yet complete.

### 4.2 Discussion and recommendations

The Sub-Committee noted the report of the Scientific Committee.

## 5. ABORIGINAL SUBSISTENCE WHALING (ASW) WORKING GROUP

### 5.2 Report of the *ad hoc* Aboriginal Subsistence Whaling Working Group

In 2011, the Commission endorsed a recommendation contained in document IWC/63/12rev to form an *ad hoc* Aboriginal Subsistence Whaling Working Group (ASWWG). The members were Argentina, Austria, Denmark, Japan, Russian Federation, Switzerland and the USA, along with the Secretariat and two members of the Scientific Committee. The purpose of the group was to identify and consider unresolved ASW issues, including *inter alia* those identified in the 2011 report of the ASW Sub-Committee.

The Chair of the ASWWG, Rollie Schmitt (USA) presented its report (IWC/64/ASW5). The Chair updated the Sub-Committee on the ASWWG's discussions over the past year. He focused on the recommended actions of the ASWWG relating to five short-term tasks:

#### *Task 1. Facilitate the exchange of technical information on ASW hunts*

Recommendations:

- (1) request Member Governments with aboriginal subsistence hunts to cooperate, to the fullest extent, in the exchange of technical hunting information;
- (2) acknowledge and encourage the activities of the ASW Caucus in facilitating the exchange of technical information among its members; and
- (3) request that the ASW Caucus add an item on 'exchange of technical information' to the agenda for each of its meetings and consider any significant issues specific to ASW hunts, and forward them to the ASW Sub-Committee.

#### *Task 2. Standardise catch limits expressed as number of whales vs tons*

Recommendations: encourage Denmark/Greenland to continue to report East Greenland's single species hunt in term of number of whales struck/landed. Along with this recommendation, the Chair noted that one member did not accept Greenland's explanation for expressing its nutritional subsistence need for whales in terms of tons.

#### *Task 3. Discuss the merits of long term ASW catch limits*

Recommendations: the ASWWG noted the comments from a Scientific Committee Workshop (SC/64/Rep3) and awaits final action by the Scientific Committee on long term catch limits. Along with this recommendation, the Chair noted that one member did not believe that

the IWC should move beyond 5-year block catch limits for any population until it has adopted an *SLA* for that population.

*Task 4. Discuss IWC or other funding sources to support implementation by ASW hunters of any new IWC requirements that may arise*

Recommendations: propose the adoption of an IWC Voluntary Fund during IWC/65, including a request for the Secretary to make arrangements for the creation of such a fund whereby contributions can be registered and utilised by the Commission.

*Task 5. Secretariat review of ASW management issues and definitions.*

Recommendations: a working draft report has been completed and is with the ASWWG for review.

### 5.3 Discussion and recommendations (including work plan)

The Sub-Committee thanked the ASWWG for its work and endorsed its recommendations (noting the reservations of one member of the ASWWG above), noting that the recommendation regarding the establishment of a Voluntary Fund will need to be taken to the meeting of the Finance and Administration Committee.

## 6. ABORIGINAL SUBSISTENCE WHALING CATCH LIMITS

Before presenting the Scientific Committee's discussions of individual catch limits, the Chair of the SWG introduced their discussions on the topic of the implications of setting catch limits for an even number of years if the Commission moves to biennial meetings (IWC/64/Rep1, Item 9). The Committee agreed that there are no scientific reasons for the Commission not to set catch limits for blocks of even numbers of years up to 8 years for B-C-B bowhead and eastern gray whale stocks. Given the interim safe approach adopted in 2008 for the Greenland hunts, the Committee agrees that there are no scientific reasons why the next quota block for the Greenland hunts could not be for a 6-year period, noting that the long-term *SLAs* will be available for implementation for the following block quota.

In response to a question by the USA, the Chair of the SWG noted that the Scientific Committee had by oversight not discussed the question of the length of a block quota for the hunt in St. Vincent and The Grenadines. When asked for his view, he stressed he was speaking in an individual capacity. He noted that for a similar situation (that of the East Greenland common minke whale hunt, where the advice is based on the fact that the catch is a very small proportion of the total stock – see Item 6.3 below), the Committee had agreed that up to a six-year block would be acceptable. From this one might infer that the same was true for the St. Vincent and The Grenadines hunt where the catch advice is also based on the fact that the catch was a very small proportion of the total stock (see Item 6.7.1 below).

### 6.1 Bering-Chukchi-Beaufort Seas (B-C-B) stock of bowhead whales

#### 6.1.1 Report of the Scientific Committee

The Chair of the SWG noted that two of the Committee's agenda items were relevant to this topic: the *Implementation Review* for B-C-B bowhead whales (IWC/64/Rep1, Item 8.2) and the consideration of stocks subject to aboriginal subsistence whaling (IWC/64/Rep1, Item 9)

The Committee's task during an *Implementation Review* is to assess whether there is any new information that would suggest that the range of trials used to evaluate the *Bowhead SLA* is no longer sufficient to ensure that the *SLA* meets the Commission's conservation and user objectives. The Committee received and evaluated excellent papers on stock structure, abundance and catches and thanked US scientists, the North Slope Borough, Alaska, and the native communities for continuing to provide a considerable body of high-quality scientific work which facilitated the *Implementation Review* process. In completing the review the Committee agreed that the *Bowhead SLA* continues to be the most appropriate way for the Committee to provide management advice for the B-C-B population of bowhead whales.

SC/64/BRG2 presented information on the 2011 Alaskan hunt. A total of 51 bowhead whales were struck resulting in 38 animals landed. No bowhead whales were reported struck and lost at Chukotka.

In 2007, the Commission agreed that a total of up to 280 B-C-B bowhead whales could be landed in the period 2008-12, with no more than 67 whales struck in any year, with up to 15 unused strikes able to be carried over each year and added to the strike limit for any one year. The use of the *Bowhead SLA* confirms that the present strike and catch limits are acceptable.

#### 6.1.2 Consideration of need

The need statement for B-C-B bowhead whales by the USA is given as IWC/64/ASW3 while the need statement for B-C-B bowhead whales for the Chukotkan hunt is given in IWC/64/ASW6. In response to a request by the Chair, the USA and the Russian Federation provided short summaries of their extensive documents and these are given as Appendices 4 and 5, respectively. The strike/catch limit requests from the USA and the Russian Federation are at the same levels as previously although scaled to a six-year block.

#### 6.1.3 Discussion and recommendations

The Sub-Committee endorsed the report of the Scientific Committee and its recommendations.

It also accepted the need statements provided by the USA and the Russian Federation.

### 6.2 North Pacific eastern stock of gray whales

#### 6.2.1 Report of the Scientific Committee

The Chair of the SWG noted that this referred to Item 9.2 of IWC/64/Rep3. In addition to completing the *Implementation Review* with the focus on PCFG gray whales (see Item 3.2.1 above), the Committee reviewed a wide range of excellent papers on this stock including papers from Mexico, the USA and the Russian Federation. A number of research recommendations were made but no information was presented that warranted any re-evaluation of the *Gray Whale SLA*.

The Russian Federation reported that a total of 128 gray whales were struck in Chukotka, Russia in 2011; two were lost and 126 were landed. Of the landed whales, two were stinky and not used for human consumption.

In 2007, the Commission had agreed that a total catch of up to 620 gray whales was allowed for the years 2008-12 with a maximum of 140 in any year. No new data were presented this year to change the Committee's advice for the large eastern North Pacific population and therefore the Committee agreed that the *Gray Whale SLA* remains the appropriate tool to provide management advice for eastern North Pacific gray whales apart from the consideration of

the PCFG and the Makah hunt (see below). The Committee reiterated that the current strike limits will not harm the stock.

With respect to the management plan variants provided by the Makah Tribe, the Committee agreed that:

- (1) variant 2 performs acceptably; and
- (2) variant 1 performs acceptably provided that it is accompanied by a photo-identification programme to monitor the relative probability of harvesting PCFG whales in the Makah U&A, and the results are presented to the Scientific Committee for evaluation each year.

Matters related to the possibility of an animal feeding in the western North Pacific being taken in the PCFG area were discussed under Item 3.2.1.

#### 6.2.2 Consideration of need

The need statement for the eastern gray whale hunt off Chukotka is given as IWC/64/ASW6 while the need statement for Makah hunt is given in IWC/64/ASW4. In response to a request by the Chair, the Russian Federation and the USA provided short summaries of their extensive documents and these are given as Appendices 5 and 6, respectively.

In addition the Russian Federation presented IWC/64/ASW9 which provided additional information on the 2011 hunt. A total of 126 gray whales (58 males, 68 females) were landed in Chukotka waters in 2011; two were struck-and-lost. Over half (57.1%) were subadults and the average length of harvested whales was higher than in the previous two years. Two were 'stinky' and inedible. Whalers did not target calves or adults seen with them and there were no signs of milk in the stomachs of landed whales. A total of 10 whales had traumas or haematomas. Some 42% of animals demonstrated aggressive behaviour. Biological sampling was conducted on 55 gray whales. No bowhead whales were taken in 2011.

#### 6.2.3 Discussion and recommendations

The Sub-Committee endorsed the report of the Scientific Committee and its recommendations.

It also accepted the need statements provided by the USA and the Russian Federation. The strike/catch limit requests from the USA and the Russian Federation are at the same levels as previously although scaled to a six-year block.

### 6.3 Common minke whale stocks off Greenland

#### 6.3.1 Report of the Scientific Committee

The Chair of the SWG noted that the Committee's advice covered two hunts: that off West Greenland (IWC/64/Rep1, Item 9.4); and that off East Greenland (IWC/64/Rep1, Item 9.5).

#### WEST GREENLAND

In the 2011 season, 173\* minke whales were landed in West Greenland and 6 were struck and lost. Genetic samples were obtained from 90 of these whales. The Committee re-emphasised the importance of collecting genetic samples from these whales.

In 2007, the Commission agreed that the number of common minke whales struck from this stock shall not exceed 200 in each of the years 2008-12, except that up to 15 strikes can be carried forward. In 2009, the Committee was for the first time ever able to provide management advice for this stock based on a negatively biased estimate

of abundance of 17,307 (95% CI: 7,628-39,270) and the method for providing interim management advice which was confirmed by the Commission. Such advice can be used for up to two five year blocks whilst *SLAs* are being developed (IWC, 2009)<sup>2</sup>. In the light of the advice provided the strike limit was reduced to 178 from 2010.

Based on the application of the agreed approach, the Committee repeated its advice of last year that an annual strike limit of 178 will not harm the stock.

#### EAST GREENLAND

Nine common minke whales were struck (and landed) off East Greenland in 2011, and one was struck and lost. Catches of minke whales off East Greenland are believed to come from the large Central stock of minke whales. No genetic samples were obtained from minke whales caught in East Greenland. The Committee re-emphasises the importance of collecting genetic samples from these whales.

In 2007, the Commission agreed to an annual strike limit of 12 minke whales from the stock off East Greenland for 2008-12, which the Committee stated was acceptable. The present strike limit represents a very small proportion of the Central stock of common minke whales. The Committee repeated its advice of last year that the present strike limit will not harm the stock.

#### 6.3.2 Consideration of need

Given the multispecies need request of Greenland, the Chair agreed that need would be discussed after presentation of the Scientific Committee's advice for all of the stocks subject to Greenlandic hunts. That discussion can therefore be found under Item 6.7.

#### 6.3.3 Discussion and recommendations

The Sub-Committee endorsed the report of the Scientific Committee and its recommendations.

### 6.4 West Greenland stock of fin whales

#### 6.4.1 Report of the Scientific Committee

The Chair of the SWG noted that the Committee's advice is given under Item 9.6 of IWC/64/Rep3. A total of five fin whales were landed during 2011. No genetic samples were obtained. The Committee re-emphasised the importance of collecting genetic samples from these whales, particularly in the light of the proposed work to develop a long-term *SLA* for this stock (see Item 3.1.1).

In 2007, the Commission agreed to a quota (for the years 2008-12) of 19 fin whales struck off West Greenland. This was subsequently modified to 16 and at the 2010 Annual Meeting Greenland voluntarily reduced the limit to 10 until 2012. The Committee agreed an approach for providing interim management advice in 2008 and this was confirmed by the Commission. It had agreed that such advice could be used for up to two blocks whilst *SLAs* were being developed (see IWC, 2009)<sup>2</sup>. Based on the agreed 2007 estimate of abundance for fin whales (4,539 95%CI: 1,897-10,114), and using this approach, the Committee repeated its advice that an annual strike limit of 19 whales will not harm the stock.

#### 6.4.2 Consideration of need

Given the multispecies need request of Greenland, the Chair agreed that need would be discussed after presentation of the Scientific Committee's advice for all of the stocks subject to Greenlandic hunts. That discussion can therefore be found under Item 6.7.

\*Corrected value (from 174) provided by Denmark/Greenland after the close of the Committee.

<sup>2</sup>IWC. 2009. Report of the Scientific Committee. *J. Cetacean Res. Manage. (Suppl.)* 11: 16.

#### 6.4.3 Discussion and recommendations

The Sub-Committee endorsed the report of the Scientific Committee and its recommendations.

### 6.5 West Greenland stock of bowhead whales

#### 6.5.1 Report of the Scientific Committee

The Chair of the SWG noted that the Committee's advice is given under Item 9.1 of IWC/64/Rep1. Discussion within the Committee in recent years has focused on stock structure and associated abundance estimates. The present working hypothesis is that bowhead whales in eastern Canada-West Greenland comprise a single stock; the alternative hypothesis assumes two stocks: one in Hudson Bay-Foxe Basin and another in Baffin Bay-Davis Strait. The Committee welcomes a number of papers related to this stock.

In 2011, one female bowhead whale was landed in West Greenland and none were struck and lost (SC/64/ProgRepDenmark). Two bowhead whales were found dead in West Greenland in 2011, entangled in fishing gear for crabs.

During 2011, three bowhead whales were taken in Canada. Detailed information was made available by Canada to the Secretariat. The Scientific Committee was pleased to receive this information including catch as well as struck/lost data.

In 2007, the Commission agreed to an annual strike limit of 2 animals for West Greenland (for the years 2008-12) with a carryover provision that any unused strikes can be carried forward to subsequent years so long as no more than two strikes are added for any one year. The Committee agreed an approach for providing interim management advice in 2008 and this was confirmed by the Commission. The agreed abundance estimate for the single Eastern Canada/West Greenland stock is 6,344 (95% CI: 3,119-12,906) for 2002. The most recent agreed estimate for the spring aggregation in the West Greenland area is 1,747 (95% CI: 966-2,528) for 2010.

Using the agreed interim safe approach (IWC, 2009)<sup>2</sup> and the 2010 estimate for West Greenland, the Committee repeated its advice that an annual strike limit of 2 whales in West Greenland will not harm the stock.

The Committee agreed that it will review an updated analysis for the 2010 West Greenland area at next year's meeting. It noted that although this is slightly lower, if adopted it will not alter the management advice. The Committee is also aware that catches from the same stock have been taken by a non-member nation, Canada. Should Canadian catches continue at a similar level as in recent years, this would not change the Committee's advice with respect to the strike limits agreed for West Greenland. Given the importance of this issue, the Committee again recommended that the Secretariat continues to contact Canada requesting information about catches and domestic catch limits for bowhead whales, as well as any information on strandings, entanglements and ship strikes.

#### 6.5.2 Consideration of need

Given the multispecies need request of Greenland, the Chair agreed that need would be discussed after presentation of the Scientific Committee's advice for all of the stocks subject to Greenlandic hunts. That discussion can be found under Item 6.7.

#### 6.5.3 Discussion and recommendations

The Sub-Committee endorsed the report of the Scientific Committee and its recommendations.

### 6.6 Humpback whales off West Greenland

#### 6.6.1 Report of the Scientific Committee

The Chair of the SWG noted that the Committee's advice is given under Item 9.7 of IWC/64/Rep1. A total of eight (three males; five females) humpback whales were landed (none were struck and lost) in West Greenland during 2011. Genetic samples were obtained from three of these whales. The Committee re-emphasised the importance of collecting genetic samples and photographs of the flukes from these whales, particularly with respect to international collaborative initiatives.

In 2007, the Committee agreed an approach for providing interim management advice and this was confirmed by the Commission. It had agreed that such advice could be used for up to two five year blocks whilst SLAs were being developed (IWC, 2009)<sup>2</sup>. The agreed estimate of abundance for humpback whales is 3,039 (CV 0.4) with an annual rate of increase of about 9%. Using this estimate and the agreed approach, the Committee agrees that an annual strike limit of 10 whales will not harm the stock.

#### 6.6.2 Consideration of need

Given the multispecies need request of Greenland, the Chair agreed that need would be discussed after presentation of the Scientific Committee's advice for all of the stocks subject to Greenlandic hunts. That discussion can therefore be found under Item 6.7.

#### 6.6.3 Discussion and recommendations

The Sub-Committee endorsed the report of the Scientific Committee and its recommendations.

### 6.7 Consideration of need for the Greenlandic hunts

#### 6.7.1 Need statement by Greenland

The need statement for the Greenlandic hunts is given as IWC/64/ASW7 and IWC/64/ASW8. In response to a request by the Chair, Denmark/Greenland provided a short summary of their extensive documents and this summary is given as Appendix 7. It noted that its request was consistent with Scientific Committee advice. The proposed catch limits for bowhead whales and for common minke whales off West and East Greenland are unchanged although modified for a six-year period. The proposed annual catch for humpback whales is for 10 animals, an increase of 1 from the current Schedule while that for fin whales is for 19 an increase of 3 from the current schedule. The request is consistent with the multispecies need of 670 tonnes of edible products for West Greenland and 12 common minke whales for East Greenland.

#### 6.7.2 Discussion and recommendations

There was considerable discussion regarding the need statement by Greenland, including the sale of whale meat in Greenlandic restaurants acknowledged by Greenland. The Chair noted that there is clearly no consensus over this issue within the Sub-Committee. He urged all countries to use the time between the close of the meeting and the Plenary to engage in further discussions in order to improve mutual understanding of positions and to try to reach consensus. Given the need for reflection and further consideration, rather than a near verbatim record, the report below incorporates a short summary of the main points raised.

The USA noted that it believes that the use of whale products in Greenland is consistent with the IWC definition of Aboriginal Subsistence Whaling. It also noted that there

<sup>2</sup>IWC. 2009. Report of the Scientific Committee. *J. Cetacean Res. Manage. (Suppl.)* 11: 16.



appears to be acceptance by the ASW Sub-Committee of the need for approximately 670 tons of whale meat per year. It further noted that the Scientific Committee has found Greenland's proposed levels sustainable for each stock. It received information from Denmark/Greenland that the expected yield for Greenland under *status quo* catch limits (i.e. those currently defined in the Schedule) was 570 tonnes, while the expected yield from the proposed catch limits was 680 tonnes using conversion rates per animal from IWC/62/9.

Iceland, Norway, Japan, Russian Federation, St. Lucia and St. Vincent and The Grenadines also supported the need statement and request of Denmark/Greenland, noting that it was consistent with need requirements and the advice provided by the Scientific Committee.

A number of countries raised various concerns over the need statement and the request. The question of whale meat being available in restaurants so that it could be eaten by tourists was raised by Germany and the Dominican Republic, in terms of whether this suggested that there was a surplus of meat beyond need. Austria noted the health advice provided by Greenland's Nutritional Council (IWC/64/ASW7, p.81) that in effect means that persons of reproductive age, including children, should not eat marine mammals. It asked how Greenlanders were informed of this and whether tourists were also informed.

Germany and Belgium commented that it was not simply the sustainability of the catches that was important but also issues related to biodiversity and overall status of populations as well as human demographics, including numbers of people living off hunting. Scientific advice was just one component of the issue; economic and social factors, nutritional health, agreement on need requirements were others. Reference was made to other food sources in Greenland such as plentiful fish stocks. Germany further noted that the average catch of fin whales has been about 10 in recent decades, including 6 in 2010 and 5 in 2011, so it questioned the need for 19 animals and also referred to the large small cetacean hunts in Greenland.

New Zealand commented that the issue of Greenlandic quotas has been one of the most difficult in recent years. It supports the concept of aboriginal subsistence whaling and does not dispute the sustainability of Denmark/Greenland's request. However, the question of the level of need has been problematic within the Commission and considerable effort was expended in reaching agreement two years ago. New Zealand urged all members to try to reach agreement on the numbers agreed two years ago with no increase in fin or humpback whale limits.

Australia associated itself with the views of New Zealand, Germany, Belgium and the Dominican Republic. Australia recalled that two years ago, Greenland agreed that adding humpback whales would reduce the overall number of whales taken because of their greater yield. It also referred to the discussion of conversion factors under Item 3.1.

Denmark/Greenland responded briefly to the comments made, noting that it was willing to engage in additional discussions outside the meeting. With respect to restaurants it noted that it did not control who could eat particular products within Greenland and saw no problem with tourists eating whale meat in restaurants. The advice from the Nutritional Council on marine mammals is well publicised within Greenland and is available on the Council's website, but as elsewhere (it is similar to advice on alcohol around the world) is not mandatory. The nutritional value of local

foods is better and more environmentally sound than flying in imported foods from the west along with the associated health problems this can bring,

With respect to biodiversity and sustainability, it believed that these were issues taken into account by the Scientific Committee. With respect to fin whales, it noted that they were more difficult to catch and flense than common minke and humpback whales; given the opportunistic nature of hunting and the vagaries of environmental conditions then fin whales could be regarded as a backup when need could not be met from preferred species. The overall food requirements are met from a balance between a number of local food resources as well as imports and this will vary from year to year depending on conditions and availability. There may also have been a misunderstanding about what was said two years ago. The overall food resource need is the same and if it cannot be met by whale products than this has to be met from elsewhere including small cetaceans and imported products. It also stated that it will do its very best to meet the request for improved data collection, although the difficulties in infrastructure must be taken into consideration.

After listening to the Denmark/Greenland response, Chile associated itself with those countries that expressed concerns over the Greenland request.

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

### *6.8.1 Report of the Scientific Committee*

The Chair of the SWG noted that the Committee's advice is given as Item 9.8 of IWC/64/Rep1. Last year the SWG noted that it had received no catch data from St. Vincent and The Grenadines for 2010-11 although after the Committee meeting the Secretariat received information from the government that a 35 foot male was taken on 18 April 2011 (IWC/63/18). This year, the Secretariat was informed that a 33.75 foot female was taken on 14 April 2012. The Committee was pleased to hear that genetic samples and photographs were taken and that the USA and St. Vincent and The Grenadines have discussed the transfer of tissue samples from this whale for analysis and storage at SWFSC (the IWC archive where *inter alia* SOWER samples are stored) and the sample is now in the USA. Iñiguez reported that he had received information on a hunt on 11 April 2012 and a struck and lost animal on 22 March 2012.

The Committee also repeated its previous recommendations that St. Vincent and The Grenadines:

- (1) provide catch data, including the length of harvested animals, to the Committee; and
- (2) that genetic samples be obtained for any harvested animals as well as fluke photographs, and that this information be submitted to appropriate catalogues and collections.

In recent years, the Committee has agreed that the animals found off St. Vincent and The Grenadines are part of the large West Indies breeding population (11,570; 95% CI 10,290-13,390). The Commission adopted a total block catch limit of 20 for the period 2008-12.

The Committee repeated its advice of last year that this block catch limit will not harm the stock.

### *6.8.2 Consideration of need*

The need statement for the Bequian hunt is given as IWC/64/ASW11. In response to a request by the Chair, St. Vincent and The Grenadines provided a short summary of its need statement and this is given as Appendix 8. The strike/catch

limit requests from St. Vincent and The Grenadines is at the same level as before although scaled to a six-year block.

### 6.8.3 Discussion and recommendations

The Sub-Committee endorsed the report of the Scientific Committee and its recommendations.

With respect to the recommendations, St. Vincent and The Grenadines noted that it had been unable to attend the meeting last year and this led to some complications. It recognised the need for timely reporting and noted that it tries to inform the Secretariat immediately but there appeared to have been a communication problem last year. Updated details for 2010 and 2011 are with the Secretariat. It noted its desire to improve the provision of information and of the efficiency and welfare aspects of the hunt and thanked the USA for its help in this regard, especially with analysis of genetic samples. While it recognised that obtaining photographs of the underside of the flukes was preferable, it noted that this was difficult given that animals were flensed. It drew attention to previous discussions in this Sub-Committee and in the Working Group on Whale Killing Methods and Animal Welfare Issues about the importance of improving weaponry in conjunction with outside experts and with respect to local traditions. It noted that it was in discussion with countries with the relevant expertise about improved equipment (the existing darting guns are from the last century). It also noted that it would appreciate assistance in repairing its winching slope. A modest budget would be required for improvements in animal welfare.

A number of comments were made with respect to the need statement and provision of data.

The USA noted that it met bilaterally with St. Vincent and The Grenadines last November with a two-fold purpose. First, given that St. Vincent and The Grenadines missed IWC/64, the USA encouraged it to stay as a member of the IWC if it planned to continue an ASW hunt. Secondly, the USA encouraged it to improve its reporting requirements to the Commission and the Scientific Committee. The USA was encouraged by the responses and was pleased to work cooperatively with the Government of St. Vincent and The Grenadines.

Argentina noted that it had not had time to read the need statement in detail yet. It requested information on previous genetic samples and photographs and St. Vincent and The Grenadines agreed to provide this information during the Annual Meeting. St. Lucia noted that in previous years it had submitted fluke photographs from the Bequia hunt to the North Atlantic Humpback Catalogue and that it was willing to assist St. Vincent and The Grenadines with respect to photographs and the improved provision of information to the Commission in the future.

The UK welcomed the submission of biological samples, photographs and other data from hunts that have been requested annually by the Scientific Committee, as well as information needed by the Commission and working groups. It encouraged timely provision of such information in the future. It also welcomed the willingness of St. Vincent and The Grenadines to improve the humaneness of the hunt and it hoped that this would include the provision of data to, and co-operation with the meetings and workshops of the Working Group on Whale Killing Methods.

With respect to the needs statement, the Dominican Republic believed that the request was excessive. In its opinion whaling was not an aboriginal fishery as there were no longer indigenous Caribbeans left. It believed there was confusion between a family tradition and a cultural tradition and that the hunt did not contribute substantially to the nutritional needs of St. Vincent and The Grenadines.

Denmark commented that it supported the needs statement and noted that the hunt was sustainable.

### 6.9 Statement from the ASW countries

Greenland, on behalf of all ASW countries made a common statement that the aboriginal subsistence delegations from the countries of Denmark on behalf of Greenland, the Russian Federation on behalf of the Chukotka natives, St. Vincent and The Grenadines on behalf of Bequian whalers, and the USA on behalf of the Alaska Eskimos and the Makah Tribe, agreed that ASW hunts are important for food security and reaffirmed the following four major points affecting each aboriginal hunt agreed at IWC/58, which are that:

- (1) subsistence hunting is for food to meet cultural and nutritional needs;
- (2) the safety of his crew is a whaling captain's most important responsibility;
- (3) with safety assured, achieving a humane death for the whale is the highest priority; and
- (4) efforts to modernise whaling equipment and practices can only be made within the context of each communities' economic resources and the need to preserve the continuity of hunting traditions.

The full statement is given as Appendix 9.

## 7. OTHER MATTERS

No other matters were raised.

## 8. ADOPTION OF THE REPORT

The report was adopted by email on 30 June 2012.

**Appendix 1****LIST OF PARTICIPANTS****ARGENTINA**

Victor Marzari  
Miguel Iñiguez

**AUSTRALIA**

Donna Petrachenko  
Pam Eiser  
Nick Gales  
Stephanie Ierino  
Chris Schweitzer  
Victoria Wadley  
Alexia Wellbelove

**AUSTRIA**

Andrea Nouak  
Michael Stachowitsch

**BELGIUM**

Frederic Chemay  
Fabian Ritter

**CHILE**

Barbara Galletti Vernazzi

**COLOMBIA**

Lilian Florez Gonzalez

**COSTA RICA**

Eugenia Arguedas  
Ricardo Meneses  
Javier Rodriquez

**DENMARK**

Øle Samsing  
Leif Fontaine  
Amalie Jessen  
Gitte Hundahl  
Nette Levermann  
Martin Mennecke

**DOMINICAN REPUBLIC**

Peter Sanchez

**ECUADOR**

Gustavo Iturralde  
Jorge Samaniego

**FRANCE**

Martine Bigan  
Jean Philippe Gavois

**GERMANY**

Walter Duebner  
Lutz Friedrichsen  
Karl-Hermann Kock

**GHANA**

Mike Akyeampong

**ICELAND**

Ásta Einarsdóttir  
Gisli Víkingsson

**ITALY**

Plinio Conte  
Caterina Fortuna  
Francesca Granata

**JAPAN**

Kenji Kagawa  
Dan Goodman  
Shinji Hiruma  
Kiyoshi Katsuyama  
Toshihide Kitakado  
Tomio Miyashita  
Akiko Muramoto  
Kayo Ohmagari  
Takaaki Sakamoto  
Akima Umezawa

**KOREA, REPUBLIC OF**

Du Hae An  
Yong-Rock An

**MEXICO**

Lorenzo Rojas-Bracho  
Yolanda Alaniz

**NETHERLANDS**

Peter Bos

**NEW ZEALAND**

Gerard van Bohemen  
Louise Chilvers  
Karena Lyons

**NORWAY**

Øle David Stenseth  
Egil Øen  
Kathrine Ryeng  
Truls Soloy  
Einar Tallaken  
Lars Walløe  
Hild Ynessdal

**RUSSIAN FEDERATION**

Valentin Ilyashenko  
Olga Etylina  
Alexiy Ottoy

**ST. LUCIA**

Jeannine Compton-Antoine

**ST. VINCENT AND THE GRENADINES**

Raymond Ryan

**SOUTH AFRICA**

Herman Oosthuizen  
Ed Couzens

**SPAIN**

Santiago Lens

**SWEDEN**

Bo Fernholm

**SWITZERLAND**

Bruno Mainini  
Martin Krebs

**UK**

Nicola Clarke  
Nigel Gooding  
James Gray  
Jenny Lonsdale  
Mark Simmonds  
Anju Sharda  
Jolyon Thomson

**USA**

Melissa Andersen  
Greig Arnold  
Charlotte Brower  
Keith Benes  
Ryland Bowe chop  
Eugene Brower  
Robert Brownell  
Douglas DeMaster  
Roger Eckert  
Brian Gruber  
Keith Johnson  
Peter Jones  
Taryn Kiekow  
Michael Lawrence  
Ira New Breast  
George Noongwook  
Lisa Phelps  
Allison Reed  
Ann Renker  
Rollie Schmitten  
DJ Schubert  
Jonathan Scordino  
Michael Tillman  
Ryan Wulff

**SC CHAIR**

Debra Palka

**SECRETARIAT**

Simon Brockington  
Greg Donovan

## Appendix 2

### LIST OF DOCUMENTS

#### IWC/64/ASW

	Agenda Item
1 Draft Agenda	
2 List of documents	
3 Quantification of subsistence and cultural need for bowhead whales by Alaskan Eskimos (submitted by the USA)	6.1.2
4 Whale hunting and the Makah Tribe: A needs statement (submitted by the USA)	6.2.2
5 Report of the Aboriginal Subsistence Whaling Working Group	5.1
6 Rationale of subsistence and cultural needs for gray whales and bowhead whales by indigenous people of Chukotka (Russian Federation) in 2013-2018 (submitted by the Russian Federation)	6.1.2, 6.2.2
7 White paper on management and utilization of large whales in Greenland (submitted by Greenland (Denmark))	6.7
8 Note on the Greenland needs statement (submitted by Greenland (Denmark))	6.7
9 Aboriginal harvest of whales by Russian indigenous people in 2011 (submitted by the Russian Federation)	6.2
10 Progress on conversion factors for the Greenlandic hunt (submitted by Greenland (Denmark))	3.1
11 Bequian whaling – a statement of need (submitted by St. Vincent and The Grenadines)	6.8

## Appendix 3

### AGENDA

1. Introductory items	6.2.3 Discussion and recommendations
1.1 Appointment of Chair	6.3 Common minke whale stocks off Greenland
1.2 Appointment of Rapporteur	6.3.1 Report of the Scientific Committee
1.3 Review of documents	6.3.2 Consideration of need
2. Adoption of Agenda	6.3.3 Discussion and recommendations
3. Aboriginal Subsistence Whaling Management Procedure	6.4 West Greenland stock of fin whales
3.1 Progress with the Greenlandic Research Programme	6.4.1 Report of the Scientific Committee
3.1.1 Report of the Scientific Committee	6.4.2 Consideration of need
3.1.2 Discussion and recommendations	6.4.3 Discussion and recommendations
3.2 <i>Implementation Review</i> for gray whales	6.5 West Greenland stock of bowhead whales
3.2.1 Report of the Scientific Committee	6.5.1 Report of the Scientific Committee
3.2.2 Discussion and recommendations	6.5.2 Consideration of need
4. Aboriginal Whaling Scheme (AWS)	6.5.3 Discussion and recommendations
4.1 Report of the Scientific Committee	6.6 Humpback whales off West Greenland
4.2 Discussion and recommendations	6.6.1 Report of the Scientific Committee
5. ASW Working Group	6.6.2 Consideration of need
5.1 Report of the <i>Ad Hoc</i> Aboriginal Subsistence Whaling Working Group	6.6.3 Discussion and recommendations
5.2 Discussion and recommendations (including work plan)	6.7 Consideration of need for the Greenlandic hunts
6. Aboriginal Subsistence Whaling catch limits	6.7.1 Need statement by Greenland
6.1 Bering-Chukchi-Beaufort Seas (B-C-B) stock of bowhead whales	6.7.2 Discussion and recommendations
6.1.1 Report of the Scientific Committee	6.8 North Atlantic humpback whales off St. Vincent and The Grenadines
6.1.2 Consideration of need	6.8.1 Report of the Scientific Committee
6.1.3 Discussion and recommendations	6.8.2 Consideration of need
6.2 North Pacific Eastern stock of gray whales	6.8.3 Discussion and recommendations
6.2.1 Report of the Scientific Committee	6.9 Statement from the ASW countries
6.2.2 Consideration of need	7. Other matters
	8. Adoption of the report

## Appendix 4

## SUMMARY NEED STATEMENT ON BEHALF OF THE USA REGARDING THE BOWHEAD WHALE HUNT

The 2012 update of the Quantification of Subsistence and Cultural Need for Bowhead Whales by Alaska Eskimos, prepared by Stephen R. Braund & Associates, is based on the 2010 United States population census and employs the methodology accepted by the IWC in 1986 and further refined for the 1988 Annual Meeting. Like the 2002 and 2007 reports, this document is intended to be an addendum to their 'Quantification of Subsistence and Cultural Need for Bowhead Whales by Alaska Eskimos - 1997 Update Based on 1997 Alaska Department of Labor Data'. In the original calculation of subsistence need for bowhead whales and in all subsequent updates, only the Native population of each community is considered.

In previous subsistence and cultural needs assessments submitted to the IWC for years between the decennial US Census, including the 2007 report, the calculation depended on the most current Alaska Department of Labor Data population estimates for the communities multiplied by the percent Native from the 1980 and 1990 US Census. However, the most reliable information for assessing subsistence and cultural need using the IWC accepted method is to rely on the US Census. Thus, the 2012 needs assessment is based on the 2010 US Census.

Based on 2010 US Census data, the number of bowheads needed by each community and by the region as a whole (all 11 communities), to meet nutritional and cultural requirements, is derived by multiplying the mean number of whales landed per capita over the base time period (1910-69) by the 2010 Alaska Native population for each community and for the region as a whole. Using this method, the need for each community is shown in Table 1. Based on the 2010 census data, the cultural and subsistence need in the 11 Alaska Eskimo communities is 55 landed bowhead whales (58 if rounded up for each community). In 1997 the need was 54 landed bowheads (56 rounded up), and in 2002 and 2007, it was 56 landed bowheads (56 and 58 landed bowheads rounded up respectively). Applying the mean of 0.008515 bowhead whales landed per capita for all 11 communities for the historical period (1910-69) to the 2010 regional Native population of 6,674 results in a 2010 regional cultural and subsistence need of 57 landed bowhead whales. In 1997, this regional calculation was 56 landed bowhead whales and in 2002 and 2007, it was 57 landed bowhead whales.

Table 1  
Eleven Alaska Eskimo whaling villages' subsistence and cultural need for landed bowhead whales, 2010.

Community	Number of observations	Total Eskimo population for each year of a bowhead observation	Number of bowheads landed 1910-69	Mean landed per capita 1910-69	2010 Alaska Native population	2010 bowhead need (landed)	2010 need (landed) rounded
Gambell	39	11,883	68	0.005722	654	3.7	4
Savoonga	0	-	-	0.005722	637	3.6	4
Wales	42	6,907	5	0.000724	136	0.1	1
Diomede	30	3,250	11	0.003678	110	0.4	1
Kivalina	7	926	3	0.003240	366	1.2	1
Point Hope	50	12,467	209	0.016764	629	10.5	12
Point Lay	34	2,080	8	0.003846	168	0.6	1
Wainwright	49	10,723	108	0.010072	510	5.1	5
Barrow	60	44,687	379	0.008481	2,889	24.5	25
Nuiqsut	0	-	-	0.008481	360	3.1	3
Kaktovik	<u>3</u>	<u>327</u>	<u>3</u>	0.009174	<u>215</u>	<u>2.0</u>	<u>2</u>
Totals	314	93,250	794		6,674	54.9	58
Region	314	93,250	794	0.008515	6,674	56.8	57

## Appendix 5

### SUMMARY OF NEED STATEMENT ON BEHALF OF THE RUSSIAN FEDERATION

Chukotka is the only place in Russia where traditional whaling is a point of special importance. The very process of hunting for gray whales and bowhead whales and further use of whale products in life are essential for preserving the culture and spirit of indigenous peoples. All edible parts of these cetaceans are included in the diet, while inedible parts are fully used within the household. Meat, organs and fat are used as food. Whale bones and baleen have been used for thousands of years to make equipment, weapons, tools, decorations and toys, parts of reindeer and dog sledges and parts of marine boats. The skulls, large jaw bones and ribs of the whale are used in the construction of storage items for food and to store boats while other parts are used for drying clothes, meat and fish in open air. Skins of marine mammals are also used for clothes and boots, belts and covering of traditional boats. Sinews of whales are used for sewing fur clothes and for sewing together walrus skins and making envelopes of skin boats. Whale products are also used for sled dog food. Therefore, any whale product finds its application in either material or spiritual life of indigenous people, and traditional hunting for marine mammals is generally based on the principle of rational use and waste-free consumption. Whale harvest defines the social, cultural and economic structure of coastal villages and plays a significant role in the traditional relationship between reindeer herding families and maritime hunters. Economic relations go further than simple exchange of meat, blubber and other food. The equipment of reindeer herding families often includes parts of marine mammal skins. Cloaks made of whale intestines are highly valued by 'reindeer people' because of their evaporation features, which allows people to remain dry through the day. Therefore, traditional whaling is a part and parcel of the existence of Chukotka's native people, both from the point of physical survival and from the point of cultural continuity, which finally defines uniqueness and originality of the people of the Far North.

People have hunted for gray whales in Chukotka since prehistoric times. In the modern period (20<sup>th</sup>-21<sup>st</sup> centuries), the most intensive whaling was from 1960-90, when the annual take reached about 160-170 whales. After that, the harvest declined due to political, economic and social changes in Russia from 1992-97. Since 1998 until the present, the average annual take of gray whales has been about 120 individuals. Thus, the decline in the number of taken whales was 28% compared to the Soviet Union period. At present, native communities and family enterprises are involved in traditional whaling in over 20 villages and settlements of Chukotka.

Whale hunting methods and other aspects of the harvest have changed after the Soviet Union period due to the obsolete whaling fleet. The stable trend is for an increase in the number of younger animals harvested. These whales are shorter and weigh less. They are preferable targets for indigenous hunters as they are easier to kill, easier to tow and easier to flense. All these points define the targeting of the whale to a great extent.

In addition, the easier killing of smaller animals leads to a shortening of the time to death. This is a positive factor from the point of the humaneness of whaling. The trend is shown by an almost one-half decrease in the average time to death over the last 10 years.

Bowhead whales are harvested in small numbers, and the take is irregular (0-3 animals per year).

The severe climate of Chukotka defines the very specific nutritional needs for indigenous people. Food that is rich in protein and fat, such as marine mammal meat and blubber, is essential. Studies of the diet in native residents show that absence of whale meat in meals causes a number of potentially lethal diseases such as atherosclerosis, diabetes and others. Therefore, replacement of gray and bowhead whale products by any other food is impossible for many social, cultural, psychological and physiological reasons. Substitution of bowhead whale meat by meat of gray whales is also infeasible, because their tastes differ, they are available for hunting at different times and their cultural values for native people are not comparable.

The total annual consumption of all marine mammal products in the mid-1980s was about 1,600 tons, providing over 100kg of meat, blubber, etc. for each person per year. The consumption of whale products decreased sharply from 1992-96, primarily because of the small numbers of taken whales. The average annual gross weight of the 160-170 whales taken from 1969-91 was about 3,000 tons, while the gross weight of the 120 whales taken in recent years is only 1,200-1,300 tons per year. Thus the 28% decrease in the number of whales taken has resulted in a 57% loss in actual production due to changes in targeting of whales with a preference towards smaller individuals.

A total of 11,500 residents of Chukotka depend directly on sealing and whaling. At least 1,150 tons of meat annually are required to provide the personal consumption of meat products at levels of about 100kg per year. About 120 gray whales have been taken annually in recent years. The total weight of meat products from those whales is roughly 400 tons, which is slightly higher than 30% of the required amount. Reindeer and various kinds of imported meat cannot fully substitute whale products. Taking into account the average weight of whales recently harvested, an annual additional take of 225 whales would be necessary to provide the 750 tons of meat products required. Therefore, the total annual requirement in numbers of whales is 345. To meet these needs, a smaller number of animals could be taken if the average size/weight of harvested whales increased, but this will require larger boats and more powerful outboard engines. These technical improvements cannot be achieved in a short time. In addition, hunting larger and aggressive whales causes higher risk of loss.

The Russian Federation consider that the needs of the native people of Chukotka is 350 gray whales and 5 bowhead whales. This is based on historical harvest, present stock state, cultural and nutritional requirements of people, and an assumption that taken whales will be of the same size as animals that have been harvested in recent years. Taking into account losses of animals during hunt (struck and lost) and 'stinky' inedible gray whales (assumed about 10 individuals per year), sustainable level of strikes and landings for eastern gray whales will be 150 and 7 bowhead whale individuals per year, if the block quota for the population is not exceeded. That should be taken into consideration for the future quota together with presence of inedible 'stinky'

whales in the total catch. However, the reality is that for technical reasons native people are not able now to take as many whales as they need.

All above-mentioned factors set the framework for recommendations on the forthcoming quota. Therefore, the Russian Federation considers that it is reasonable and documentarily proven to maintain the *status quo* for gray whale and bowhead whale quotas for seasons 2013-18 to meet the traditional needs of native people in Chukotka.

The Russian Federation considers that it is reasonable to maintain the *status quo* for the years 2013-18 the number of gray whale landed in Chukotka shall not exceed 720 eastern

gray whales, and annual number of landings shall not exceed 135 (except 'stinky' whales).

The Russian Federation considers that it is reasonable to maintain the *status quo* for the years 2013-18 such that the total number of bowhead whale landed in Chukotka shall not exceed 30. For each of these years the number of bowhead whales struck shall not exceed 7, except that any unused portion of a strike quota from any year (including 2 unused strikes from the 2008-12 quota) shall be carried forward and added to the strike quotas of any subsequent years, provided that no more than 2 strikes shall be added to the strike quota for any one year.

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## Appendix 6

### SUMMARY OF NEED STATEMENT ON BEHALF OF THE USA REGARDING THE MAKAH TRIBE GRAY WHALE HUNT

The need statement for the overall gray whale catch limits supports the renewal of a *status quo* catch limit for the 6-year period 2013 to 2018. The Scientific Committee Report indicates the requested catch limit discussed in the needs statement is sustainable.

The Makah Tribe has a documented history of whaling activities that date back at least 2,000 years. Whaling continues to be of central importance to Makah Tribal culture, identity, and health, and is a key part in the education of the Tribe's children. We have discussed the importance of Makah whaling to its subsistence, culture, and identity at past IWC meetings, so it is the intention here to concentrate on current information that supports the importance of whaling to contemporary tribal members.

In addition to a thorough anthropological discussion of Makah whaling, the current Need Statement for the Makah Tribe conveys a number of important points regarding the Tribe's whaling activities, as follows.

- (1) A household survey conducted in December 2011 indicated that an overwhelming number of Makah reservation residents continue to support the Tribe's whaling efforts. The survey also indicated that 90.6%

of households wanted more access to whale products, and desired to incorporate whale products into their regular diets. The majority of survey respondents saw traditional foods as a means to increase the health of Tribal members while reducing nutritionally-based diseases that plague the tribe. Nutrigenomic research supports this opinion.

- (2) Additional data from the 2011 Household Survey demonstrated the Tribe's commitment to preserving its whaling activities. 85.2% of respondents indicated that whaling has had a positive impact on the Tribe, with a strong majority characterising the primary benefits in terms of cultural maintenance, tribal unity, and an improved quality of life. A clean and sober lifestyle was independently related to whaling by half of the survey respondents.

The Need Statement clearly indicates that the Makah community has a continuing subsistence, and cultural need for whale products. The Tribe's members desire and support opportunities to maintain the central role that the whale has provided for the Tribe's health and well-being for at least the last two thousand years.

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## Appendix 7

### SUMMARY OF NEED STATEMENT ON BEHALF OF GREENLAND/DENMARK

Denmark/Greenland are of the firm conviction that it has to be up to the politically responsible organisation to define needs in relation to whales subject to IWC management rules, not the IWC itself as was stated for the bowhead whale case in the Resolution passed in 1979.

After the introduction of Self-Governance in 2009 the Government of Greenland's policy is to increase its utilisation of natural resources due to reduction in economic means and reduction of the subsidy from Denmark.

The discussion of Greenlandic need for whale products and its multispecies component dates back to discussions within the IWC from the late 1970s and considerable documentation has been presented over the years and discussed at the IWC Annual Meetings.

The Greenlandic hunt is a multispecies hunt and for this reason, the 'need' statement has traditionally been expressed in terms of tons of meat/edible products of large whales, rather than in individual animals by species.

The catch of individual species varied over the years due to a number of factors (ice and climatic conditions, weather, availability). If the result of the hunt, on one individual species, lead to an unsatisfactory result, then the hunt on other species might help to attain the objective of overall food security or an approximation to that objective.

The prospects of obtaining approval from the IWC for quotas for 2013-18 are particularly good for a number of reasons.

- (1) the IWC Scientific Committee has recently approved estimates of abundance for the relevant stocks.
- (2) The control and monitoring systems are functioning well and the block quotas for the period 2008-12 have not been exceeded.
- (3) With the current quotas, Greenland is 100 tons short of the documented need of 670 tons of meat from large whales that was approved by the IWC in 1991.

With robust advice from the Scientific Committee, the IWC should be able to approve quotas for Greenland that are following the biological recommendation. These quotas would be sustainable and the hunt would be well regulated. Furthermore, Greenland will continue working actively on improving the welfare aspects of whale hunting and its data collection.

The Greenland Government hopes that the IWC will be able to take management decisions based on the best available scientific knowledge and respect for the cultural, nutritional and economical needs of Greenlanders and in this respect also fulfil the obligation of the IWC Convention. Allowing Greenland to obtain sufficient whale meat to fulfil the documented need will be a way to protect the environment by rationally utilising the natural resources at hand.

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## Appendix 8

### SUMMARY OF NEED STATEMENT ON BEHALF OF ST. VINCENT AND THE GRENADINES

#### Background

St. Vincent and The Grenadines is an island nation in the eastern Caribbean Sea made up of the eponymous main island of St. Vincent and a number of smaller islands collectively called The Grenadines. The largest of The Grenadines is Bequia, which lies only a few miles from St. Vincent. The population as of 2010 in St. Vincent and The Grenadines was 97,064, of which about 91,064 live on St. Vincent and about 6,000 live in the northern Grenadines. The main occupations on Bequia are tourism and fishing, and services. The average per capita income from full and part-time employment is about \$2,700EC (Eastern Caribbean dollars or \$900US).

From early times, even before the Europeans arrived, what is now St. Vincent and The Grenadines, akin to other island states in the eastern Caribbean, used the smaller cetaceans as a source of meat for food. Later, in the late 18<sup>th</sup> and early 19<sup>th</sup> century whale oil became the important commodity and item of trade and was much in demand to light homes and buildings in the Americas and Europe. American and European whaling ships passed through the islands using them as transshipment points for whale oil, and also to hire seamen to work on board. These men learnt how to hunt the great whales, and passed the methods on to the islanders of the eastern Caribbean.

#### Aboriginal whaling in Bequia

The Bequian whaleboat is made of wood and locally built to a design almost unchanged since the early 19<sup>th</sup> century. At present there are two boats operating. The boats are about 8.2m long by 2.1m wide and 1m deep. They do not have engines. They have a mast, sails and oars. Each carries a crew of six men: four oarsmen, a harpooner and the captain.

When there is wind the boats use their sails while searching for whales and to pursue them. When the boat gets close to the whale the harpooner throws a harpoon. Once the whale is struck the harpooner throws a second and third harpoon if he can, and the bow oarsman lowers the sail and mast. The boat is then hauled close and the whale is killed with a lance, or a bomb lance if needed. The whale is towed ashore to the station on Semple Cay and flensed. The meat, blubber and bone are shared out to the crew. An old darting gun is currently being used and efforts are currently being made to improve the technology to reduce the time to death of each whale harvested.

#### Establishing need

There are three aspects to the exercise of establishing 'Need' for whales by Bequia, St. Vincent and The Grenadines (see overleaf).



*(1) Social and cultural*

On Bequia people consider whales to be a resource that should be used as long as the use is sustainable. The whalers are honoured because whaling in Bequia is an old tradition that requires skill and bravery on the part of the whalers. The islanders take pride in their success and welcome the contribution of meat and fat to the island diet. Whalers and whale songs are part of the folk-art of Bequia. Hisashi (2001)<sup>1</sup> has witnessed the blessing of the whaleboats that takes place before the whaling season begins each year. He noted that the Anglican priest blesses the boats, prays for the safety of the crews, and for a successful hunt before the boats are launched.

When a whale is landed it is a major event in St. Vincent, and people come from the other islands to try to get some fresh whale meat. The fresh meat and blubber are shared out to the crew and owners of the boats, and they give some to friends and relatives, and sell some to the other Bequians.

*(2) Nutrition*

Meat from whales taken in the Bequia hunt substitute for imported animal protein. Some of the produce is sent to St. Vincent and The Grenadines, so this estimate of percent substitution is biased.

In 2002 and 2007, the whales are estimated to substitute for 12% of the animal protein need. The 2012 population of Bequia remained relatively constant, and four whales continues to substitute for about 12% of the annual animal protein need.

<sup>1</sup>H. Hisashi. 2001. Bequia whaling revisited. *Sonada Journal (Japan)* 36: 41-57.

*(3) Economics*

The third aspect to be considered in evaluating the need in Bequia for whale meat is economic. In 2002, the meat from two whales substituted for 7% of the value of the imports in terms of foreign exchange savings. Foreign exchange savings from food produced locally are extremely important to island economies that are not self-sufficient in foodstuffs. By 2007, the foreign exchange savings generated by the distribution of the products of Bequian whaling are calculated to remain relatively constant.

**Conclusions**

The cultural and nutritional need for whale products by Bequia was established by, and accepted by, the IWC in 2007. There appears to have been no quantitative estimation process used, and instead the level was established to be the level currently taken on average, namely two whales. It should be noted that the take of four whales in 2007 only satisfied 12% of the nutritional need, and 7% of the foreign exchange savings from substituting whale meat for imported meat and poultry. St. Vincent and The Grenadines was allowed a take of four to greater address need.

Since that date the need continues given that the population remains fairly constant on the island. In order to satisfy an equivalent 12% in terms of 2012 population size, a quota of four humpback whales is needed. The relation between need and population size may not be sustainable in the long term, but should not be of concern here where the resource clearly is capable of meeting the need with a sustainable harvest.

**Appendix 9****STATEMENT OF THE ABORIGINAL SUBSISTENCE WHALING CAUCUS**

The aboriginal subsistence delegations from the countries of Denmark on behalf of Greenland, the Russian Federation on behalf of the Chukotka natives, St. Vincent and The Grenadines on behalf of Bequian whalers, and the USA on behalf of the Alaska Eskimos and the Makah Tribe, agreed as follows:

A. We reaffirm the four major points affecting each aboriginal hunt agreed at IWC/58, which are that:

- (1) subsistence hunting is for food to meet cultural and nutritional needs;
- (2) the safety of his crew is a whaling captain's most important responsibility;
- (3) with safety assured, achieving a humane death for the whale is the highest priority; and
- (4) efforts to modernise our whaling equipment and practices can only be made within the context of each communities' economic resources and the need to preserve the continuity of our hunting traditions.

B. We reiterate that aboriginal subsistence whaling is important to the food security of our communities, echoing the declaration at Rio Plus 20 where the global community reaffirmed their 'commitment to enhancing food security and access to adequate, safe and nutritious food for present and future generations.'

C. We affirm that our hunting practices are undertaken to provide food for local consumption, traditional needs and sharing within and among our communities.

D. We remind the Commission and reaffirm our support for the aboriginal subsistence management principles the Commission adopted in 1994, which are to 'enable aboriginal people to harvest whales in perpetuity at levels appropriate to their cultural and nutritional requirements' so long as 'the risks of extinction to individual stocks are not seriously increased by subsistence whaling.'

E. We support the requests for catch limits made by each of our respective governments and note that each of those requests is for a catch limit that is sustainable based on review by the Scientific Committee.

F. We agree that scientific research on our whale stocks is important to ensuring the sustainability of our hunts; given the nature of our hunting this research must be funded and in some cases undertaken by our national governments.

G. We support the recommendations of the ASWSWG regarding recognition of the efforts of the Aboriginal Subsistence Whaling Caucus and member governments facilitating the exchange of technical hunting information among members of the Caucus.

## Annex F

### Report of the Conservation Committee

Tuesday 26 June 2012, Panamá City, Republic of Panama

#### 1. INTRODUCTORY ITEMS

Lorenzo Rojas-Bracho welcomed delegates to the meeting. A list of participants is given in Appendix 1.

##### 1.1 Appointment of Chair

Lorenzo Rojas-Bracho (Mexico) was elected Chair.

The Committee paid tribute with a round of applause in honour of Alexandre de Lichtervelde who died in 2011. Alexandre had been Belgium's Commissioner since 2004 when Belgium joined the IWC. He founded the Ship Strikes Working Group and was integral in the establishment of a centralised ship strikes database which went online in 2009. The database will continue to be an extremely useful tool giving knowledge and insight into global vessel-whale collisions. Alexandre was probably the most active member of the Conservation Committee, and year after year was commended for his work by its members. He had been elected as Vice-Chair of the Conservation Committee last year at IWC/63.

Alexandre's dedication led to international initiatives beyond the IWC, e.g. by the International Maritime Organisation (IMO), the Convention on Migratory Species (CMS) and in the shipping industry. In 2010, his work on ship strikes culminated in an international workshop, which Alexandre called the 'coronation of many years of work', the achievements and recommendations from which will reach far into the future. It is Alexandre's legacy that ship strikes are on the agendas of many organisations around the world and that the issue is discussed so widely today.

Alexandre was active in other areas of the IWC and in 2010, Belgium proposed a long-term strategy towards better small cetacean conservation. Likewise, in 2011 Belgium submitted a paper to strengthen funding of the organisation to the IWC. He also he took part in the future-orientated discussions on Conservation Management Plans (CMPs) and became one of the strongest proponents of a CMP for the threatened population of Arabian humpback whales.

Alexandre was extraordinarily diligent and full of expertise. Thus he did highest honour to his country. His legacy will reach far into the future and many of his proposals will serve as templates for the work of the IWC for a long time to come.

##### 1.2 Appointment of rapporteurs

Allison Reed (USA) and Cherry Allison (Secretariat) were appointed rapporteurs.

##### 1.3 Review of documents

A list of documents is given as Appendix 2.

#### 2. ADOPTION OF THE AGENDA

The adopted Agenda is given as Appendix 3.

#### 3. INVESTIGATION OF INEDIBLE 'STINKY' GRAY WHALES

During the meeting of the Conservation Committee at IWC/57 in Ulsan in 2005, it was agreed that a research programme be established to address the issue of inedible 'stinky' gray whales caught by Chukotkan aboriginal subsistence hunters.

The Russian Federation presented a report (IWC/64/CC10) of a study of contamination problems in the gray whale carried out from 2005 to 2011. In 2011, two of the 126 gray whales landed were considered 'stinky'. It was not possible to draw conclusions on the cause of the 'stinky' gray whales, but the authors commented that the 'stink' may be a result of slow metabolism of petroleum hydrocarbons. In addition they found concentrations of persistent organochlorines, such as DDT, were low or not detected.

Problems associated with collecting the samples were outlined; the lack of freezers in some villages led to some samples being unfrozen and refrozen and some of the chemical compounds disappearing from the samples. The Russian Federation plans to continue this research and to collect additional samples; they welcome other scientists to collaborate in this work.

'Stinky' whales cannot be used for human or even animal consumption as they are abhorrent and cause allergies and diarrhoea. Thus the Russian Federation do not consider them to be part of the quota, but rather as struck and lost whales.

##### 3.2 Committee discussions and recommendations

The USA expressed appreciation for the research and noted the recommendations of the Scientific Committee for additional work in this area. The USA indicated that it would be willing to assist the Russian Federation with the experimental designs and analyses needed to make progress on this problem.

Chile asked what proportion of 'stinky' whales were taken and whether the proportion has increased over the years. The Russian Federation estimated that, according to the experienced hunters from Lorima settlement who take almost half the Chukotkan quota, approximately 10% of the whales are 'stinky' whales. Experienced hunters can often identify 'stinky' whales from the smell of the blow and avoid catching them. Hunters in other villages are less experienced and the percentage of whales considered as 'stinky' by them is unknown. It was noted that inhabitants of the whaling villages say that sometimes walrus and some species of fish are also 'stinky'.

Germany drew attention to a proposal by the EU member states concerning the effect of contamination on cetacean health issues. 'Stinky' whales are an example of contamination and thus Germany supports making further efforts to determine the reason for this effect.

The Committee thanked the Russian Federation for its report and supported further work to determine the cause of the 'stinky' whale condition.

#### 4. SHIP STRIKES

In 2005, the Conservation Committee agreed to address the issue of whales being killed or seriously injured by ship strikes, recognising that this is also a matter addressed by the Scientific Committee. Ship strikes appear on the Scientific Committee agenda because the Revised Management Procedure (RMP) requires that recommended catch limits take into account estimates of mortality from all factors including, for example, ship strikes and bycatch. In practice these issues are also examined in a broader conservation and management context by the Scientific Committee than simply the RMP. The role of the Ship Strikes Working Group is to develop more detailed proposals and co-ordinate any work initiated.

##### 4.1 Report from the Scientific Committee

The Chair of the Scientific Committee reported that new information had been received on large whale and beaked whale ship strikes. Of particular concern were three Arabian Sea humpback whales documented between 2000 and 2012. This is a very small population and increasing shipping traffic in this region is of concern to the Committee (see also Item 8.1). Information was also presented that five out of 71 recorded mortalities of southern right whales on the South African coast between 1999 and 2010 bore injuries consistent with a ship strike.

Another area of concern identified was the southern coast of Sri Lanka. This has one of the busiest shipping routes in the world and overlaps with an area of high whale sightings, including blue whales. The Committee **recommended** that the Secretariat send a letter to the Sri Lankan Government, drawing their attention to the discussion of this topic and ways in which the Committee may assist.

There is a need to better understand the variables that affect whether a ship-struck whale will strand in order to assist in determining total numbers of strikes as well as where they might have occurred. There is also a need to better understand the relationship between vessel speed and collision risk in order to help determine mitigation measures. The Scientific Committee received several papers on these subjects and it **recommended** further studies of carcass drift, detection and deterioration for large whales that could be used to establish the location of death from a ship strike or other sources. It also **recommended** further studies that evaluate the risk reduction that could be achieved by speed restrictions.

Reports were received from several recent workshops that focused on ship strikes. These included an IMO workshop on environmental aspects of the Polar Code, held in Cambridge in September 2011, where there was considerable discussion of ship strikes and the impact of underwater noise on whales. A workshop held in London in April 2012 focused on ship strikes in the Bay of Biscay and made a series of recommendations, mainly dealing with mitigation measures but also related to assessing risk.

The IWC has been developing a global database of incidents involving collisions between vessels and whales. A web based data entry system has now been in place for two years but there have been few new reports submitted. The Scientific Committee **agreed** that a more pro-active approach is needed to encourage data to be entered and so **repeated the recommendation** for the appointment of a dedicated IWC ship strike data coordinator. This recommendation has been given to the Budgetary Sub-committee.

The Conservation Committee thanked the Scientific Committee for its valuable work and supported the

appointment of a dedicated IWC ship strike data coordinator (although see Item 4.3 below). Belgium noted that not all countries submit National Progress Reports and that this hinders a proper evaluation of ship strike numbers.

##### 4.2 Report from the Ship Strikes Working Group

There was no report this year as a result of the sad loss of its Chair.

Belgium regretted the lack of a report this year and suggested that the next report should cover the progress made since the last report, thus guaranteeing a complete representation of the issue relevant for this Working Group as well as its achievements.

##### 4.3 Committee discussions and recommendations

Australia noted that the issue of ship strikes is important because it is required for healthy whale populations, for the recovery of whale populations and for the development of Conservation Management Plans (CMPs).

After IWC/63 a technical expert, David Mattila, was seconded to the Secretariat to work on entanglement response and ship strikes. He presented a report on the parts of his work that were relevant to ship strikes (IWC/64/CC13). While his initial work focused on large whale entanglement, he was able to advance some of the work of the IWC with regard to ship strikes. In particular, he advocated the international importance of the IWC's ship strike database, and mitigation efforts at various workshops, symposia and conferences in which he participated. He also represented the IWC at an international technical workshop on the criteria for determining human-caused lethal impact to marine mammals, held in Woods Hole, USA, in February 2012. The findings of this workshop will be very helpful toward finalising these criteria in the IWC's Ship Strike Database Handbook. He has also assisted several Commissioners and IGOs in relation to developing the proposed workshops detailed in IWC/64/WKM&AWI12, which include components on ship strike determination and mitigation.

The Committee thanked David Mattila for his work and the efforts to publicise the ship strike database, noting the importance of this work. It also thanked the USA for making this possible.

Belgium suggested that if the contract for the technical expert is renewed, that he should collaborate closely with the proposed dedicated ship strike data coordinator. The lack of new reports to the IWC Ship Strike Database was regrettable and Belgium agreed that a more dedicated outreach programme should be started to promote the existence of, and stimulate use of, the database. A ship strike data coordinator is essential for this process. Belgium also suggested that the leaflet produced by Belgium in several languages should be used to make the database better known.

Australia supported the need for a database co-ordinator, but said it was important to discuss this matter in the context of other items that have been considered by the Conservation Committee. Priorities for future work must be set and these will include priorities for research.

Australia summarised cetacean ship strikes in Australian waters for the calendar year 2011, during which time the relevant legislation was unchanged and there were nine ship strikes. Details are given in IWC/64/CC3. Australia is developing a national ship strike strategy aimed at reducing the likelihood of ship strikes in their waters. In order to increase public awareness a ship strike database and associated questionnaire have been developed. The data collected in

Australia through the database is fully compatible with the IWC database and Australia recommends this approach to other countries in order to populate the IWC database.

Belgium commended Australia for this work on ship strikes and welcomed the creation of a regional database which replicates the design of the IWC database, thus facilitating the synchronisation of the two databases. Other countries were encouraged to follow a similar approach. Belgium urged all member countries to produce National Ship Strike Reports, such as the one presented by Australia, where relevant.

Mexico highlighted some items from its Voluntary Report (IWC/64/CC20) concerning amendments to legislation, and powers to implement measures to avoid vessel strikes and ocean noise.

The USA presented a report of actions to reduce ship strikes as summarised in IWC/64/CC5. This is also discussed under Item 9. The USA noted that collisions with vessels are a threat to all species of large whales. Two vessel routing proposals were submitted to, and endorsed by, the IMO in 2008 to reduce the risk of ship strikes to North Atlantic right whales. These proposals had become effective on 1 June 2009. Together with measures to prevent entanglement of right whales in fishing gear and regulations to reduce ship strikes by slowing ships, these changes in vessel operations are a part of a comprehensive approach taken by the USA in its effort to help right whales recover.

The USA introduced two new proposals, submitted to the IMO in 2012, to amend two existing Traffic Separation Schemes (TSS) off the USA west coast to reduce the likelihood of ship strike deaths and serious injury to blue and other large whales. These proposals are due to be considered by the IMO in July 2012. The first proposal would reduce the width of the separation zone in the TSS approaching Santa Barbara, CA. Technological advances in navigation systems have alleviated concerns of an increased risk of vessel collisions due to narrowed separation zones. Further, the US Coast Guard conducted a Port Access Route Study in 2011, which concluded that the burden imposed on shipping by the first proposed amendment is minimal while the potential benefits to large whales, particularly blue whales, may be significant. The second proposal for approach to San Francisco, CA, will serve to reduce the risk of marine casualties, reduce the likelihood of ship strikes with cetaceans, and also avoid interaction between fishing and commercial vessels.

#### *Panama Traffic Separation Schemes*

The Republic of Panama introduced a proposal (IWC/64/CC23rev) for the establishment of Traffic Separation Schemes (TSS) and prevention of vessel collision with whales. The Republic of Panama is a leading maritime country and about 17,000 commercial vessels annually transit the Gulf of Panama. The number of Panamanian vessels has nearly doubled in 15 years, from 3,700 to 6,200 and with the ongoing expansion of the Panama Canal an increase in the number and size of vessels in the area is expected. Therefore, this initiative is aimed at improving navigational safety by reducing the risk of collisions of merchant ships travelling in opposite directions daily from Asia, the central Pacific and the west coasts of North, Central and South America. The specific establishment and implementation of TSS is one of the first steps towards the organisation of maritime traffic in the Gulf of Panama and other areas of commercial navigation off the Pacific and Caribbean coasts of Panama.

The Panama Maritime Authority in conjunction with the Panama Canal Authority, the Maritime Chamber, the

Smithsonian Tropical Research Institute and the Marviva Foundation, has been working for several months on designing four two-way TSS, three for the Pacific and one for the Caribbean, to be presented to the IMO for their endorsement. The three Pacific schemes are particularly expected to reduce the potential of ship collisions and contamination risk along seven marine protected areas. Panama has recorded 13 whale casualties in two years, mostly of humpback whales. The TSS will be established in areas heavily used by several species of cetaceans, especially humpback whales from both the Northern and Southern Hemispheres which winter in Central America and Panama (up to ~300 individuals per season from the southern population visit Las Perlas Archipelago). Based on a temporal and spatial analysis of whales tagged with satellite transmitters and AIS transmissions from over 800 vessels, it is estimated that implementation of the scheme would reduce the potential areas of collision between ships and whales by ~93%.

In conclusion, the implementation of the TSS in Panama is of vital importance for navigational safety as well as for the protection of sensitive ecosystems and whale populations wintering in Panama. Panama would welcome any support or recommendations by the IWC and individual countries.

Many countries including Argentina, Costa Rica, Chile, Belgium, USA, Ecuador, New Zealand and the UK expressed support for the initiative by Panama on this critical issue and hope to see more details presented at the next meetings of the Scientific and Conservation Committees. Costa Rica has similar concerns and would like to discuss the matter in the Central American Commission and regional biodiversity Commissions. Ecuador noted a similar situation in the Gulf of Guayaquil and considered this to be a helpful initiative.

#### *Tenerife workshop in October 2012*

Aware of IWC interest in this area, Spain presented a proposal (IWC/64/CC18) to hold an international workshop on maritime transport and biodiversity conservation. The workshop will seek synergy and other forms of collaboration. A specific aim of the project is to study and mitigate accidents affecting marine biodiversity, especially the impacts on cetaceans and to develop a programme for communication and training for the maritime industry. It is hoped that shipping industry leaders, scientists and other stakeholders will participate in the workshop to be held from 24-26 October 2012 in Tenerife, Spain.

The USA supported the workshop proposal by Spain and noted that two of its leading experts on ship strikes are participating on the steering committee and will be making presentations. The workshop is the culmination of several years of discussion on educating mariners about the threat of ship strikes and environmentally sensitive areas. The goals are to identify the best way to get information to mariners and to determine the most relevant information to pass on to them. The USA has learned from implementing various North Atlantic right whale protection measures in USA waters, and looks forward to working with Spain and other interested governments to effect a reduction in ship strikes. The USA recognised this workshop will have strong ties to the IMO, which it views as an important step in furthering IWC-IMO cooperation.

France and Belgium welcomed the workshop. Belgium recalled that the Joint IWC-ACCOBAMS Workshop on Ship Strike Mitigation, held in Beaulieu, France in 2010 focused on the increasing problem between high speed traffic and cetaceans in the Canary Islands, and suggested that Tenerife was a most appropriate location for the Workshop. The

Beaulieu Workshop report (IWC/63/8) will be a useful source of information for the Tenerife Workshop and IWC/63/16 (which was a follow-up on recommendations made and measures identified at the Beaulieu Workshop) can be used as a guide for further negotiations with the maritime industry. Belgium also suggested that every effort should be made to achieve the participation of ferry industry operators from the Canary Islands at the Workshop.

*Workshops: disentanglement and ship strikes in the wider Caribbean*

The USA summarised its joint proposal with the Dominican Republic, France, Mexico and Panama (IWC/64/WKM&AWI12), for the IWC to work with UNEP, CEP and SPAW to conduct a series of three workshops on disentanglement and ship strikes in the wider Caribbean, focusing on the interdisciplinary ship strike workshop planned for 2013. This item was discussed in more detail by the Working Group on Whale Killing Methods and Associated Welfare Issues. The USA hopes to expand partnership for this effort to other interested IWC parties and the IMO.

The agenda, terms of reference and list of participants for this workshop have not yet been developed, and the USA hopes the IWC will convene an IWC-led steering committee to work with UNEP and SPAW to host this workshop in 2013. The USA recognised that this proposal originated from Alexandre de Lichtervelde's work and his communication with UNEP and SPAW.

France, the Netherlands, Argentina and Mexico expressed support for the workshops and the Netherlands noted that it would be happy to participate and would look into financial contributions.

A representative of UNEP and SPAW-RAC expressed strong support for the proposed workshops on entanglement and ship strikes noting that the French Agoa sanctuary for the protection of marine mammals is also supportive and will bring technical, logistical and financial support to the proposal. In relation to vessel strikes, the marine mammal action plan approved by the SPAW parties on threats to marine mammals in the wider Caribbean region, states the following key objectives.

- (1) Improve understanding. To identify high risk areas for vessel strikes in each country.
- (2) Impact assessment. To assess the magnitude of vessel strikes in the Wider Caribbean Region.
- (3) Impact minimisation. To stimulate on-going, and initiate new, actions at the regional, national and local level to reduce the frequency of vessel strikes.

The UNEP and SPAW-RAC representative noted that the extent of this problem in the Wider Caribbean Region is poorly understood, both because of lack of data and because a better understanding of the maritime traffic in the region is needed. To achieve this, UNEP and SPAW-RAC propose a collaboration with the IWC in order to better understand the situation in the Wider Caribbean Region and find appropriate solutions to this issue.

The Conservation Committee thanked the UNEP and SPAW-RAC representative for the offer of collaborative engagement and the Secretariat looked forward to formalising the agreement in the coming months.

*Strategic plan*

The Conservation Committee **endorsed** a suggestion from the Chair to develop a strategic plan for ship strikes which

might include data gathering and mitigation. Belgium considered that a strategic plan would help to ensure the effectiveness of the IWC ship strikes database.

#### **4.4 Appointment of Chair for the Ship Strikes Working Group**

The Conservation Committee was pleased to appoint Belgium as Chair of the Ship Strikes Working Group and acknowledged the work of Alexandre de Lichtervelde and of Belgium on ship strikes in the past.

### **5. SOUTHERN RIGHT WHALES IN CHILE AND PERU**

At its meeting in 2008, the Conservation Committee had received reports from a Workshop on the Status of Southern Right Whales from Chile-Peru and from the Scientific Committee. At that meeting the Conservation Committee: (1) stated the importance of continuing work on the status of right whales and recommended that this issue remain a high priority in the future work of the Scientific Committee; and (2) agreed the item be retained on the Conservation Committee's agenda.

This item contains information concerning southern right whales in Chile and Peru other than information related to Conservation Action Plans which are discussed under Item 8.

#### **5.1 Report from the Scientific Committee**

To clarify the status of this Critically Endangered and poorly understood population and to identify any threats and possible mitigation actions, the IWC Workshop on Southern Right Whales and then the Scientific Committee, **recommended** that surveys, photo-identification and genetic studies should be conducted. Specifically, the following three steps were recommended:

- (1) determine geographical/temporal areas where quantitative studies can best be conducted. This can be done by analysing existing historical whaling and sighting data and using appropriate temporal/geographical spatial modelling;
- (2) design a systematic aerial survey programme to cover potential calving or nursery areas; and
- (3) further consider stock structure issues by examining existing genetic samples (including museum specimens where possible) and collect new samples from southern Chile/Argentina.

#### **5.2 Update on progress**

Chile reported on the difficulties associated with monitoring this very endangered population of southern right whales that is estimated to include less than 50 mature individuals. New information that was reported to the Scientific Committee this year highlights the importance of the waters of Isla de Chiloe for the species. Actions proposed in the CMP have begun to identify the animals and areas of concentration. Previously it had taken 2-3 days for reports of a sighting to be received, making it very difficult to locate the animal subsequently. The use of mobile technology is being implemented in joint work between the Chilean Navy and the NGO Centro de Conservacion Cetacea to enable sightings to be reported in real time and Chile thanked Australia for the provision of this new technology. Considering the critically endangered status of this population, it was requested that this item remain on the agenda of the Conservation Committee.

## 6. WHALEWATCHING

In 2011 the Commission endorsed an IWC Five-Year Strategic Plan for Whalewatching pending review by the Scientific Committee of the Plan's research and assessment objectives prior to the Commission's meeting in 2012. Also in 2011 the Commission reviewed and updated the terms of reference for the Conservation Committee's Standing Working Group on Whalewatching (SWG-WW), and expanded its membership to include two members of the Scientific Committee.

### 6.1 Report from the Scientific Committee

The Chair of the Scientific Committee introduced the report of their sub-committee on whalewatching which is given as IWC/64/Rep1, Annex M. Scientific aspects of whalewatching have been discussed formally by the Scientific Committee in response to Commission Resolution 1994-14.

#### *Assessment of the impacts of whalewatching on cetaceans (see IWC/64/Rep1, Item 15.1)*

A number of papers on the possible effects of whalewatching on cetaceans were considered. The Scientific Committee expressed concern regarding the intense and uncontrolled dolphin watching in Bocas del Toro, Panama, and **strongly requested** the Panamanian authorities enforce its relevant whalewatching regulation. This especially applies to requirements regarding boat numbers and approach speed and distances. The Committee **recommended** continued research to monitor this dolphin population and the impacts of tourism on it. In this regard it **welcomed** the continuation of the Cooperative Agreement between Argentina and Panama to develop and conduct operator training workshops.

A modelling approach was presented to examine the potential effects of dolphin watching. The authors used health status to link individual behavioural changes to births and deaths, assuming health can moderate these. The Committee **welcomed** the use of modelling to address this issue and suggested that Bocas del Toro might be a location where this model could be tested.

The Scientific Committee also reviewed whalewatching off Central America. Within this region, only Costa Rica and Panama have organised their industries with tour operator associations. In Guatemala and Nicaragua, whalewatching operators are becoming organised. The Scientific Committee was pleased to learn that workshops to train and certify operators in best practices are being held twice a year in Costa Rica. In Panama, operator training started in 2006 and will continue this year. Belize, Honduras, and El Salvador do not yet have organised whalewatching operators or associations or whalewatching regulations.

#### *Review reports from intersessional working groups*

The objective of the LaWE (Large-Scale Whalewatching Experiment) project is to understand the mechanisms and possible effects of whalewatching on cetacean populations, in order to define a framework for integrated and adaptive management. Progress is being made and an initial analysis was received based on information from ten researchers. A modelling approach found there was a consistent response across species in path linearity and changes in resting behaviour. In addition smaller sized species and small sized populations were less likely to rest in the presence of whalewatching vessels.

Work continued intersessionally to develop a database to keep track of the details of whalewatching operations worldwide. The database developer is working towards putting the current version on the Commission's server for evaluation by the Committee next year.

A questionnaire for operators of swim-with-whale operations was field-tested on three companies in the Dominican Republic in early 2012. Their responses indicated that the questionnaire was appropriate and sufficient to present more widely to operators. Further work will be undertaken intersessionally to distribute the questionnaire to more operators and report results in two years, at IWC/66<sup>1</sup>.

#### *Other issues*

The Committee reviewed scientific aspects of the Commission's Five-Year Strategic Plan for Whalewatching. Detailed comments can be found in IWC/64/Rep1, Annex M, Appendix 3. The Committee **agreed** that the goal of its review was to offer the Commission advice that will lead to results that benefit both the work of the Conservation Committee's SWG on whalewatching as well as the Scientific Committee's work. While the Scientific Committee focused its input on Objectives 1 (Research) and 2 (Assessment), it noted that all five objectives of the Strategic Plan could benefit from further cooperation between the two Committees. This is particularly true in regards to elements such as regulatory frameworks, where the Scientific Committee can contribute expertise, data, and other advice. The Committee noted the ambitious scale of the science-related work programme found in the Strategic Plan. In particular some work identified as short-term should be reclassified as medium to long-term. The Committee also **recommended** that the Commission address issues that arise uniquely from operations that allow customers to swim with or feed cetaceans. An intersessional correspondence group was established to discuss and develop guiding principles with regard to Action 1.1 in the Strategic Plan. Action 1.2 should be completed intersessionally, with results reported to the next meeting.

The Scientific Committee received the report of the regional Workshop on Marine Mammal Watching held in October 2011 in Panama City, Panama (IWC/64/CC17). This brought together marine mammal tour operators and government regulators from across the wider Caribbean region. Several papers were also presented to the Scientific Committee that utilised data collected on whalewatching boats, including data collected during whalewatching trips in Samaná Bay, Dominican Republic and along the South Pacific coast of Costa Rica.

It was noted that the compendiums of regulations and guidelines on the Commission website<sup>2</sup> were open to additions and updates. The Scientific Committee **agreed** to revisit them on a more regular basis to ensure they remain representative of 'best practices' and to address them under the standing agenda item on reviewing whalewatching guidelines and regulations.

The Scientific Committee is concerned about the potential threat of unregulated whalewatching to the Arabian Sea humpback whale population in addition to the ship strikes discussed under Item 4.1. The Scientific Committee **strongly recommended** that operator training workshops should be conducted with a view to promoting best practice for whalewatching and to aid the interpretation and implementation of revised whalewatching guidelines. A funding proposal has been reported to the Budgetary Subcommittee.

The Conservation Committee commended and thanked the Scientific Committee for its work. Belgium noted that the whalewatching sub-committee's expertise had again

<sup>1</sup>Due to the change at IWC/64 to biennial meetings, this will be IWC/65.

<sup>2</sup>See: <http://www.iwcoffice.org/whalewatching>.

resulted in fruitful collaboration with experts from South America. Belgium was pleased to see the new item dealing with 'emerging whalewatching industries of concern' and suggested that the SWG-WW consider the questions and topics arising from this field of work.

Regarding the problem of dolphin watching in Bocas del Toro, Argentina reported on an agreement between Argentina and Panama to develop a two year cooperation programme to work on capacity building and training workshops on whalewatching for tour operators, fishermen and scientists from Panama. The Fondo Argentino de Cooperación Sur-Sur y Triangular in collaboration with the Autoridad Panameña de Turismo (ATP) developed a whalewatching capacity building workshop in Bocas del Toro, Panama in September 2011 to train whalewatching operators and to reduce the impact on a resident population of bottlenose dolphins. A second part of this programme will be developed in late 2012.

### 6.2 Report from the Conservation Committee's Standing Working Group on Whalewatching

The Chair of the Standing Working Group on Whalewatching (SWG-WW) gave the report of the SWG-WW (IWC/64/CC6), including the activities over the past year, during which the group examined each section of the Five-Year Strategic Plan (see IWC/64/CC6, Annex B). The SWG-WW developed recommendations on how to move forward on actions that were outside the focus of the Scientific Committee review, and on which actions should be implemented through the web-based living handbook. The SWG-WW also decided that it would greatly benefit from industry input, and recommended the inclusion of two industry representatives on the SWG-WW as *ex officio* participants. Nominees for the first two representatives were recommended to come from Australia and Mexico, with potential funding support from the IWC.

The SWG-WW Chair then outlined the future work the SWG-WW, and expressed hope that the Strategic Plan will be finalised at IWC/64. To allow for a possible Commission decision to move to biennial meetings at IWC/64, the SWG-WW proposed a plan of work for the potential intersessional period of 2012-14. The following four **recommendations** of the SWG-WW were highlighted:

- (1) the addition and potential funding of two *ex officio* industry representatives to the SWG-WW;
- (2) the two requested documents from the Secretariat to facilitate implementation of the Strategic Plan;
- (3) the SWG-WW work plan for the proposed intersessional period of 2012-14; and
- (4) adoption, after discussion, of any accepted changes to the Five-Year Strategic Plan suggested by the Scientific Committee.

The SWG-WW Chair also presented document IWC/64/CC24, which highlighted the changes to the Action Plan 2011-16 based on the Scientific Committee recommendations.

The Conservation Committee thanked the SWG-WW for the good progress that has taken place on the co-ordination of work on whalewatching during the intersessional period and thanked Ryan Wulff for his leadership of this important group.

### 6.3 Committee discussions and recommendations

Many delegates expressed support for the work of the SWG-WW including the recommendations and for the Five-Year Strategic Plan.

Belgium referred to the benefits of whalewatching for local communities, but noted that whalewatching can also have negative impacts on the animals. Thus, planning and management is warranted, especially for endangered whale populations like the Arabian Sea humpbacks. Belgium welcomes the production of the Handbook on whalewatching, because it focuses on the development of whalewatching tourism as a sustainable use of cetaceans. Furthermore, Belgium welcomes the increased dialogue between the Scientific and Conservation Committees in the SWG-WW as a follow up of the development of the Five-Year Strategic Plan, in order to make full use of the Scientific Committee's expertise on whalewatching matters and further develop science-based management options for whalewatching.

Australia expressed its willingness to take an active role in seeking to trial the draft survey in the Pacific and, in addition, was pleased to nominate an *ex officio* industry representative to the SWG-WW. Details will be given to the Secretariat later.

Sweden drew attention to the Scientific Committee recommendation that the Commission should address issues that arise uniquely from operations that allow customers to swim with or feed cetaceans. The USA acknowledged that this item is not specifically written into the action plan as outlined, but that the issue had been discussed within the SWG. Following a suggestion from the Chair of the Scientific Committee, he agreed that 'swim with whale' and 'feed with whales' should be added into the general principles of the Note section of 1.1 of the Five-Year Strategic Plan with the addition of another letter there.

The Russian Federation observed that whalewatching is a very developed industry of great monetary value and noted that it would like to see the action plan include an analysis to show the income and benefits to local communities where whalewatching operates. Whalewatching is often run by foreign operators and local communities may receive little benefit.

Several countries including Argentina, New Zealand, Ecuador, Chile, the Dominican Republic and Costa Rica reported that much of the benefit from whalewatching in their countries does go to local communities. Argentina noted that whalewatching in Argentina and the rest of Latin America involved mainly former fishermen who are now whalewatching skippers or company owners, so most of the income goes to coastal communities. New Zealand's most successful story of whalewatching is from Kaikoura which is organised and run by locals and has won four international tourism awards. In Costa Rica more than 80% of whalewatching proceeds go to local communities.

The USA highlighted some items from the revised Action Plan listed in IWC/64/CC24: where appropriate, developing principles should be precautionary and minimise potential impacts; efforts should be made to maintain consistency; a few actions were moved from short to medium or long term; the term 'where appropriate' is added to 'best possible practice' for certain sectors. The Scientific Committee has been added to the list of possible participants for objectives 3 and 5 noting that they could also contribute to the objectives and actions.

Mexico reported it has amended its whalewatching regulations as listed in IWC/64/CC20, based on precautionary principles. Chile reported that it has adopted regulations for whalewatching tourism, taking into account one of the recommendations of the Scientific Committee in 2007 for the southern right whale, to only allow observation from land.

The Conservation Committee **endorsed the recommendations** of the SWG-WW and **adopted** the Five-Year Strategic Plan.

## 7. WHALE SANCTUARIES

### 7.1 Report from the Scientific Committee

The Scientific Committee did not receive any documents on IWC Sanctuaries, although it did receive information related to marine mammal protected areas from the second International Conference held in Martinique (see Item 7.2).

### 7.2 Committee discussions and recommendations

The Chair noted that there were no new proposals for Sanctuaries for review this year.

#### *The Second International Conference on Marine Mammal Protected Areas (ICMMPA 2)*

France presented the summary report (SC/64/O1) of the Second International Conference on Marine Mammal Protected Areas, held in Martinique, 7-11 November 2011 which sought solutions to shared problems related to marine mammal conservation and to MMPA network and site design, creation and management. A secondary goal was to orient those working in MMPAs to set those protected areas in the broader context of marine management, in order to ensure that MMPAs are not marginalised as marine spatial planning work advances. The conference was co-hosted by the French MPA Agency (Agence des Aires Marines Protégées) and the USA (NOAA) and was supported by fifteen sponsors and many other organisations.

The conference theme of 'Endangered Spaces, Endangered Species' was explored in keynote talks, panels and workshops focusing on monk seals, sirenians, river dolphins and other small and large cetaceans. Special attention was given to the endangered vaquita. Other issues considered included: special considerations for particularly endangered marine mammals; refining understanding of marine mammal critical habitat and hotspots to inform MMPA designation; using marine spatial planning and ecosystem-based management to address broad threats to marine mammals; managing MMPAs for localised threats and mitigation by spatial protection and other means; development of MMPAs in the wider Caribbean region; and regional cooperation for MMPA scientific and technical networking. The proceedings will be available shortly and a third meeting is planned for two years' time.

Several nations expressed appreciation to France for organising an excellent and productive conference. The USA also highlighted the Sister Sanctuary agreement between the USA and France signed in September 2011, to protect humpback whales that migrate between the US Stellwagen Bank National Marine Sanctuary and the Agoa Marine Mammal Sanctuary in the Caribbean's French Antilles.

#### *South Atlantic Whale Sanctuary (SAWS)*

Argentina noted that it has supported the South Atlantic Whale Sanctuary since it was first proposed by Brazil in 2000. The renewed proposal (IWC/64/8) presented jointly by Brazil, South Africa, Uruguay and Argentina has a very clear stated goal which is to promote and establish a non-lethal management regime for cetacean resources in the area it encompasses.

Argentina prohibited the hunt of marine mammals in the 1950s and has a long whalewatching tradition which began in 1983 in the world famous southern right whale nursery winter ground of Península Valdés. Hence Argentina strongly

supports the non-lethal use of cetaceans. The SAWS will: (i) provide long-term protection and recovery of cetacean populations; (ii) support research on depleted stocks and their habitats; and (iii) promote regional conservation measures and educational activities, and contribute to the development of environmentally friendly tourism along the South American and African coasts.

Several nations reiterated their support for the SAWS and for the principle of sanctuaries. The USA observed that sanctuaries provide opportunities to conduct non-lethal research on undisturbed whale stocks, including studies on the life history and population dynamics of whales, and many benefit local coastal communities.

Norway said that the Norwegian attitude toward whale sanctuaries and MPAs in fisheries are well known; Norway supports such management instruments only if scientifically justified. It considered that there is no scientific justification of SAWS and thus cannot support it.

Denmark noted that it was considering looking positively on the South Atlantic Sanctuary but has not come to a final position yet. The UK and Belgium expressed their support for the creation of sanctuaries.

## 8. CONSERVATION MANAGEMENT PLANS

At IWC/63 in 2011 the Commission endorsed a Conservation Committee recommendation to establish a Small Working Group on Conservation Management Plans (SWG-CMP) with membership drawn from both the Conservation Committee and the Scientific Committee.

### 8.1 Report from the Scientific Committee

#### *Arabian Sea humpback whales*

The Chair of the Scientific Committee noted that the Arabian Sea humpback population had been identified by the Scientific Committee as a likely candidate for an IWC CMP. To facilitate this process an Intersessional Working Group was formed last year. The Scientific Committee noted the good progress that has been made in assembling the documentation required to submit a proposal to the IWC for a candidate CMP. Since a key component of this, and any plan, is that it is supported by a broad range of stakeholders including range state governments, the Scientific Committee welcomed the work undertaken thus far and strongly **recommended** that discussions between scientists and relevant range state governments continue to further progress the CMP process.

#### *Southern right whales*

Last year the Commission agreed that the southern right whales of South America should be the subject of IWC CMPs. Two draft plans were available during the Scientific Committee meeting, one for southwest Atlantic southern right whales (IWC/64/CC7rev1) and one for southeastern Pacific southern right whales (IWC/64/CC9). The Committee examined these draft CMPs for their scientific content and related actions and found them to be in accord with the results and recommendations from the Committee's Workshop on the Status of Southern Right Whales (SC/64/Rep3) and the Workshop on Southern Right Whale Die-off.

#### *Western North Pacific gray whales*

It was noted that the CMP for Western North Pacific gray whales is already in action and that one of the plan recommendations was for satellite tagging. Several whales have been tagged and the CMP is being updated using data from these whales.



## 8.2 Report from the Conservation Committee's Standing Working Group on CMPs

Australia introduced the report of the Standing Working Group (SWG) on CMPs (IWC/64/CC12rev). The report of the group includes a number of recommendations submitted to IWC/63. The Commission had limited time at IWC/63 to fully consider the CMP documents so they are submitted again here, noting that two of the recommendations have already occurred:

- that the CMP guidelines, templates and funding principles presented in IWC/63/CC5 be adopted;
- that these documents be placed on the IWC website for use by members wishing to undertake a CMP;
- that the Small Advisory Group on CMPs be reconstituted as a Standing Working Group on CMPs [has occurred];
- that the terms of reference for the CMP Working Group, contained in IWC/63/CC5, be adopted [has occurred];
- that the Scientific Committee be invited to undertake an analysis of priority candidates for future CMPs; and
- that the Conservation Committee be tasked with undertaking an inventory of cetacean conservation measures currently in place or underway in jurisdictions, on a regional basis.

Regarding the request to the Scientific Committee for an analysis of priority candidates for future CMPs, the useful work reported above was acknowledged, but it was suggested that it would be useful if the Scientific Committee looked at this issue more broadly in order to provide a preliminary priority list of areas that would benefit from CMPs in future years.

In addition the SWG recommended that the Conservation Committee endorse the following recommendations for cetacean conservation measures in the Pacific Islands Region, with a focus on Oceania humpback whales:

- that the Commission note the Review of Measures for Marine Mammal Conservation, Protection and Management in the Pacific Islands Region in 2007 by IFAW and SPREP;
- that the Commission acknowledge the significant cetacean conservation measures currently in place to protect cetaceans in the Pacific Islands region, as identified in this inventory;
- that the Commission recognise the leadership of SPREP in advancing cetacean conservation in the Pacific Islands region, including through implementation of its regional Whale and Dolphin Action Plan and its partnership with CMS on the CMS Pacific Cetaceans MoU, and the important role of organisations such as the South Pacific Whale Research Consortium;
- that the Secretariat write to SPREP advising it of the work of the Standing Working Group on CMPs and inviting SPREP to participate as an observer to the Working Group;
- subject to the views of SPREP and the Pacific Island Contracting Parties, if this inventory is considered a useful model it is proposed that the Chair of the Working Group contact SPREP with a view to exploring options to further refine the inventory;
- that similar regional inventories be developed for regions around the globe as part of the work of the Conservation Committee; and
- that regional inventories of cetacean conservation measures should be updated periodically (every 5-10 years or as appropriate).

The Conservation Committee thanked the SWG for its work and **endorsed all of the above recommendations**

including the request for the Scientific Committee to provide a priority list and the invitation to SPREP to participate as an observer. The Secretariat confirmed that they could implement the request to SPREP.

The USA expressed continued support for conservation management plans as they reaffirm the conservation objective of the Convention and improve the Commission's conservation work.

## 8.3 Committee discussions and recommendations

Last year the IWC agreed to nominate the South American southern right whale population for a CMP (IWC/63/CC4). Workshops held in Buenos Aires, Argentina in September 2011 recommended that the plan be separated into two, one for the southwest Atlantic southern right whale and one for the southeast Pacific right whales.

### *Southwest Atlantic southern right whales*

Argentina introduced IWC/64/CC7rev1, the CMP for the southwest Atlantic southern right whale (CMP SWA SRW). A Workshop was held in Buenos Aires from 19-20 September 2011 to begin the development of this CMP, at which three documents were considered: (i) Report of the Southern Right Whale Die-Off Workshop, Puerto Madryn, Argentina, 15-18 March 2010; (ii) Draft Proposal for an Action Plan for the Recovery of Eastern South Pacific Southern Right Whales in Chile (IWC/63/CC21rev); and (iii) Conclusions and Outcomes of the IWC Southern Right Whale Assessment Workshop held in Buenos Aires from 13-16 September 2011. The overall objective of the CMP is to protect the southern right whale habitat and minimise anthropogenic threats to maximise the likelihood that southern right whales will recover to healthy levels and recolonise their historical range.

The following nine high priority actions were identified:

- implementation of the CMP;
- develop a strategy to increase public awareness and build capacity in range states;
- determine movements, migration routes and location of feeding ground(s) through satellite telemetry;
- development of a GIS (META) database on information on human activities that might have an adverse impact on whales;
- ensure long-term monitoring of abundance, trends and biological parameters through photo-identification and biopsy sampling;
- enhance the existing stranding networks including the capacity for undertaking post-mortems;
- development of a regional entanglement response strategy;
- develop and implement a strategy to minimise kelp gull harassment; and
- establishment of an expert advisory panel.

The most critical and urgent action is the implementation of the CMP SWA SRW. Funding must be found for this action as soon as possible to appoint a Coordinator and set up the Steering Group to ensure that the plan moves ahead in a timely fashion. The estimated cost would be about £50,000, to include funding of the first meeting of the interim steering committee and the salary of a coordinator.

The Committee thanked Argentina for the excellent work undertaken. The USA indicated that it is important to start with populations that are either critically endangered like the right whales found off Chile and Peru or ones like right whales in the South Atlantic where there is a special conservation need.

The Conservation Committee **endorsed** the CMP for the southwest Atlantic southern right whale and **recommends** it to the Commission, noting the need for funding.

#### *Southeast Pacific southern right whales*

Chile introduced the CMP for southeast Pacific right whales (IWC/64/CC9), a species which is critically endangered and is estimated to include less than 50 mature individuals. The CMP is based on Chile's national plan of action submitted last year (IWC/63/CC21rev), so some actions of the plan are already operational. The objective is to take steps which will allow the species to withstand both environmental and anthropogenic impacts and ensure its long term survival. Lack of information is the biggest limitation to protection, so the short term objectives focus on: (1) compiling a baseline of information to include in particular population size and area of concentration, breeding and feeding grounds, stock structure, etc.; (2) conducting a detailed assessment of potential impacts in identified areas of concentration; and (3) developing specific mitigations despite the shortage of information.

The work done during the Argentina workshop and by the drafting group identified the following priority actions:

- implementation of the CMP and establishment of a Coordinator and Steering Committee;
- development of a web-based exchange of scientific information;
- development of a strategy to increase public awareness and build capacity in range states;
- create capacities in coastal communities on species identification and sightings reporting and documentation;
- development of a web-based platform to report southern right whale sightings;
- increase documentation of sightings and photo-identification of individuals;
- start collection of genetic samples;
- identify breeding area(s) for southern right whales;
- ensure long-term monitoring of distribution, abundance and trends of southern right whales;
- ensure long-term monitoring of potential threats and effectiveness of mitigation measures;
- release entangled whales and prevent entanglements;
- develop and implement contingency plan to afford maximum protection when a sighting is recorded; and
- inclusion of right whale conservation considerations and mitigation measures in the Environmental Impact Evaluation and Permitting System for Large-Scale Coastal/Marine Projects.

The Conservation Committee thanked Chile for their excellent work, **endorsed** the CMP for the southeast Pacific right whale and **recommends** it to the Commission.

## 9. NATIONAL REPORTS ON CETACEAN CONSERVATION

Several countries had submitted voluntary national cetacean conservation reports: Argentina (IWC/64/CC15), Australia (IWC/64/CC4), Brazil (IWC/64/CC22), Chile (IWC/64/CC21), France (IWC/64/CC14), Mexico (IWC/64/CC20), New Zealand (IWC/64/CC19), UK (IWC/64/CC8) and USA (IWC/64/CC5). The Committee welcomed these reports, many parts of which have been discussed under earlier items. More countries were encouraged to submit reports in future.

Australia was pleased to highlight the completion of a national network of marine reserves around Australia's entire EEZ which was announced only two weeks ago.

This integrative representative network fulfilled Australia's commitment under the Johannesburg Plan of Implementation to establish representative networks by 2012. It will be of benefit to cetaceans by identifying key critical habitats and putting in place appropriate degrees of protection to enable the sustainability of those populations, and underlines the importance Australia gives to MPAs.

Ecuador reported that whales have been protected in Ecuador since 1990, but three coastal MPAs have recently been created to protect cetacean habitats, especially humpback whales and bottlenose dolphins. A network on stranding is being implemented. In 2007 Ecuador set up a commission for supervision of whale and dolphin watching to ensure responsible activities and including training for ship's captains and sailors.

Argentina highlighted a workshop for development of a national action plan to reduce the bycatch of marine mammals hosted by Secretaría de Ambiente y Desarrollo Sustentable, and Subsecretaría de Pesca y Acuicultura from 27-29 September 2011 attended by national and provincial governmental agencies, scientists, academics and non-governmental organisations. A draft version of the plan is expected to be finished and approved during this year.

During 2011 the Southern Right Whale Health Monitoring Program (SRWHMP) recorded and collected samples for further analysis from a total of 61 stranded whales at Península Valdés, including three juveniles and 58 calves.

An action plan has been developed to minimise the problems of kelp gull attacks on southern right whales from the southwest Atlantic population in the area of Península Valdés. This issue was identified as a priority in the IWC CMP of southern right whales. The main components of the plan are:

- strategic communication about the interaction between both species;
- the development of a pilot study to remove kelp gulls with technical assistance from the Centro Nacional Patagónico;
- the eradication of open dumps;
- the continued monitoring of population trends of both species; and
- monitoring the rate of gull-whale interactions.

In 2011 Costa Rica set up its first Marine Management Area which is part of the World Wildlife Union (no. 4 category) and close to the Cocos Island Park. A management plan is being developed in which longline fishing would be allowed but industrial tuna fishing prohibited. They plan to document the abundance and patterns of behaviour of cetacean species and impacts from human activities. Costa Rica also gave notice of the 4<sup>th</sup> Meso American Conference on MPAs being planned for Costa Rica in August 2013, whose purpose is to strengthen MPAs, with an emphasis on whales. IWC support will be requested nearer the time.

New Zealand reported on the continuation of its humpback whale research throughout the South Pacific and its extensive research on southern right whales. New Zealand supports the IWC Southern Ocean Research Partnership (SORP) and participated in the two pygmy blue whale research projects this season.

New Zealand is proposing to extend the Marine Mammal Sanctuary protected area off North Island in order to protect the endemic Maui's dolphin. This step resulted from a Threats Management Workshop held in early June 2012 following the catch of a Maui's dolphin in a gillnet in January and the critical state of the population.

New Zealand was pleased to report that the survival of Hector's dolphins at Banks Peninsula has improved by 5.4% since the creation of a Marine Mammal Sanctuary in the area in 1988. The Sanctuary and local fishing regulations have significantly slowed the rate of decline of this population. These protection measures are also of benefit to seabirds and fish populations.

Argentina requested further details of New Zealand's work on Maui's dolphins because they have similar problems with entanglements. New Zealand clarified that the proposed extension also includes fisheries measures and will ban setnets within the area. Argentina and New Zealand agreed to continue discussions outside of the meeting.

The USA gave a PowerPoint presentation on conservation efforts related to ship strike mitigation and ocean noise, noting that details on a number of additional conservation initiatives of the USA are summarised in its Voluntary Conservation Report (IWC/64/CC5). The USA described its successful 2009 efforts utilising ship traffic and whale density data supporting a new Traffic Separation Scheme (TSS) for ships transiting through the Stellwagen Bank National Marine Sanctuary. The USA noted that it conducted a similar analysis in 2011 to support a proposal for two updated TSS's on the USA west coast, which will be reviewed by the IMO during its meeting from 2-6 July 2012. The USA also announced the release of the free 'Right Whale App' for iPad or iPhone, designed to make mariners better aware of the ship strike reduction initiatives on the east coast, thereby increasing mariner compliance and right whale protection.

The USA presented information on tools used to evaluate the impacts of human-induced noise on cetaceans. In particular, two mapping methods were used to depict: (1) temporal, spatial and spectral characteristics of underwater noise; and (2) regional time- and species-specific cetacean density. The USA plans to use these mapping tools to provide a more robust, comprehensive, and context-specific way to inform management decisions, with the ultimate goal of assisting ocean planning efforts.

In response to a question from Belgium, the USA noted that the mapping work currently focused only on the US EEZ but the next steps include work with other partners/organisations and the USA welcomed further discussion of this issue.

## 10. MARINE DEBRIS

At IWC/63 in 2011 the Commission endorsed a recommendation from the Conservation Committee to include a standing item on marine debris on the Committee's agenda.

The Chair of the Scientific Committee noted that marine debris is a growing concern for marine wildlife in general, but its interactions with cetaceans are poorly understood. To begin investigating these interactions the Scientific Committee reviewed several papers on marine debris. In general four key questions were identified: (1) how to distinguish cetaceans that have died in active fishing gear versus those entangled in what is called 'ghost' fishing gear; (2) how to identify the 'worst culprit' types of ghost fishing gear causing entanglement; (3) how to investigate the potential accumulation of debris in the deep sea feeding areas of beaked and sperm whales; and (4) how to investigate the impacts of microplastics on cetaceans, including baleen whales.

To address these issues the Scientific Committee recommended that a Workshop on Marine Debris and Cetaceans be held next year (see IWC/64/Rep1, Annex K, Appendix 3). The primary aim of this Workshop would be to determine how to best investigate quantitatively the ways

in which marine debris is affecting cetaceans and how best to monitor and mitigate for these effects. The Workshop could also consider how best to develop a centralised database to collate cases of debris interactions, including the development of standardised criteria for data to allow more certain identification of the types of debris and the interactions involved.

The Chair of the Scientific Committee also referred to the work being undertaken in the USA, Korea and Japan and the Steering Group for the IWC-POWER cruises who are investigating how those cruises can contribute to international efforts to collect more information on marine debris (see also IWC/64/Rep1, Annex G).

Several countries expressed appreciation for the work being done by the Scientific Committee on marine debris and fully supported the proposed Workshop. They recognised that this issue is a significant and growing threat to marine ecosystems and is still poorly understood. Belgium noted that entanglement in marine debris, the health status of cetaceans and ship strikes are all interrelated, and there are likely to be both accumulative and synergistic effects of these threats.

Australia suggested that the workshop be held jointly by the Scientific and Conservation Committees in order to encompass both scientific and management aspects of the problem of marine debris.

The UK and Australia drew attention to the recent Rio Ocean declaration (in the outcomes document entitled 'The Future We Want', para. 163) which calls on all nations to take action on marine pollution. The IWC should cooperate with other international organisations to address this threat.

Argentina referred to a study on the ingestion of plastic debris (PD) in 28% of 106 Franciscana dolphins incidentally captured in artisanal fisheries on its northern coast. PD ingestion was more frequent in estuarine (34.6%) than in marine (19.2%) environments, but the type of debris was similar. Packaging debris was found in 64.3% of the dolphins, with 35.7% ingesting fishery gear fragments and 25% from unknown sources.

The USA provided information on a new programme aimed at combating the problem of derelict fishing gear called 'Fishing for Energy' and encouraged interested delegations to join the initiative, indicating that more information would be available next week at the IWC expo.

The Conservation Committee **endorsed** the proposal for a joint Workshop by the Scientific and Conservation Committees.

## 11. PROGRESS UNDER THE VOLUNTARY FUND FOR SMALL CETACEAN CONSERVATION RESEARCH

In 2011 the Conservation Committee received a strong recommendation from the Scientific Committee's sub-committee on small cetaceans for funding of nine high-standard research and conservation projects under the Commission's Voluntary Fund for Small Cetacean Conservation and Research. All of the projects are aimed at improving conservation outcomes for small cetacean species and populations threatened or especially vulnerable to human activities.

The Chair of the Scientific Committee's sub-committee on small cetaceans gave an update on the current status of the Voluntary Fund. Contributions received during the past year had enabled all nine projects to be funded and these were outlined in a PowerPoint presentation<sup>3</sup> and are listed

<sup>3</sup>See: [http://www.iwcoffice.org/\\_documents/commission/IWC64docs/SM-Fund\\_CC\\_rev2.ppt](http://www.iwcoffice.org/_documents/commission/IWC64docs/SM-Fund_CC_rev2.ppt).

below. Particular emphasis was given to the conservation and capacity building aspects of each project.

- (1) 'Ecology, status, fisheries interactions and conservation of coastal Indo-Pacific humpback and bottlenose dolphins on the west coast of Madagascar'. Work on this project is on-going.
- (2) 'Abundance and distribution of the Atlantic humpback dolphin in Gabon and Congo'. An extended summary on progress of this project is given in SC/64/SM22.
- (3) 'Estimating abundance of an isolated population of the threatened franciscana: moving towards conservation actions' has been successfully completed and is reported in SC/64/SM17.
- (4) 'The Sarawak Dolphin Project' is a long-term study carried out in Malaysia. The IWC provided a one-year grant to help with data collection.
- (5) 'Genetic and demographic assessment of dolphins taken in live-capture and traditional drive-hunt in the Solomon Islands'. A detailed preliminary report is given in SC/64/SM23.
- (6) 'Assessment of alternative fishing gear for replacing gillnets that cause bycatch of vaquita in the Upper Gulf of California, Mexico'.
- (7) 'Investigation of population identity of Indo-Pacific humpback dolphins in the northern Bay of Bengal, Bangladesh and implications for population-level conservation and taxonomy of the species'. This is a 2-year project.
- (8) 'Identifying conservation solutions for the Yangtze (China) finless porpoise through community research'.
- (9) 'Photo-identification monitoring of the eastern Taiwan Strait population of Indo-Pacific humpback dolphins'. This project has just started.

As soon as sufficient additional funding for 2-3 projects is secured a new call for proposals will be launched, possibly by the end of 2012.

The UK commended the work being conducted under the Small Cetaceans fund, noting that the IWC must not overlook the conservation of small cetaceans, and applauded the work being done by Mexico to protect the vaquita. In addition it noted its concern over the continued hunting of Dall's porpoise, noted the Scientific Committee's concern over the hunting of Baird's beaked whales and encouraged the provision of data to assist the efforts of the Scientific Committee in its work.

Both the Netherlands and Italy intend to make a formal announcement next week of a financial contribution to the Small Cetaceans Fund.

The Conservation Committee **congratulates** the Scientific Committee on its work and looks forward to

receiving reports on further progress and the final outcomes. The importance of voluntary contributions to continue this work was highlighted and thanks were expressed to all of the Contracting Governments and observer organisations whose funding has allowed the work to progress. Several countries noted the importance of continued contributions to the Small Cetacean Fund in order to continue the very practical, strategic and direct support of small cetacean conservation initiatives, especially as some of the most threatened populations belong to this group.

## 12. OTHER MATTERS

The UK drew attention to the report of the Intersessional Correspondence Group on Strengthening IWC Financing due to be discussed by the Finance and Administration Committee later in the week (IWC/64/F&A4). Financing for projects and research is required for the important work being done across the IWC on issues such as ship strikes, entanglement, CMPs and marine debris to contribute to the shared IWC goal of healthy whale populations.

Australia raised the issue of cooperation with other organisations noting the Scientific Committee process of agreeing formal IWC observers to attend meetings of other international organisations. Australia requested that the Scientific Committee make reports to this Committee where the work of such organisations is of relevance to it. In addition it suggested that other organisations whose work is relevant to the Committee should be identified and a complementary initiative be instituted through the Conservation Committee. Australia volunteered to do some of this work intersessionally.

Belgium will host a CCAMLR-related workshop in September 2012, as well as the Annual Meeting of ATCM/CEP in May 2013. Both meetings will be held in Brussels.

At IWC/63 the Commission recognised the Secretariat's on-going work on the Commission's new website. The Secretary introduced the pre-launch version of the new site, the URL of which is <http://demo.iwcoffice.org/>. He noted that text from the old website had been transferred to the new site and updated where possible. He stressed that the pre-launch version is provided in order for delegates to suggest modifications and/or additions to the new website to ensure that it accurately reflects all the work being undertaken through the auspices of the IWC including the many new activities instigated by the Conservation Committee.

James Gray was elected as Vice-Chair.

## 13. ADOPTION OF REPORT

The report was adopted 'by post' on 1 July 2012.

**Appendix 1****LIST OF PARTICIPANTS****ARGENTINA**

Victor Marzari  
Miguel Iníguez

**AUSTRALIA**

Pam Eiser  
Nick Gales  
Stephanie Ierino  
Chris Schweitzer  
Victoria Wadley  
Alexia Wellbelove

**AUSTRIA**

Andrea Nouak  
Michael Stachowitsch

**BELGIUM**

Frederic Chemay  
Fábian Ritter

**CHILE**

Barbara Galletti

**COSTA RICA**

Eugenia Arguedas  
Ricardo Meneses

**DENMARK**

Øle Samsing  
Amalie Jessen  
Nette Levermann  
Gitte Hundahl

**DOMINICAN REPUBLIC**

Peter Sanchez

**ECUADOR**

Gustavo Iturralde  
Jorge Samaniego

**FRANCE**

Martine Bigan  
Vincent Ridoux

**ITALY**

Plinio Conte  
Caterina Fortuna  
Francesca Granata

**GERMANY**

Karl-Hermann Kock

**KOREA, REPUBLIC OF**

Du Hae An  
Yong-Rock An

**MEXICO**

Lorenzo Rojas-Bracho (Chair)  
Yolanda Alaniz

**NETHERLANDS**

Peter Bos

**NEW ZEALAND**

Gerard van Bohemen  
Louise Chilvers  
Karena Lyons  
Liz Slooten

**NORWAY**

Kathrine Ryeng  
Truls Soløy  
Einar Tallaksen  
Lars Walløe  
Hild Ynnesdal

**PANAMA**

Jose Julio Casas  
Hector Guzman  
Juan Mate  
Anna Nuñez  
Lissette Trejor  
Yira Jaramillo

**RUSSIAN FEDERATION**

Valentin Ilyashenko  
Alexey Ottoy

**SOUTH AFRICA**

Herman Oosthuizen  
Ed Couzens

**SPAIN**

Santiago Lens

**SWEDEN**

Bo Fernholm

**SWITZERLAND**

Bruno Mainini

**UK**

Nigel Gooding  
Sarah Baulch  
Nicola Clarke  
James Gray  
Jenny Lonsdale  
Beatriz Roel  
Anju Sharda  
Mark Simmonds  
Jolyon Thomson

**USA**

Melissa Andersen  
Charlotte Brower  
Robert Brownell  
Carole Carlson  
Doug DeMaster  
Roger Eckert  
Brian Gruber  
Taryn Kiekow  
Michael Lawrence  
Ira New Breast  
Lisa Phelps  
Alison Reed  
Rollie Schmitt  
Michael Tillman  
DJ Schubert  
Ryan Wulff

**SCIENTIFIC COMMITTEE  
CHAIR**

Debra Palka

**SCIENTIFIC COMMITTEE  
VICE-CHAIR**

Toshihide Kitakado

**SECRETARIAT**

Simon Brockington  
Cherry Allison  
Greg Donovan  
David Mattila

## Appendix 2

## LIST OF DOCUMENTS

<b>IWC/64/CC</b>	<b>Agenda Item</b>
1 Draft Agenda	
2 List of documents	
3 Country Report on Ship Strikes submitted by the Government of Australia	4.2
4 Australia: Voluntary National Cetacean Conservation Report	9.1
5 United States: Voluntary National Cetacean Conservation Report	9.1
6 Report of the Standing Working Group on Whalewatching (submitted by the USA)	6.2
7rev1 A Draft Conservation Management Plan for Southwest Atlantic Southern Right Whales (submitted by Argentina, Brazil, Chile and Uruguay)	8
8 United Kingdom: Voluntary National Cetacean Conservation Report, 2012	9.1
9 Conservation Management Plan for Eastern South Pacific Southern Right Whale Population ( <i>Eubalaena australis</i> ) (submitted by Chile)	8
10 Contamination Problems of the Gray Whales (submitted by the Russian Federation)	3
11 Cetacean Conservation Measures in the Pacific Islands Region with a focus on Oceania Humpback Whales (submitted by Australia)	8
12rev Report of the Standing Working Group on Conservation Management Plans (submitted by Australia)	8
13 Overview of the work of the technical adviser assigned to the Secretariat in relation to ship strike mitigation: October-May, 2012 (submitted by the Secretariat)	4.2
14 France: Voluntary National Cetacean Conservation Report	9.1
15 Argentina: Voluntary National Cetacean Conservation Report	9.1
16 Overarching Principles and Best Practice Guidelines for Marine Mammal Watching in the Wider Caribbean Region (WCR) (submitted by the USA)	6.2
17 Report of the Regional Workshop on Marine Mammal Watching in the Wider Caribbean Region (submitted by USA)	6.2
18 International Workshop on Maritime Transport and Biodiversity Conservation (submitted by Spain)	4
19 New Zealand: Voluntary National Cetacean Conservation Report, 2012	9.1
20 Mexico: Voluntary National Cetacean Conservation Report, 2012	9.1
21 Chile: Voluntary National Cetacean Conservation Report, 2012	9.1
22 Brazil: Voluntary National Cetacean Conservation Report, 2012	9.1
23rev Proposal of the Republic of Panama for the establishment of Traffic Separation Schemes (TSS) and Prevention of Vessel Collision with Whales (submitted by Panama)	4
24 Action Plan 2011-2016 (submitted by the USA)	6
<b>IWC/64/WKM&amp;AWI</b>	<b>4</b>
12 Proposal to address indirect human impacts on marine mammals of the wider Caribbean region (submitted by the Dominican Republic, France, Mexico, Panama and the USA)	
<b>IWC/64/Rep</b>	
1 Report of the Scientific Committee	
<b>SC/64/O</b>	
1 Summary Report of the Second International Conference on Marine Mammal Protected Areas (ICMMPA 2), Martinique, 7-11 November 2011	

**Appendix 3****AGENDA**

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| <ul style="list-style-type: none"> <li>1. Introductory items           <ul style="list-style-type: none"> <li>1.1 Appointment of Chair</li> <li>1.2 Appointment of Rapporteurs</li> <li>1.3 Review of documents</li> </ul> </li> <li>2. Adoption of Agenda</li> <li>3. Investigation of inedible 'stinky' gray whales           <ul style="list-style-type: none"> <li>3.1 Report on progress</li> <li>3.2 Committee discussions and recommendations</li> </ul> </li> <li>4. Ship strikes           <ul style="list-style-type: none"> <li>4.1 Report from the Scientific Committee</li> <li>4.2 Report from the Ship Strikes Working Group</li> <li>4.3 Committee discussions and recommendations</li> <li>4.4 Appointment of Chair of the Ship Strikes Working Group</li> </ul> </li> <li>5. Southern right whale population of Chile-Peru           <ul style="list-style-type: none"> <li>5.1 Report of the Scientific Committee's Southern Right Whale Assessment Workshop</li> <li>5.2 Update on progress</li> <li>5.3 Committee discussions and action arising</li> </ul> </li> <li>6. Whalewatching</li> </ul> | <ul style="list-style-type: none"> <li>6.1 Report from the Scientific Committee</li> <li>6.2 Report from the Conservation Committee's Standing Working Group on Whalewatching</li> <li>6.3 Committee discussions and recommendations</li> <li>7. Whale sanctuaries           <ul style="list-style-type: none"> <li>7.1 Report from the Scientific Committee</li> <li>7.2 Committee discussions and recommendations</li> </ul> </li> <li>8. Conservation management plans           <ul style="list-style-type: none"> <li>8.1 Report from the Scientific Committee</li> <li>8.2 Report from the Conservation Committee's Small Working Group</li> <li>8.3 Committee discussions and recommendations</li> </ul> </li> <li>9. National reports on cetacean conservation           <ul style="list-style-type: none"> <li>9.1 Introduction of national reports</li> <li>9.2 Committee discussion and recommendations</li> </ul> </li> <li>10. Marine debris</li> <li>11. Progress under the Voluntary Fund for Small Cetacean Conservation Research</li> <li>12. Other</li> <li>13. Adoption of Report</li> </ul> |
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## Annex G

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

Monday 25 June 2012, Panamá City, Republic of Panama

### 1. INTRODUCTORY ITEMS

The list of participants is given as Appendix 1.

#### 1.1 Appointment of Chair

Given the other responsibilities of last year's Chair, Herman Oosthuizen (South Africa), Michael Stachowitsch (Austria) kindly took on the role as Chair.

#### 1.2 Appointment of rapporteur

Greg Donovan (Secretariat) was appointed rapporteur.

#### 1.3 Review of documents

The available documents are given in Appendix 3.

### 2. ADOPTION OF AGENDA

The adopted agenda is given as Appendix 2.

### 3. DATA PROVIDED ON WHALES KILLED

This item allows Contracting Governments to provide the information specified in Resolutions 1999-1 and 2001-2. Resolution 1999-1 encouraged reporting of data on whales killed including the number killed by each method, the number killed instantaneously, times to death (TTD), number of whales targeted and missed, number of whales struck and lost, calibre of rifle where used, number of bullets used and methods to determine unconsciousness and/or time to death. Resolution 2001-2 encouraged Governments to submit information on variance data on times to death (to the extent possible) and comparative data from the killing of other large mammals.

#### 3.1 New Zealand

IWC/64/WKM&AWI4 summarises work undertaken in New Zealand with respect to the euthanasia of stranded animals that could not be rescued; these were 64 long-finned pilot whales, 14 pygmy sperm whales, 2 strap-toothed whales and 1 humpback whale. The methods used were various calibre rifles. In most cases the estimated TTD was instant but the estimated TTD for the humpback whale was 12 hours. New Zealand noted that determining how best to euthanise whales was an important issue for many governments and encouraged others to report their experiences and data (see the discussion under Items 5 and 6).

#### 3.2 USA

IWC/64/WKM&AWI10 summarises the information presented by the USA. In 2011, 38 bowhead whales were landed of which 20 were taken using black powder, 7 were taken using the new penthrate projectile and 12 were taken using black powder and the penthrate projectile. This is an increase from last year (2010), where 2 out of 45 whales

were taken using penthrate. A total of 13 whales were struck and lost in 2011. Therefore, for 2011, the rate of efficiency of the hunt was 75% (the average over the last 10 years is 75%). This represents a considerable improvement over the 63% efficiency reported for 2010. The USA explained that weather and ice conditions play a significant role in determining the efficiency of the spring aboriginal bowhead whale hunts. Finally, the USA was pleased to report that use of the penthrate projectile is increasing and early 2012 reports show continued success in reducing time to death. This is discussed further under Item 4.

#### 3.3 Denmark/Greenland

IWC/64/WKM&AWI7 summarises the information presented by Denmark/Greenland. There are two primary hunting types – the harpoon cannon hunting using penthrate grenades (with large calibre rifles as the secondary method for minke whales and penthrate grenades as secondary method for fin, bowhead and humpback whales) and the rifle hunt that uses large calibre rifles for minke whales. The median TTD for common minke whales for the former was 1 minute while the median TTD for the latter was 21 minutes. The median TTD for humpback whales was 3 minutes.

The Working Group thanked Denmark/Greenland for the presentation of this information.

#### 3.4 Russian Federation

IWC/64/WKM&AWI6 summarises the information presented by the Russian Federation. The hunt uses a harpoon with a float and then either a darting gun and/or a rifle. The mean TTD was 37 minutes.

The Working Group thanked the Russian Federation for the presentation of this information.

#### 3.5 Norway

IWC/64/WKM&AWI9 summarises the information presented by Norway.

In 2011, 533 whales were taken by 20 vessels. Five whales (0.9%) were reported lost and sank after they were dead. No whales were reported to have escaped wounded. At-sea monitoring was carried out by the Electronic Trip Recorder System (Blue Box). In addition, periodic checks of the hunting activities were carried out on eight boats by inspectors from the Directorate of Fisheries.

Harpoon guns of calibres 50mm and 60mm equipped with the Norwegian penthrate harpoon grenade developed in 1997-99. Rifles with full metal jacket, round nosed bullets with a minimum calibre of 9.3mm, are used as back-up weapons. Gunners must pass obligatory shooting tests, both with rifle and harpoon gun. At-sea monitoring is carried out on all boats by the Electronic Trip Recorder (Blue Box) developed in 2001-05 (IWC/57/RMS8). In



addition, inspectors from the Norwegian Directorate of Fisheries conduct periodic and random checks of the hunt. In some years, observers under the NAMMCO International Observation Scheme are present on board during the hunting season.

The Working Group thanked Norway for the presentation of this information.

### 3.6 General discussion

The Working Group welcomed the continued provision of information and believed that this was a valuable component of IWC efforts to review and where possible assist with improvements in whale killing methods. It was noted that there was no information available for the hunt by St. Vincent and The Grenadines and no representative present at the Working Group meeting. It hoped that the relevant information could be provided by St. Vincent and The Grenadines either to the ASW Sub-Committee or to the Plenary.

Noting the extensive work undertaken by Norway in the period up to 2003 (see Item 4), Australia requested Norway to provide additional information on recent operations. Norway responded that for the reasons it has explained before about misuse of data, it believed that NAMMCO was a more suitable venue for it to report on whale killing methods in detail. This view was also expressed by Iceland and Japan.

## 4. INFORMATION ON IMPROVING THE HUMANENESS OF WHALING OPERATIONS

This item allows Contracting Governments to provide information specified in Resolution 1997-1 and supported by Resolution 2001-2. Resolution 1997-1 concerns steps being taken to improve the humaneness of aboriginal whaling operations. Resolution 2001-2 encourages all Contracting Governments to provide appropriate technical assistance to reduce time to unconsciousness and death in all whaling operations.

### 4.1 USA

Mr George Noongwook, Chairman of the Alaska Eskimo Whaling Commission (AEWC), said that the eleven whaling villages represented by the AEWC in 2011 struck 51 bowhead whales and landed 38, for an efficiency rate of 75%. He reviewed the conditions in the spring and fall hunts, noting that the ice conditions in the 2011 spring hunt were very poor.

Mr Noongwook then reviewed the weapons improvement program undertaken by the AEWC, and explained that the use of the new penthrate projectiles is continuing to expand, with only three of the eleven villages still needing to be trained in their use. The hunters are pleased with the new grenade and are especially grateful for Dr Egil Øen's collaboration and work on development and training with the new weapons. He also stated that in the spring hunt in 2012, the use of penthrate increased. In closing, Mr Noongwook noted that the penthrate projectiles are very expensive to buy and ship, and thanked the North Slope Borough and the US Government for their continued financial support of the weapons improvement programme.

Mr Eugene Brower, chairman of the AEWC Weapons Improvement Committee, then narrated a brief video that showed the successful use of a penthrate projectile to quickly kill a bowhead whale during the spring hunt.

The Working Group thanked the USA for this information and the presentation. Norway, Australia, UK and Mexico in particular commended the USA and the AEWC for the great progress made. Norway stressed the importance of human safety and of respecting local traditions and culture when assisting with the development of new weapons to improve the TTD for subsistence whaling. Local knowledge plays an extremely important role in both weapon improvements and training. He welcomed the news that two new villages were now using penthrate weapons, noting that full scale uptake of the penthrate weapon will bring even more improvements to TTD for the hunts and reduce struck-and-lost rates.

### 4.2 Norway

IWC/64/WKM&AWI9 summarises the information presented by Norway. Norway summarised its long history of working to improve the humaneness of whale killing methods which has been recognised by several IWC workshops and has been contained in many documents and reports to the IWC and in scientific publications. For the techniques now being used, at least 80% of animals are rendered instantly and irreversibly unconscious or dead. The recorded average TTD was about 2 minutes using the criteria adopted by the IWC which will include periods when animals have been unconscious or already dead. Very few animals (<0.5%) needed a second harpoon shot. In comparison, when cold harpoons were used (1981-83) the percentage of animals recorded dead quickly (instant or within 1 minute) was 17%. The average time to death (TTD) was more than 11 minutes with 17 per cent needing re-shooting.

Norway has also played a major role in assisting other countries with training and improved technology. In accord with the IWC Action Plan, Dr Egil Øen of Norway has worked co-operatively with hunters, scientists, authorities, and whale hunters' organisations in Norway, Canada (Nunavut and Nunavik), Greenland, Iceland, Japan, the Russian Federation (Chukotka) and the USA (Alaska). Norwegian scientists have also participated in and chaired expert group meetings in NAMMCO on whale killing data assessment and lectured in local workshops and training sessions for hunters.

## 5. WELFARE ISSUES ASSOCIATED WITH THE ENTANGLEMENT OF LARGE WHALES

### 5.1 Presentation of the report of the Second IWC Workshop on Welfare Issues Associated with the Entanglement of Large Whales

At IWC/63 in 2011 the WKM&AWI Working Group endorsed a series of recommendations presented in IWC/63/WKM&AWI18. Amongst other things, these recommendations included a proposal to convene a second Workshop on Welfare Issues and Large Whale Entanglement Response to be held in Provincetown, USA in October 2011.

The Chair of the Workshop, Arne Bjørge, presented its report (IWC/64/WKM&AWI Rep1). He recalled the background to the Workshop, noting the three main priorities:

- (1) advance the progress made at the 2010 Workshop;
- (2) develop 'Principles and Guidelines' for recommended practices for entanglement response; and
- (3) develop a capacity building and training curriculum.

He noted the thoroughness of the report and only a brief Chair's summary is presented here.

The Workshop first reviewed new information that had arisen since the 2010 Workshop. This included information

on new national disentanglement networks in New Zealand, British Columbia in Canada and in Argentina.

The Workshop also reviewed the findings of a US workshop held in 2011 to develop recommendations for stranded whale euthanasia methods. Three recommendations from that US workshop were considered and endorsed:

- (1) further analyses of scavenger and environmental issues of euthanasia drugs should be undertaken (i.e. their effects on animals that may scavenge on the carcass before ultimate disposal and any effects on the environment);
- (2) cranial implosion techniques should be considered for adoption in regions where whales strand alive; and
- (3) methods for at-sea euthanasia should continue to be investigated.

The Workshop noted that the explosive harpoon is a well-established tool for whale killing, but this tool is not available in most areas. Therefore no appropriate tool for at-sea euthanasia is available in most areas. The Workshop noted that in certain cases, severely moribund animals can be towed to shore and euthanised.

The Workshop then considered the value of improved documentation of entanglement response events. Improved documentation can assist in: increasing the safety and success of future efforts; understanding the scale and nature of specific entanglement; and facilitating the development of mitigation and prevention measures. The Workshop made a number of suggestions and recommendations in this regard.

An important and major outcome of the Workshop was the development of a set of Principles and Guidelines for Entanglement Response (Annex E of IWC/64/WKM&AWI Rep 1). The main goals of the entanglement response can be summarised in five points:

- (1) first comes human safety;
- (2) second animal welfare;
- (3) the entanglement response can contribute to the conservation of large whale populations as well as animal welfare issues;
- (4) data collection to assist with identifying key fisheries and whale populations to better describe the problem and assist with mitigation and prevention should be an integrated part of the entanglement response; and
- (5) awareness at all levels to improve reporting and appropriate measures to address the mentioned issues.

The Workshop strongly commended these Principles and Guidelines to the Commission.

The Workshop was concerned at the danger to human life and the whales themselves from well-meaning but misguided attempts by non-experts to disentangle whales. It is therefore essential to consider an approach to capacity building and training. The Workshop agreed an outline of the capacity building and training programme. The main focus of the programme is human safety and the achievement of the goals of the Principles and Guidelines.

The Workshop emphasised that the ultimate solution to large whale entanglement is prevention. However, as this was not a major topic for the Workshop, it was only briefly reviewed. However, the Workshop did identify some research priorities and recommended the development of a full proposal for a future international workshop on prevention of large whale entanglements.

The final component of the Workshop was to examine ways to improve entanglement response efforts worldwide and to examine ways in which the IWC might assist in this. The Workshop stressed the great benefits to entanglement

response effort of continued international collaboration and the establishment of a global network of recognised entanglement response operations. Given the global nature of IWC and its work on many fields related to conservation and management, there is a great potential value in these international efforts being undertaken under the auspices of the IWC. The Workshop therefore 'requested that the Commission endorse the global network of entanglement response operations, the Guidelines and Principles for Disentanglement Response and the Recommended Approach to Capacity Building and Training and consider the following approach:'

- (1) establish a dynamic entanglement response section on the IWC website;
- (2) consider establishing an international entanglement database;
- (3) facilitate data exchange;
- (4) promote the establishment of national Entanglement Response Networks;
- (5) provide advice to Member Governments;
- (6) develop a proposal for an international workshop on entanglement prevention; and
- (7) continue to promote an IWC-managed fund for the entanglement response.

### 5.2 Working group discussions and action arising

The Working Group welcomed this extensive, thorough and clear report. It expressed its great appreciation to the Workshop organisers and participants. It **strongly endorses** the report and its conclusions and recommendations. It **commends** them to the Commission.

A number of specific comments were also raised. Norway supported the future work, noting that it had raised the issue of animal welfare in relation to entanglements before. It emphasised that in some cases it was not possible to release animals and in those cases it was important to kill the animal as quickly and painlessly as possible. It did not believe that public opinion or perceptions should be a governing factor as this may prolong the suffering of animals. Work to find suitable euthanasia techniques must continue and the experience of improved whaling weapons could prove a good basis for killing entangled animals that could not be rescued.

### 5.3 Report of Technical Expert's secondment to the Secretariat

IWC/64/F&A6 provides an overview of David Mattila's secondment to the Secretariat. IWC/64/WKM&AWI11 describes the first use of the IWC developed strategy and curriculum for entanglement response capacity building, as described (IWC/64/WKM&AWI Rep1, summarised above). During March 2012, the Secretariat worked closely with the Commissioners from Argentina and Brazil in order to select appropriate candidates, work with relevant local authorities and conduct a series of seminars, classroom and practical trainings on all aspects of the topic. As a result, 43 key members of Brazil's national stranding network, including veterinarians and research biologists, were trained and assessed. In Argentina, an overview seminar was conducted for approximately thirty veterinarians and scientists in Buenos Aires. In the Chubut Province, World Heritage Site for southern right whale breeding grounds, over sixty veterinarians, scientists, governmental authorities, and professional ocean users were trained in the classroom, while ten individuals with some previous

experience were given practical training on the water. Both formal and informal discussions held during the training and seminars stimulated the initiation of entanglement research and mitigation in the region. Upon completion, the Secretariat and Commissioners reviewed candidates for potential advanced apprenticeships.

The Working Group thanked Mattila for his valuable work, as well as the Governments of the USA, Argentina and Brazil. It stressed the importance of the extension of this work to other areas (see also Item 5.4 below) where entanglements of large whales occur.

Argentina thanked the Secretariat and the USA for the training and encouraged others to take advantage of the programme. As a result of the workshops, the director of the Dirección de Fauna y Flora Silvestre (Division of Wild Flora and Fauna), for the Ministerio de la Producción (Ministry of Agriculture), for Chubut Province, and the regional stranding director, authored a paper on entanglements of southern right whales in the region over the past decade (SC/64/BC1). It described the entanglements and outcomes of 12 known cases of which six were released. More than half of the cases were in local boat moorings, a finding which stimulated local proposals for mitigation, and have encouraged Argentina (and Brazil) to more broadly work on prevention. Thanks were also expressed to the whalewatching companies in Chubut, which provided vessel support for the training, and whose captains make up much of the response team.

The USA also thanked Mattila and the Governments of Argentina and Brazil. It stressed the value of this IWC structured approach, as it ensured that trainers work with the proper national and regional authorities, and that working together, the proper candidate trainees are selected (e.g. from authorised stranding networks) in accordance with the recommendations from the Provincetown Workshop. An essential component of the approach developed by the Workshop was the development of apprenticeships to give trainees practical experience in real entanglement responses. In this context, the USA announced the donation of US\$12,000 in order to support apprentices from Argentina and Brazil to visit the USA for advanced training. The Working Group **expresses** great appreciation to the USA for facilitating the essential training component of these apprenticeships.

#### **5.4 Proposal to address human impacts on cetaceans in the wider Caribbean**

The Working Group received IWC/64/WKM&AWI12, a proposal sponsored by the Dominican Republic, France, Mexico, Panama and the USA to help address indirect human impacts on marine mammals of the wider Caribbean region including entanglements and ship strikes.

In accordance with the recommendations of the IWC and CEP's Specially Protected Areas and Wildlife's (SPAW) Action Plan for the Conservation of Marine Mammals in the Wider Caribbean Region (Marine Mammal Action Plan, MMAP), the document proposes that the IWC and CEP Secretariats partner with interested member governments in order to convene workshops on these topics for the wider Caribbean countries as follows:

- (1) an Interdisciplinary Ship Strike Workshop (2013); and
- (2) two Large Whale Entanglement Training Workshops (2012/13).

IWC expertise can assist the countries of the wider Caribbean region through this series of capacity building and mitigation workshops.

With regard to the ship strike issue in the region, there are two major components to address: (i) gathering data on the risk associated with particular species and areas; and (ii) identifying potential mitigation actions.

Currently identified partners include the IWC, UNEP-CEP, SPAW Regional Activity Center and the Parties of the Sister Sanctuary Agreement (Dominican Republic, France, the Netherlands, and the USA), but it is hoped to expand this to include other interested parties (e.g. IMO, stakeholders and other countries in the region). It is proposed that the terms of reference, agenda, venue and invited participants for this Workshop be determined by an IWC-led steering committee in consultation with UNEP-CEP and Sister Sanctuary Parties. The Ship Strike Workshop could be held in 2013.

With regard to large whale entanglement, two practical workshops are proposed. These capacity building workshops will follow the approach recommended by the Provincetown Workshop (see above). The practical workshops will also include an extra day of training in the determination of human-caused mortalities, conducted by an internationally recognised expert on the topic. It is anticipated that these workshops will each take place in different venues and languages. One will be an English-French Workshop in the French West Indies (e.g. Martinique, Guadeloupe), and the other will be an English-Spanish Workshop, probably in Mexico.

It was proposed that the IWC Secretariat works with the UNEP-CEP Secretariat and appropriate member governments, including the Parties of the Sister Sanctuary Agreement and other interested parties on developing a list of invited participants, other logistics and necessary support.

The representative of UNEP-SPAW-RAC spoke in strong support of this proposal, stressing that it addresses many of the priorities in their marine mammal action plan.

The Working Group welcomed and supported this collaborative initiative and **commends** it to the Commission.

## **6. WHALE WELFARE**

### **6.1 Intersessional work by the UK on welfare and ethics**

At IWC/63 in 2011, the Commission considered the outputs of a workshop convened by the UK on issues relating to welfare and ethics in the context of the IWC. No consensus was reached at that meeting on a UK proposal to establish an adhoc IWC group to develop further recommendations. The UK therefore stated its intention to take the work forwards intersessionally in collaboration with those countries that had expressed support.

#### *6.1.1 Report on intersessional work by the UK*

The UK introduced the report of its workshop, IWC/64/WKM&AWI3. Representatives from ten countries had attended a UK-organised workshop held in London in March 2012. Presentations had been received on the history of animal welfare issues in the IWC and developments in other international fora in dealing with animal welfare issues.

The group acknowledged that animal welfare is an issue which includes important ethical, economic and political dimensions and that animal welfare is relevant to many issues in addition to direct takes, including whalewatching, ship strikes and bycatch. It discussed the importance of Governments continuing to share information with the IWC, as these data are required to advance scientific understanding for conservation and management.

It was noted that in recent years, some of the most important steps forward on welfare issues have been taken by aboriginal subsistence whaling countries. While agreeing general principles and actions are important, it was important to recognise that not all recommendations are practicable in subsistence whaling.

The group recognised that many IWC working groups are already giving significant consideration to the promotion of good animal welfare in the course of existing and ongoing projects. It was suggested that it may be practical for animal welfare to be taken into consideration and, where appropriate, addressed by all relevant IWC working groups and committees rather than for all welfare issues to be exclusively referred to the Working Group on Whale Killing Methods and Associated Welfare Issues.

There was also some discussion on the development of general guiding principles on animal welfare. It was suggested that co-operation with other intergovernmental bodies such as the World Organisation for Animal Health (OIE) could be a valuable exercise to ensure clarity and consistency of approach to the promotion of good animal welfare across the spectrum of the IWC's work.

It was recognised that the IWC has a significant history of working on welfare issues as well as a current Action Plan that is worth reviewing and building upon. It was noted that the IWC Scientific Committee has already recognised the need for external expertise when dealing with animal welfare issues, and previous expert workshops on whale killing methods and animal welfare-related issues have successfully allowed for that outside expertise to play a role in advancing these topics within the Commission.

The workshop recommendations (discussed further under Item 6.1.2 below) were developed to try find ways forward on such issues for amongst all IWC members.

After presenting the document, the UK commented that in its view the IWC has achieved some significant progress on welfare issues. However, in recent years, multilateral cooperation on such issues within the IWC has slowed. It noted that all Governments are in agreement that welfare is an important issue; the question is how best the issue can be addressed in a constructive manner. The UK was willing to assist in this regard, noting that this issue was not restricted to whaling operations but posed challenges to all Governments.

The UK had recognised the concerns raised last year about the way in which certain data provided to the Commission had been interpreted and used. It is for this reason that it invites all countries to be involved intersessionally to develop this work to ensure that it proceeds in a manner that is acceptable to all. It also does not wish to duplicate work which is why it is important to identify areas to best focus IWC effort. The UK believes that this needs to be a dual process, making progress on technical areas needing resolution, underneath an overarching framework to ensure the IWC is keeping pace with developments in animal welfare science globally. As the work on entanglements has shown, wider debates regarding whales and whaling can be put in abeyance in order for progress to be made.

It believes that all countries will benefit by taking the opportunity to focus and identify regional or specific

problems that need resolving with the assistance of the international community. The IWC could provide a forum to share experience and hopefully, progress towards practical answers to some of problems that all face.

#### 6.1.2 Working Group discussions and action arising including future work plan

There was considerable discussion of this document and on how the IWC might take some of these issues forward. Several countries thanked the UK for its presentation and the collaborative approach suggested. They noted that the broader issues outside whaling were important from an animal welfare perspective and were relevant to problems faced by many members of the Commission.

Discussion then focused on the proposed recommendations in IWC/64/WKM&AWI3 and in conclusion, the Working Group **requests** to the Commission that the Working Group forms an *ad-hoc* intersessional working group to:

- (1) review its Terms of Reference and existing Action Plan to see if they need updating or revision and make recommendations accordingly; and
- (2) identify and agree upon important issues or themes to progress the promotion of good animal welfare and agree a timetable of regular future technical workshops on these issues, that would report back to the relevant working groups, recognising the success of previous IWC workshops on specific issues incorporating invited external experts.

In addition, it **recommends** the development of plans for an expert Workshop on the euthanasia of large whales (both stranded animals and those entangled whales for which euthanasia appears to be the only option in accordance with the decision tree developed at the Maui Workshop). As noted by Norway, this Workshop could take advantage of the extensive previous discussions at IWC expert workshops relating to the criteria for determining unconsciousness and death in whales.

Finally, it **recommends** that the Secretariat be asked to: (a) develop a database of external contacts with expertise in animal welfare science pertinent to work being undertaken by the Commission; and (b) recommend to the Commission opportunities for constructive co-operation with other relevant animal welfare bodies.

## 7. NEW WEBSITE

At IWC/63 in 2011, the Secretariat was requested to provide a beta version of the Commission's new website to IWC/64. In fulfilment of this request, the Secretary introduced a launch candidate version of the new site. Members of the WKM&AWI Working Group were requested to review the content of the new site as relevant to WKM&AWI affairs and pass any requests for changes to the Chair of the WKM&AWI before the end of the Plenary meeting. The 'dummy' website address is: <http://demo.iwcoffice.org/>.

## 8. ADOPTION OF REPORT

The report was adopted by email on 29 June 2012.

**Appendix 1****LIST OF PARTICIPANTS****ARGENTINA**

Victor Marzari  
Miguel Iñíguez

**AUSTRALIA**

Pam Eiser  
Nick Gales  
Stephanie Ienino  
Victoria Wadley  
Alexia Wellbelove

**AUSTRIA**

Andrea Nouak  
Michael Stachowitch (Chair)

**CHILE**

Barbara Galletti

**COSTA RICA**

Eugenia Arguedas  
Ricardo Meneses

**DENMARK**

Øle Samsing  
Leif Fontaine  
Gitte Hundahl  
Amalie Jessen  
Nette Levermann  
Martin Mennecke

**ECUADOR**

Gustavo Iturralde

**GERMANY**

Karl-Hermann Kock  
Lutz Friedrichsen

**ICELAND**

Ásta Einarsdóttir  
Gisli Víkingsson

**ITALY**

Plinio Conte  
M. Francesca Granata

**JAPAN**

Shinji Hiruma  
Kiyoshi Katsuyama  
Toshihide Kitakado  
Tomio Miyashita  
Takaaki Sakamoto

**KOREA, REPUBLIC OF**

Du Hae An  
Yong Rock An

**MEXICO**

Lorenzo Rojas-Bracho  
Yolanda Alaniz

**NEW ZEALAND**

Louise Chilvers  
Karena Lyons

**NORWAY**

Øle-Savid Stenseth  
Arne Bjørge  
Egil Øen  
Kathrine Ryeng  
Truls Soløy  
Lars Walløe  
Hild Ynnesdal

**PANAMA**

Hector Guzman  
Gabriel Despaigne

**RUSSIAN FEDERATION**

Valentin Ilyashenko  
Olga Etylin  
Alexey Ottoy

**ST. LUCIA**

Jeannine Compton-Antoine

**SOUTH AFRICA**

Herman Oosthuizen  
Ed Couzens

**SPAIN**

Santiago Lens

**SWEDEN**

Bo Fernholm

**SWITZERLAND**

Bruno Mainini

**UK**

Nigel Gooding  
Nicola Clarke  
Jim Gray  
Jenny Lonsdale  
Beatriz Roel  
Anju Sharda  
Mark Simmonds  
Jolyon Thompson

**USA**

Melissa Andersen  
Greig Arnold  
Charlotte Brower  
Eugene Brower  
Robert Brownell  
Roger Eckert  
Brian Gruber  
Keith Johnson  
Taryn Kiekow  
Michael Lawrence  
Ira New Breast  
George Noongwook  
Elizabeth Phelps  
Ann Renker  
Rollie Schmitten  
DJ Schubert  
Jonathan Scordino  
Michael Tillman  
Ryan Wulff

**SCIENTIFIC COMMITTEE  
CHAIR**

Debra Palka

**SECRETARIAT**

Simon Brockington  
Greg Donovan  
David Mattila

## Appendix 2

### AGENDA

1. Introductory items
  - 1.1 Appointment of Chair
  - 1.2 Appointment of Rapporteur
  - 1.3 Review of documents
2. Adoption of Agenda
3. Data provided on whales killed
4. Information on improving the humaneness of whaling operations
5. Welfare issues associated with the entanglement of large whales
  - 5.1 Presentation of the Report of the Second IWC Workshop on Welfare Issues Associated with the Entanglement of Large Whales (document IWC/64/WKM&AWI Rep1)
  - 5.2 Working group discussions and action arising
6. Whale welfare
  - 6.1 Intersessional work by the UK on welfare and ethics
    - 6.1.1 Report on intersessional work by the UK
    - 6.1.2 Working group discussions and action arising including future work plan
7. Adoption of the report

### TERMS OF REFERENCE

The Working Group is established to review information and documentation available with a view to advising the Commission on whale killing methods and associated welfare issues (*Chairman's Report of the 52<sup>nd</sup> Annual Meeting* held in 2000).

### ADMISSION OF OBSERVERS

#### *Rule of Procedure C.2*

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

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## Appendix 3

### LIST OF DOCUMENTS

#### IWC/64/WKM&AWI

- 1 Draft Agenda
  - 2 List of documents
  - 3 Report of the UK Intersessional Workshop on Welfare and Recommendations for Future Work (submitted by the UK)
  - 4 Summary of activities related to the Action Plan on Whale Killing Methods (based on Resolution 1999-1) (submitted by New Zealand)
  - 5 Ethical review of animal experiments - a global perspective by D.J. Fry (submitted by the UK)
  - 6 Summary of activities related to the Action Plan on Whale Killing Methods (based on Resolution 1999-1) (submitted by the Russian Federation)
  - 7 Summary of activities related to the Action Plan on Whale Killing Methods (based on Resolution 1999-1) (submitted by Greenland/Denmark)
  - 8 US report on weapons, techniques, and observations in the Alaskan bowhead whale subsistence hunt (submitted by the USA)
  - 9 Norwegian minke whaling 2011 (submitted by Norway)
  - 10 Summary of activities related to the Action Plan on Whale Killing Methods (based on Resolution 1999-1) (submitted by the USA)
  - 11 Summary of capacity building activities provided by the IWC to: Argentina and Brazil, March 2012
  - 12 Proposal to address indirect human impacts on marine mammals of the wider Caribbean region (submitted by Dominican Republic, France, Mexico, Panama and the USA)
  - Rep 1 Report of the Second IWC Workshop on Welfare Issues Associated with the Entanglement of Large Whales with a Focus on Entanglement Response
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## Annex H

### Report of the Infractions Sub-Committee

Monday 25 June 2012, Panamá, Republic of Panama

#### 1. INTRODUCTORY ITEMS

A list of participants is given in Appendix 1.

##### 1.1 Appointment of Chair

Lars Walløe (Norway) was elected Chair.

##### 1.2 Appointment of Rapporteur

Cherry Allison (Secretariat) was appointed rapporteur.

##### 1.3 Review of documents

The following documents were available to the Sub-Committee.

IWC/64/Inf

- 1 Revised Draft Agenda
- 2 Annotated Draft Agenda
- 3 National Legislation details supplied to the IWC
- 4 Draft summary of infraction reports for 2011 received by the Commission

#### 2. ADOPTION OF THE AGENDA

The Chair noted that in the past some delegations, including Norway and Japan, had referred to the terms of reference of this Sub-Committee and had stated their belief that Item 7.1, covering stockpiles of whale products and trade questions, was outside the scope of the Convention. In a spirit of co-operation there was no request for the item to be deleted. The draft Agenda was adopted unchanged (Appendix 2).

#### 3. INFRACTIONS REPORTS FROM CONTRACTING GOVERNMENTS, 2011

##### 3.1 Reports for 2011

The Sub-Committee reviewed IWC/64/Inf4, the draft summary of infraction reports received by the Commission for 2011, which is given as Appendix 3 to this report.

The USA provided information on the take of a bowhead calf in September 2011. The Alaska Eskimo Whaling Commission (AEWC) reported that the whale appeared to be an independent animal not associated with a large whale; however, after the whale was struck, another whale surfaced in the same area. After landing the whale, it was determined to be a calf and the other whale which surfaced after the strike was assumed to be accompanying the calf. The AEWB Board of Commissioners met on 4 October 2011, to take testimony from the crew in question and crews nearby. After receiving testimony, the AEWB Board of Commissioners determined that the crew had taken all possible precautions, but that the absence of a large whale in the area where the calf was struck led to the mistake. No penalty was assessed. The USA noted that this information can also be found in table 2 of IWC/64/Inf2.

##### 3.2 Follow-up on earlier reports

Information on the completion of previously unresolved infractions from earlier seasons is given in Appendix 3, Table 3; these include one infraction by Denmark (Greenland), two by Iceland and two by the Republic of Korea. In addition Norway reported an infraction from 2009 (2009.19), which had not previously been reported to this sub-committee, regarding 14 incidents of the intentional use of a cold grenade harpoon.

In response to a question from Switzerland concerning the fines imposed, Norway clarified that a fine of 12,000 Norwegian krone (~£1,300) was imposed and the value of the illegal catch confiscated was 163,000NK (~£17,300). Iceland agreed to provide information on the fine imposed after the meeting<sup>1</sup>.

Iceland clarified that no calves were seen near the two lactating fin whales, and that it was only when the whales were being processed that milk was found in the mammary glands and the whales determined to be lactating. These whales may perhaps have had calves that had been recently weaned.

The Russian Federation suggested that such cases should not be considered an infraction and that the Commission should agree that they should not be listed as such.

The Secretariat clarified that lactating whales are traditionally reported to this Sub-Committee as the Convention forbids the taking of whales with calves. However, it is recognised that in cases when a calf was not seen with the whale, that it is impossible to recognise that a whale was lactating before it was caught.

Denmark noted that the infraction it had reported (see Table 2) regarding a whale that was 1m less than the minimum allowed length of 15.2m was a similar situation in that it is very difficult to access the exact length of a whale before it is caught.

Sweden recognised the necessity to report a bowhead calf as an infraction, as in Table 2. However, it believed that this was an unnecessary rule originating from the time the Convention was signed. Improved knowledge of population dynamics reveals that taking a calf has a much lower population impact than taking a mature female. Norway concurred with this view and made a personal statement noting that the management of whaling is different from other harvest regimes which try to avoid productive animals. In the IWC whale calves may not be taken whereas a female that could produce a calf next year is allowed to be caught.

#### 4. SURVEILLANCE OF WHALING OPERATIONS

The Infractions Reports submitted by the USA, the Russian Federation and St. Vincent and The Grenadines stated that 100% of their catches are under direct national inspection.

<sup>1</sup>After the meeting Iceland reported that a fine of 362,832 Icelandic krona (~£1,850) per fin whale was imposed for the two whales.

Table 1  
National Legislation details supplied to the IWC.<sup>1,2</sup>

Country	Date of most recent material submitted	Country	Date of most recent material submitted
Antigua and Barbuda	None	Kiribati	None
Argentina	2003	Korea, Republic of	2011
Australia	2000	Laos	None
Austria	1998	Lithuania	None
Belgium	2002	Luxembourg	None
Belize	None	Mali	None
Benin	None	Marshall Islands, Republic of	None
Brazil	2008	Mauritania	None
Bulgaria	None	Mexico	2006
Cambodia	None	Monaco	None
Cameroon	None	Mongolia	None
Chile	1983	Morocco	None
China, People's Republic of	1983	Nauru	None
Colombia	None	Netherlands, The	2002
Congo, Republic of	None	New Zealand	1992
Costa Rica	None	Nicaragua	None
Cote D'Ivoire	None	Norway	2000
Croatia, Republic of	None	Oman	1981
Cyprus	None	Palau, Republic of	None
Czech Republic	None	Panama	None
Denmark (including Greenland)	2010	Peru	1984
Dominica	None	Poland	None
Dominican Republic	None	Portugal	2004
Ecuador	2000	Romania	None
Eritrea	None	Russian Federation	1998
Estonia	2008	San Marino	None
Finland	1983	Saint Kitts and Nevis	None
France	1994	Saint Lucia	1984
Gabon	None	Saint Vincent and The Grenadines	2003
Gambia	None	Senegal	None
Germany	1982	Slovak Republic	None
Ghana, Republic of	None	Slovenia	None
Greece	None	Solomon Islands	None
Grenada	None	South Africa	1998
Guatemala	None	Spain	2008
Guinea-Bissau	None	Suriname	None
Guinea, Republic of	None	Sweden	2004
Hungary	None	Switzerland	1986
Iceland	1985	Tanzania	None
India	1981	Togo	None
Ireland	2000	Tuvalu	None
Israel	None	UK	1996
Italy	None	Uruguay	2002
Japan	2008	USA	2004
Kenya	None		

Notes: <sup>1</sup>Up to the end of March 2012. Dates in the table refer to the date of the material not the date of submission. <sup>2</sup>Member states of the European Union (Austria, Belgium, Bulgaria, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Lithuania, Luxembourg, Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden and UK) are subject also to relevant regulations established by the Commission of the European Union. The date of the most recent EU legislation supplied to the International Whaling Commission is 2005.

Catches by Denmark (Greenland) are subject to a random check (1%) and 1% is under inspection by a NAMMCO programme. For the Icelandic catch in 2011, 5.2% of the hunt was subject to a random domestic check and 3.5% under inspection through a NAMMCO programme.

#### 5. CHECKLIST OF INFORMATION REQUIRED OR REQUESTED UNDER SECTION VI OF THE SCHEDULE

The Checklist was developed as an administrative aid to the Sub-Committee in helping it to determine whether obligations under Section VI of the Schedule were being met. It is not compulsory for Contracting Governments to fill in the Checklist although they do have to fulfil their obligations under this Section of the Schedule.

The available information is summarised here.

*Denmark:* Information on date, species, length, sex and the length and sex of any foetus if present is collected for between 86-100% of the catch, depending on the item. The position of each whale killed is collected for 63% of the catch and the name of the area where whales are hunted is reported for the remainder. Information on killing methods and struck and lost animals are also collected.

*USA:* Information on date, time, species, position, length, sex, the length and sex of any foetus if present, killing method and number of struck and lost is collected for 87.5-100% of the catch. Biological samples are collected from at least 61% of animals.

*Russian Federation:* Information on date, time, species, position, length, sex, the length and sex of any foetus if present, killing method and numbers struck and lost is collected for 99-100% of the catch.



*St. Vincent and The Grenadines:* Information on date, time, species, length, sex, whether the whale is pregnant and/or lactating and numbers struck and lost is collected for 100% of the catch and has been submitted to the Secretariat.

*Norway and Iceland:* the required information has been submitted to the Secretariat as noted in the Scientific Committee report (IWC/64/Rep1).

## 6. SUBMISSION OF NATIONAL LAWS AND REGULATIONS

A summary of National Legislation supplied to the Commission is given in Table 1.

Sweden noted the number of countries who either have no legislation or have not submitted it, and encouraged members to submit all relevant legislation as soon as possible. Mexico stated its intention to submit its most recent regulations regarding marine mammals.

## 7. OTHER MATTERS

### 7.1 Reports from Contracting Governments on availability, sources and trade in whale products

The Commission has adopted a number of Resolutions inviting Contracting Governments to report on the availability, sources and trade in whale products:

- 1994-7 on international trade in whale meat and products;
- 1995-7 on improving mechanisms to prevent illegal trade in whale meat;
- 1996-3 on improving mechanisms to restrict trade and prevent illegal trade in whale meat;
- 1997-2 on improved monitoring of whale product stockpiles; and
- 1998-8 *inter alia* reaffirmed the need for Contracting Governments to observe fully the above Resolutions addressing trade questions, in particular with regard to the problem of illegal trade in whale products, and urged all governments to provide the information specified in previous resolutions.

No reports were received by the Secretariat on these resolutions and no comments were made during the meeting.

### 7.2 Other

No other matters were raised.

## 8. ADOPTION OF REPORT

The report was adopted by correspondence on 28 June 2012.

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## Appendix 1

### LIST OF PARTICIPANTS

#### ARGENTINA

Victor Marzari  
Miguel Iñiguez

#### AUSTRALIA

Pam Eiser  
Stephanie Ierino  
Chris Schweizer  
Alexia Wellbelove

#### AUSTRIA

Andrea Nouak  
Michael Stachowitsch

#### CHILE

Barbara Galletti

#### COSTA RICA

Eugenia Arguedas

#### DENMARK

Øle Samsing  
Gitte Hundahl  
Amalie Jessen

Nette Levermann

Martin Mennecke

Leif Fontaine

#### DOMINICAN REPUBLIC

Peter Sanchez

#### GERMANY

Lutz Friedrichsen  
Karl-Hermann Kock

#### ICELAND

Ásta Einarisdóttir  
Gisli Víkingsson

#### JAPAN

Kiyoshi Katsuyama  
Takaaki Sakamoto

#### KOREA, REPUBLIC OF

Doo Hae An  
Yong-Rock An

#### MEXICO

Lorenzo Rojas-Bracho

#### NEW ZEALAND

Louise Chilvers  
Karena Lyons

#### NORWAY

Arne Bjørge  
Egil Øen  
Kathrine Ryeng  
Truls Soløy  
Lars Walløe (Chair)  
Hild Ynnesdal

#### PANAMA

Gabriel Despaigne

#### RUSSIAN FEDERATION

Valentin Ilyashenko  
Valeriy Ottoy

#### ST. LUCIA

Jeannine Compton-Antoine

#### SOUTH AFRICA

Herman Oosthuizen  
Ed Couzens

**SWEDEN**

Bo Fernholm

**SWITZERLAND**

Bruno Mainini

**UK**

Jim Gray

Jennifer Lonsdale

Anju Sharda

Mark Simmonds

Jolyon Thomson

**USA**

Doug DeMaster

Melissa Andersen

Greig Arnold

Charlotte Brower

Eugene Brower

Robert Brownell

Roger Eckert

Brian Gruber

Keith Johnson

Taryn Kiekow

Michael Lawrence

Ira New Breast

George Noongwook

Lisa Phelps

Ann Renker

Rollie Schmitten

DJ Schubert

Jonathan Scordino

Michael Tillman

Ryan Wulff

**SECRETARIAT**

Simon Brockington

Cherry Allison

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**Appendix 2****AGENDA**

1. Introductory items
    - 1.1 Appointment of Chair
    - 1.2 Appointment of rapporteur
    - 1.3 Review of documents
  2. Adoption of the Agenda
  3. Infractions reports from Contracting Governments
    - 3.1 Reports for 2011
    - 3.2 Follow-up on earlier reports
  4. Surveillance of whaling operations
  5. Checklist of information required or requested under section VI of the Schedule
  6. Submission of national laws and regulations
  7. Other matters
    - 7.1 Reports from Contracting Governments on availability, sources and trade in whale products
    - 7.2 Other
  8. Adoption of the Report
- Terms of reference:** The Infractions Sub-committee considers matters and documents relating to the International Observer Scheme and Infractions insofar as they involve monitoring of compliance with the Schedule and penalties for infractions thereof (*Rep. int. Whal. Commn* 29: 22).
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## Appendix 3

## SUMMARY OF INFRACTIONS REPORTS RECEIVED BY THE COMMISSION FOR 2011

Under the terms of the Convention, each Contracting Government is required to transmit to the Commission full details of each infraction of the provisions of the Convention committed by persons and vessels under the jurisdiction of the Government. Note that although lost whales are traditionally reported, they are not intrinsically infractions. Catch and associated data for commercial and scientific

permit catches were submitted to the IWC Secretariat (IWC/64/Rep1). Aboriginal subsistence catches and infractions are summarised in Tables 1a and 1b. Table 2 gives details of the infractions reported in the 2011 season and Table 3 gives information on the unresolved or previously unreported infractions from earlier seasons.

Table 1a  
Summary of Aboriginal subsistence catches and infractions reported for the 2011 season.

Nation	Species	Males	Females	Total landed	Lost	Total	Infractions/comments
<b>Denmark</b>							
West	Fin whale	0	5	5	0	5	1 <sup>1</sup>
Greenland	Minke whale	39	133	173 <sup>2</sup>	6	179	None
	Bowhead whale	0	1	1	0	1	None
	Humpback whale	4	4	8	0	8	None
East Greenland	Minke whale	0	9	9	1	10	None
<b>St. Vincent and The Grenadines</b>							
	Humpback whale	1	0	1 <sup>3</sup>	1 <sup>4</sup>	2	None
<b>USA</b>							
	Bowhead whale	16	20	38 <sup>5</sup>	13	51	1 <sup>6</sup>
<b>Russian Federation</b>							
	Gray whale	58	68	126	2	128	None

<sup>1</sup>See Table 2, infraction 2011.1. <sup>2</sup> Includes 1 animal of unknown sex. <sup>3</sup>The Secretariat was informed of the sex of this animal after the meeting of the Infractions Sub-Committee. <sup>4</sup>The struck and lost whale was not reported until after the meeting of the Infractions Sub-Committee. <sup>5</sup>Includes 2 animals of unknown sex. <sup>6</sup>See Table 2, infraction 2011.2.

Table 1b  
Summary of Commercial catches and other infractions reported for the 2011 season.

Nation	Species	Males	Females	Total landed	Lost	Total	Infractions/comments
<b>Iceland</b>							
	Minke whale	45	13	58	0	58	None
<b>Norway</b>							
	Minke whale	163	364	527	6	533	None
<b>Republic of Korea</b>							
	Minke whale	-	-	-	-	-	21 <sup>7</sup>

<sup>7</sup>See table 2, infractions 2011.3-7.

Table 2  
List of infractions from the 2011 season.

Ref.	Nation	Species	Sex	Length	Date	Infraction (specify)	Explanation	Penalty/action	Investigation complete?
2011.1	Greenland /Denmark	Fin whale	F	14m	08/08/11	Length under 15.2m	Qeqertarsuaq (West Greenland). Reporting form filled out by hunter showed that a fin whale was caught, which was ~1m shorter than the legal minimum catch length of 15.2m	An administrative warning was given in writing. The whale had already been flensed so no proper control length measurement was possible. It is not possible to measure a swimming whale to an accuracy of 1 metre.	Yes
2011.2	USA	Bow-head	F	6.6m	8 Sep. 2011	Calf	A calf was inadvertently taken by a crew from the village of Kaktovik during the fall bowhead whale subsistence hunt. During a hearing by the AEWB Board of Commissioners, it was found that crew in the area observed a whale that appeared to be unaccompanied. After the whale was struck, another whale surfaced in the same area. After landing, it was determined that the struck whale was a calf. Therefore, it is assumed that the other whale which surfaced after the strike was a cow or another adult accompanying the calf.	A hearing by the AEWB Board of Commissioners, held on October 4, 2011, found that the strike of the calf was unintentional and an accident resulting from the fact that the calf appeared to be unaccompanied prior to the strike. No sanction was imposed.	Yes
2011.3	Korea	8 minke whales	Unk.	5-8 m	02/05/11 17/05/11 21/05/11 24/05/11 27/05/11 19/06/11 11/07/11 16/08/11	Illegal catch	On May 2 <sup>nd</sup> , a vessel in conjunction with other three vessels caught a minke whale with a harpoon in the coastal waters of ~14 miles from Ulsan, Korea. In similar operations, these vessels caught a total of 8 minke whales in the area up until August 16 2011.	8 violators: 6-10 months imprisonment and 2 years probation with monetary penalties (5-35,000 dollars). 2 violators: suspension of prosecution.	Yes
2011.4	Korea	2 minke whales	Unk.	7.8m Unk.	09/04/11 07/11/11	Illegal catch	On April 9, three vessels caught a minke whale with a harpoon in coastal waters ~14 miles from Ulsan, Korea. On July 11, the same vessels caught one minke whale with a harpoon in coastal waters ~15 miles from Ulsan, Korea.	3 violators: 6-8 months imprisonment and 2 years probation with monetary penalties (7-10,000 dollars). 1 violator: monetary penalty (5,000 dollars).	Yes
2011.5	Korea	Minke whale	Unk.	6m	21/05/11	Illegal catch	On May 21, a vessel caught a minke whale with a harpoon in coastal waters ~15 miles from Youngdeok in northern Gyeongsang province, Korea.	2 violators: 6-8 months imprisonment, 2 years probation with monetary penalties (2-4,000 dollars) and 80 hours community service. 3 violators: monetary penalty (5-7,000 dollars).	Yes
2011.6	Korea	9 minke whale	Unk.	5-8m	09/04/11 17/05/11 21/05/11 01/06/11 05/06/11 10/06/11 18/06/11 05/07/11 06/07/11	Illegal catch	On April 9, a vessel in conjunction with other three vessels caught a minke whale with a harpoon in the coastal waters ~14 miles from Ulsan, Korea. In similar operations, these vessels caught a total of nine minke whales in the area up until August 6 2011.	8 violators: 6-8 months imprisonment, 2 years probation with monetary penalties (2-11,000 dollars) and 120 hours community service. 3 violators: 10 months of imprisonment and 2 years probation. 2 violators: 8-10 months imprisonment with monetary penalties (10-30,000 dollars). 1 violator: 3,000 dollars monetary penalty.	Yes
2011.7	Korea	Minke whale	Unk.	5m	16/05/11	Illegal catch	A vessel operated in the area of Songdo Port, Boryoung, in Chungnam province from April 15 for the purpose of illegally catching minke whales and caught one minke whale with a harpoon in coastal waters ~23 miles from Gunsan.	6 violators: pending in court	Pending

Table 3

List of unresolved or previously unreported infractions from earlier seasons and follow-up actions. Note: infraction 2009.22 has not previously been reported to this Sub-Committee.

Ref.	Nation	Species	Sex	Length	Date	Infraction (specify)	Explanation	Penalty/action	Investigation complete?
2010.1	Greenland/Denmark	Minke	M	5m	05/08/10	Use of cold harpoon	Paamiut (West Greenland). A cold harpoon was used as secondary killing method.	Reported to the police. Investigation resulted in monetary penalties.	Yes
2010.3	Iceland	Fin	F	66 feet	30/06/10	Lactating	No calf was seen.	Fine of 362,832 Icelandic kroner (IKR).	Yes.
2010.4	Iceland	Fin	F	65 feet	12/09/10	Lactating	No calf was seen.	Fine of 362,832 Icelandic kroner (IKR).	Yes.
2010.14	Korea	Minke whale	Unk.	Unk.	23/08/10	No quota	Crew members were caught discarding bags containing whale meat when a patrol vessel approached a vessel in coastal waters 5 miles southeast of Jukbyun, northern Gyeongsang province. A detailed inspection was conducted and bags of illegally caught and dismembered minke whale were found in the well of the vessel. The crew members were arrested.	3 violators: 6-8 months imprisonment and 2 years probation.	Yes
2009.19	Korea	Minke whale	Unk.	Unk.	23/11/09	No quota	A fishing vessel caught a minke whale with a harpoon in coastal waters near Yeongdeok-gum GyeongBuk; it was cut up and the meat taken on board a boat.	3 violators: 10 months imprisonment and 2 years probation.	Yes
2009.22	Norway	14 minke	Unk.	Unk.	2009	Use of cold harpoon	**See below	The captain was sentenced to a fine of 12,000NK. In addition, the fishery authorities had refused the vessels application for participation in the whale hunt in 2010. Furthermore the value of the illegal catch (163,000NK) was confiscated.	-

#### \*\* Infraction report 2009

All vessels permitted to take part in the Norwegian minke whale hunt, are instructed to keep a catch log book which shall be sent to the Directorate of Fisheries by the end of the season. Violation of this order may result in denial of permission to take part in the hunt the following year. The information in the catch log book is compared with the information recorded by the Electronic Trip Recorder (Blue Box) developed in 2001-05 (IWC/57/RMS8). In addition to the log book and Blue Box, inspectors from the Norwegian Directorate of Fisheries conduct periodic and random checks of the hunt at sea and on land.

Each harpoon grenade has a serial number which shall be recorded in the log book when the whale is shot. In 2009 the mandatory subsequent control of the catch log books at the Directorate of Fisheries, revealed that on one vessel only 14 harpoon grenades had been used to catch 26 minke whales.

The Directorate of Fisheries suspected an infringement of the mandatory use of harpoon grenades (IWC/58/WKM&AWI25) in the hunt and reported this incident to the police. The case has thus since 2009 been going through the legal system. In December 2011 the Supreme Court upheld the sentence in which the captain was found guilty in 14 incidents of intentional use of cold grenade harpoon.

The captain was sentenced to a fine by the court in 2011. In addition, the fishery authorities had refused the vessels application for participation in the whale hunt in 2010. Furthermore the value of the illegal catch was confiscated.

## Annex I

### Catches by IWC Member Nations in the 2011 and 2011/2012 seasons

Prepared by the Secretariat

	Fin	Humpback	Sei	Bryde's	Minke	Sperm	Bowhead	Gray	Operation
<b>North Atlantic</b>									
Denmark									
(West Greenland)	5	8	-	-	179 <sup>1</sup>	-	1	-	Aboriginal subsistence
(East Greenland)	-	-	-	-	10 <sup>2</sup>	-	-	-	Aboriginal subsistence
Iceland	-	-	-	-	58	-	-	-	Whaling under reservation
Norway	-	-	-	-	533 <sup>3</sup>	-	-	-	Whaling under objection
St. Vincent and The Grenadines	-	2 <sup>2</sup>	-	-	-	-	-	-	Aboriginal subsistence
<b>North Pacific</b>									
Japan	-	-	96 <sup>4</sup>	50	126	1	-	-	Special Permit
Korea	-	-	-	-	21 <sup>5</sup>	-	-	-	Illegal catch
Russian Federation	-	-	-	-	-	-	-	128 <sup>6</sup>	Aboriginal subsistence
USA	-	-	-	-	-	-	51 <sup>7</sup>	-	Aboriginal subsistence
<b>Antarctic</b>									
Japan	1	-	-	-	266	-	-	-	Special Permit

Note: Bycatches are not included. <sup>1</sup>Including 6 struck and lost. <sup>2</sup>Including 1 struck and lost. <sup>3</sup>Including 6 lost. <sup>4</sup>Including 1 lost. <sup>5</sup>See IWC/64/Rep 4rev for details. <sup>6</sup>Including 2 struck and lost. <sup>7</sup>Including 13 struck and lost.

## Annex J

### Report of the Finance and Administration Committee

Thursday 28 June 2012, Panamá City, Republic of Panama

**Note:** Appendix 4 contains revisions to the draft rule changes proposed by the Intersessional Group on Biennial Meetings and Bureau. The draft rule changes will *inter alia* implement the Commission's move to biennial meetings and will establish a Bureau.

#### 1. INTRODUCTORY ITEMS

##### 1.1 Appointment of Chair

Donna Petrachenko (Australia) was appointed as Chair of the Committee. She noted that attendance at the Finance and Administration (F&A) Committee was limited to delegates and that observers were not permitted to attend.

The list of participants is given as Appendix 1.

##### 1.2 Appointment of rapporteurs

Simon Brockington and Cherry Allison of the Secretariat agreed to act as rapporteurs with assistance from Allison Reed (USA).

##### 1.3 Review of documents

The documents available to the Committee are listed in Appendix 2.

#### 2. ADOPTION OF AGENDA

The adopted Agenda is given as Appendix 3.

#### 3. ADMINISTRATIVE MATTERS

##### 3.1 Annual Meeting arrangements and procedures

###### 3.1.1 Need for a Technical Committee

The Chair reminded the Committee that no provision had been made for a Technical Committee to meet at Annual Meetings since IWC/51 in 1999. However last year, as in previous years, the Commission had agreed to keep the need for a Technical Committee under review. The Chair noted that the need for a Technical Committee may be further discussed as part of the development of measures required to support a move to biennial meetings. It was proposed to return to this issue after discussion on Item 3.1.3, however no further discussion took place.

###### 3.1.2 Report of the Intersessional Group on Quorum

Following discussions on the proposed South Atlantic Sanctuary at IWC/63 in 2011 the Commission agreed to establish an Intersessional Group on Quorum (the IGQ) to consider the interpretation of its rules relating to quorum. The Chair of the IGQ, Gerard van Bohemen (New Zealand), introduced the draft recommendations from the IGQ as outlined in IWC/2012/IGQ3. The Chair of the IGQ noted that most of the members of the IGQ viewed quorum as a continuing requirement that must apply throughout a meeting, and in particular must apply at the point of decision-making. However one member had suggested that quorum should be determined at the beginning of the meeting or session and be deemed to continue for the remainder of that session. The IGQ had also addressed the question of whether countries with voting rights suspended under Rule of Procedure E.2 should be counted towards the quorum.

IWC/2012/IGQ3 made the following proposal to clarify Rule of Procedure B.1 relating to how the quorum requirement should be applied at the point of decision making:

*The presence in the room of Attendance* by a majority of the members of the Commission shall constitute a quorum, **which shall be required for any decision to be taken. The Chair will announce prior to each vote if a quorum is present. If participants choose to leave after the announcement, or do not participate in the vote, the quorum shall be considered to remain.**

Additionally, in responding to IWC/2012/IGQ2, one member had proposed a further clarification to the above draft change which included placement of part of the text under Rule F dealing with duties of the Chair:

B.1 *The presence in the room of Attendance* by a majority of the members of the Commission shall constitute a quorum **which shall apply to all types of Commission business including the opening and adjournment of all sessions of a meeting, proceeding with the debate and decision making, whether by vote or by consensus.**

F.2. (c) **to announce prior to each vote if a quorum is present. If members of the Commission choose to leave after the announcement, or do not participate in the vote, the quorum shall be considered to remain. The Chair shall also to call for votes and to announce the result of the vote to the Commission.**

IWC/2012/IGQ3 contained one further proposal relating to the application of quorum at the point of decision making which allowed quorum to be determined at the start of the session:

*The presence at the start of the session of Attendance* by a majority of the members of the Commission shall constitute a quorum, **which shall be required for any decision to be taken. The Chair will announce prior to each vote if a quorum is present. If participants choose to leave after the announcement, or do not participate in the vote, the quorum shall be considered to remain.**

Additionally, the IGQ had also considered whether countries whose voting rights were suspended under Rule E.2 should be counted towards quorum. There was an almost even division of views within the IGQ on this issue.

South Africa asked whether the second proposed amendment to B.1 would require a quorum to be present to adjourn the meeting. The F&A Committee **noted** that clarification was required on this point.

Japan, New Zealand, Switzerland, Australia, the USA, Iceland, Norway, the Russian Federation and others

indicated a preference for option 1 (that quorum be ongoing but especially determined at point of decision), while the UK, Germany and Monaco indicated a preference for option 2 (that quorum be determined at the start of the session). Costa Rica indicated a preference for some combination of the first and second options. In elaborating a preference for option 2, the UK illustrated how such flexibility would assist with situations in which late night negotiations occurred. Argentina and Mexico considered that the current rules did not need amendment but that the overall quorum issues should be addressed at the private Commissioners meeting on 1 July 2012.

The Russian Federation raised the issue of intersessional or special meetings and how quorum should be considered in those situations. It suggested that once the need for an intersessional meeting was established it would be useful for the Commission to ascertain which countries would attend so as to determine if there would be a quorum present.

The Committee then discussed whether the suspension of voting rights should be considered when calculating quorum. IWC/2012/IGQ3 recognised the even division of opinion on this issue amongst the members of the intersessional group.

Mexico noted that in principle the proposal to exclude countries with suspended voting rights from the quorum was a fair one, but noted its concern that there were a number of countries unable to pay on time because of difference in timing of financial years. Germany and the UK supported excluding countries with suspended voting rights from the quorum and said Rule B.1 should be amended to reflect this using text contained in Annex B to IWC/2012/IGQ3. Japan introduced IWC/64/F&A13 which illustrated the low number of Contracting Parties who would have formed the quorum at IWC/63 if quorum had been linked to voting rights, and stated its strong preference not to link voting rights to quorum. The purpose of quorum was to ensure the broad participation of the Commission, so linking voting rights to quorum would effectively limit the active participation of delegations, especially from developing countries.

#### *Conclusion*

The Chair remarked on the growing consensus around the first proposed change to Rule (B.1), but noted some Contracting Governments showing preference for other options. The Chair also recalled South Africa's question about whether or not quorum would be needed to adjourn a meeting, and also recognised that there was no consensus on linking voting rights to quorum. The Chair **concluded** that a summary of the discussion would be provided to inform the further deliberations at the private Commissioners meeting on 1 July 2012.

#### *3.1.3 Report of the Intersessional Group on Biennial Meetings and Establishment of a Bureau*

The 2011 meeting of the F&A Committee noted the widespread support for moving to biennial Commission meetings. Consequently a small Intersessional Group on Biennial Meetings and Establishment of a Bureau (the IG-BB) was convened to prepare a series of actions to enable the Commission to meet every two years from 2012 onwards. The intersessional group worked by correspondence and produced four documents (IG-BB1-4) for the F&A Committee's consideration. The IG-BB also met in person on the day before the F&A Committee to further refine its proposals.

The USA introduced the final recommendations from the IG-BB which were as follows.

The IG-BB **recommended** that the F&A Committee make the following **recommendations** to the Commission regarding its meeting schedule.

- **The Commission will move to a biennial meeting schedule after the 64<sup>th</sup> Annual Meeting so that the Commission will meet next in 2014.**
  - The Scientific Committee **recommended** that 6 year aboriginal subsistence whaling strike limits are safe for the next block.
  - The Budgetary Sub-Committee **recommended** to the F&A Committee an option for a 2-year budget.
- **The Scientific Committee of the Commission shall continue to meet on an annual basis**, in the May/June timeframe. Other than the Scientific Committee's annual meetings, the normal practice of the Commission is to hold Committee and subsidiary body meetings prior to the meeting of the Commission. This does not preclude intersessional work of subsidiary bodies from continuing.
  - The Commission endorsed an F&A recommendation at IWC/63 to hold the Commission meeting approximately [at least] 100 days following the close of the Scientific Committee meeting.
- **The Commission will establish a Bureau to replace the Advisory Committee.** It shall be comprised of the Chair of the Commission, the Vice-Chair of the Commission, the Chair of the Finance and Administration Committee, and four commissioners representing a range of views and regional interests. The host government for the next meeting of the Commission will serve in an *ex officio* capacity. The Secretary will attend the Bureau meetings in an *ex officio* capacity.
- The Chair of the Commission will serve as the Chair of the Bureau and may call upon Chairs of other of the Commission's subsidiary bodies to participate in Bureau discussions, as appropriate. The Bureau will not be open to observers.
- The Bureau will support the work of the Commission by providing advice to the Chair of the Commission and the Secretariat on work ongoing under the Convention, especially at times when the Commission is not in session. To this end, the Bureau will:
  - provide advice to the Chair and Secretariat on implementing Commission decisions;
  - assist and advise the Secretariat on administrative and financial matters between meetings of the Commission;
  - assist in the preparation for meetings of the Commission and Subsidiary Bodies;
  - review progress of work of the Committees; and
  - provide support to the Chair during meetings of the Commission, as may be requested by the Chair.
- The Bureau's mandate is to assist with process management. It would not be a decision-making forum, and shall not deal with substantive or policy matters under the Convention. The Bureau may consider issues related to financial or administrative tasks within the scope of the Finance and Administration Committee, but only in the context of making recommendations to that Committee.

Australia thanked the IG-BB for their work and noted that in the run up to IWC/64 there had been extensive work undertaken by a number of the Commission's Committees, Sub-Committees, Working Groups and intersessional groups that had been helpful to advancing the Commission's overall



work programme. It noted that there would be expectation for the intersessional work to continue but that there was no need to state this explicitly in the IG-BB's recommendations. France supported the IG-BB's recommendations, and stated that the need for intersessional work would be decided on a case by case basis.

Mexico and Guinea requested that the membership of the Bureau also reflect the geographic and regional membership of Contracting Parties.

The Chair then **requested** that the proposals and draft rule changes developed by the IG-BB be further refined in the light of the F&A Committee's discussions. The USA, Japan and St. Lucia completed this task after the meeting and the refined draft rule changes, which include the formation of a Bureau, are provided as Appendix 4 for discussion and endorsement by the Commission.

### *3.1.4 Report of the Working Group on the Role of Observers at Meetings of the Commission*

The Chair introduced IWC/64/Rep7 which contained the recommendations of the Working Group on the Role of Observers which had met the previous day. The Working Group recommended that the thirty minute period for hearing NGO spoken interventions should be a base time allowance for IWC/64. Furthermore, the group recognised that the Chair would need to exercise discretion so as to allow the debate to flow smoothly, and therefore the group recommended that the NGO interventions would be specific to subjects that would be identified in advance through discussions between the Chair and NGOs. The group also recommended that the Chair should work to find a balance of representation in NGO interventions, and recognised that this representation should include both thematic and geographical contexts.

In recognition of a request made by a host government, the group also recommended that some flexibility be allowed in the implementation of the above proposal for involvement of NGOs. In particular, the group recommended that the 30 minute allowance should be considered as a minimum which could be slightly expanded upon as the meeting moves forward within the overall time allowance for the meeting as the Chair sees fit.

Norway stressed its preference for the thematic aspect to over-ride geographical contexts in selecting observer organisation interventions. Norway, Iceland, Sweden and Guinea stated that the Commission should aim for a total of 30 minutes of interventions.

Argentina, Chile, Mexico and the Netherlands agreed with the Working Group's proposal that the minimum amount of time should be 30 minutes, and also agreed that geographic distribution and balance of observer organisations must be considered when calling observers to speak. They stressed that observers should be able to determine those agenda items on which they wished to intervene, and that the total number of items should not be limited to three or four as proposed. The UK stressed the importance of the Chair's discretion in terms of how, when and for how long interventions from observers would be heard. The USA supported the interventions from Norway and Argentina. Australia, the USA and New Zealand considered that the 30 minute proposal should be a minimum with interventions heard at the Chair's discretion. France also stressed the role of the Chair in managing the time allotted for observer interventions.

Denmark and St. Vincent and The Grenadines supported the thematic context as the overriding consideration for achieving balance and noted that the distribution of NGOs

is based more on thematic contexts than geographical. Denmark also noted that the rule of thumb should be for 30 minutes and not be framed as a minimum as this would also require a maximum. Denmark also emphasised the code of conduct, and the obligation of the Chair to ensure the observers did not target specific countries or groups of countries.

Japan supported the points raised by Norway, Iceland, Sweden and Denmark and noted the importance of participation of civil society when time allowed, although priority had to be given to Contracting Governments. Japan indicated that the 30 minutes minimum could be slightly expanded as recommended by the Working Group and the overall time allowance should be at the Chair's discretion.

Monaco supported enhanced observer participation and acknowledged the interest in a code of conduct encouraging constructive interventions. Monaco further indicated that it was comfortable with thematic balance as a logical entry point, but stressed that 30 minutes over 5 days of Plenary was unsatisfactory as it showed no progress. In Monaco's view, observers should be given 5% of total meeting time.

### *Conclusion*

The Chair summarised the discussions which indicated that the minimum total time for NGO interventions was to be 30 minutes, and that although 30 minutes over 5 days is a short period of time that primacy must be given to Contracting Parties. It would also be at the discretion of the Chair how to use the time, or to show some additional flexibility. The Chair said that a summary of the discussions under this Item will be brought to the private Commissioners meeting on 1 July 2012.

## **3.2 Website**

### *3.2.1 Maintenance and expansion*

The Secretary introduced the pre-launch version of the new IWC website which was available for review at <http://demo.iwcoffice.org>. The website had been re-designed to improve navigation and ensure clearer communication through use of a new font and colour scheme. Recognising the request in Resolution 2011-1 for meeting documents to be included on the website as an archive, the new site included: (1) scanned copies of Annual Reports dating back to IWC/1; (2) scanned copies of Chair's Reports dating to 1955; and (3) an archive of all meeting documents dating back to 2006. When launched, the website will be moved to a .int (international) domain address. The Secretariat indicated their intention to further develop the website post launch, and invited comments to help prioritise future work.

Monaco congratulated the Secretariat for modernising the website and enquired whether it was possible to include a search function so as to allow past Chair's and Annual reports to be searched. The Secretary indicated that the scanned documents were images only rather than character recognition scans, and so the search function available through the new website would be unable to search the reports. The Secretary noted that character recognition scans of the reports were available upon request to the Secretariat, but that the quality of character recognition meant that these scans could not be relied upon as the authoritative records of the meetings. South Africa asked if it was possible to have access to scans of the verbatim records, and the Secretary remarked that this would be a large task and his initial intention was to complete the archive of meeting documents first.

Mexico, Australia and Spain congratulated the Secretariat on the appearance of the new site and requested the addition

of text describing the structure of the Commission and how it related to its operations and general functioning. The Secretary indicated this would be a priority for further development post-launch.

### 3.2.2 Translation

The Secretary reported through document IWC/64/F&A9 that translation of the 17 most popular pages on the old website had been undertaken into French and Spanish. Noting the budgetary constraints in increasing the level of translation France, Spain and Guinea requested the Secretariat to include a financial provision for translation into future budget proposals. Japan acknowledged the need for translation but also recognised the constrained nature of the budget.

The Chair expressed thanks to the Secretariat for the overall work on the website, brought forward Monaco's suggestion that the number of pages to be translated should be raised to 20, and suggested that proposals to allow further translation should be included in the budget subject to financial constraints.

### 3.3 Report of the Working Group on Provision of Assistance to Governments with Limited Means to Participate in the Commission's work

The Secretariat introduced document IWC/2012/WGAGLM3 which contained proposals developed by the Working Group on Provision of Assistance to Governments of Limited Means to participate in the Commission's work (WG-AGLM). The group's recommendations included the establishment of a voluntary assistance fund, although the group had not been able to fully agree the purpose for which the funds should be disbursed. It had agreed that Group One countries should be eligible for assistance with priority being given to those with least GNI where available funds were insufficient to support all Group One countries. Assistance could also be extended to Group Two countries where resources allowed. Different opinions were expressed on whether suspension of voting rights should affect prioritisation for funding. The WG-AGLM had developed a draft Resolution to establish the voluntary fund within the IWC which drew on the model used by the Inter-American Tropical Tuna Commission through their Resolution C-11-11. The Secretary noted that the draft Resolution required sponsorship from a Contracting Government.

The USA, Australia, Japan, Argentina and the UK supported the establishment of a voluntary assistance fund and expressed interest in participating in a Working Group to develop the wording of the Resolution to ensure compatibility with Article III.5 of the Convention.

#### Conclusion

The Chair recognised that the general consensus was for the establishment of a voluntary assistance fund and the Working Group should recommend a procedure as to how the decision is made on disbursement of funds. Work would also need to take place on the compatibility of the Resolution text with Article III.5. Any country interested in sponsoring the Resolution should identify itself to the Working Group.

### 3.4 Review of the work of the Technical Adviser assigned to the Secretariat

The Secretariat thanked the USA for proposing the secondment in 2011 (IWC/63/F&A10) of a technical expert to work on issues related to reducing conflicts with cetaceans, focusing primarily on large whale entanglement and ship strikes (IWC/63/F&A10), which had been proposed by

Australia, Norway and the USA (IWC/63/WKM&AWI8). The Commission recognised the importance of these issues to whale welfare, conservation and human safety. All short term initiatives in IWC/64/F&A6 had been accomplished and reported through a number of documents including: (1) the report of the Provincetown Workshop (IWC/64/WKM&AWI Rep1); and (2) the resulting capacity building reported in IWC/64/WKM&AWI11. These documents recommended the formation of an expert group under the auspices of the IWC to represent every active National Entanglement Response Network in the world. Progress was also made on most long-term and additional initiatives; in particular IWC/64/CC13 detailed progress on ship strikes. Further information is being gathered for a potential IWC workshop on the prevention of large whale entanglement.

Argentina, Mexico, the Dominican Republic, Ecuador and other Member Governments thanked David Mattila for his work, and also thanked the USA for supporting the financial costs of his secondment to the Secretariat. While the USA was unable to guarantee the extension of David's secondment to the Secretariat at the current time, especially given the potential of the Commission moving to biennial meetings, the USA indicated it is looking to facilitate David's continued work if that is acceptable to the Commission.

The Chair recorded the F&A Committee's **great appreciation** for the progress made through David Mattila's secondment, and looked forward to a positive response from the USA for the continuation of his work.

## 4. OPERATIONAL EFFECTIVENESS

At IWC/63 the Commission adopted Resolution 2011-1 which *inter alia* resolved to include the effectiveness of the operations of the IWC as a regular item on the Commission's agenda so as to ensure the Commission's rules and procedures are kept up to date with international good practice, and to address any specific problems or issues arising in the operation of the Commission.

The USA, supported by Australia and the UK, stated it was pleased that this agenda item is now part of the Commission's work. The USA noted that it is helpful for the Commission to periodically review how it is operating, not only to ensure fiscal responsibility, but also to ensure the Commission is meeting its mandate to conserve and manage the world's whale populations. The USA noted that as the Commission is moving toward biennial meetings that this could be considered as part of a move to increase operational effectiveness. The USA further suggested that the Commission develop a forward-looking work programme to assist development of further improvements to operational effectiveness.

#### Conclusion

The Chair noted that if a decision is made to move to biennial meetings then intersessional work could be undertaken to further improve the operation of the Commission. The move to setting up a Bureau could be seen as part of improving operational effectiveness and links to the next agenda item 'Cost-Saving Measures'.

## 5. COST-SAVING MEASURES

The Secretary introduced document IWC/64/F&A11 which focused on reduction of freight charges and increased use of electronic documents at Annual Meetings of the Scientific Committee and Commission. A review of expenditure in 2011 suggested that the cost of maintaining a paper based

infrastructure for the meetings was approximately £77K (5% of IWC core budget). Particular costs arose from packing and airfreight of the pigeon holes, pre-prepared documents and the hire of high volume copiers.

This year the Scientific Committee had agreed to receive primary documents in future in electronic format only and the Commission was invited to explore similar measures. The Committee **agreed** to the suggestion by the Secretary that for Commission meetings all documents would be placed on the website and any documents received close to or during the meeting would be distributed via tables at the back of the room instead of through the pigeon holes. Savings in airfreight charges for pigeon holes are estimated at £5-10K.

Japan supported the cost-saving measures and the move to the use of electronic documents but requested that the date that each document was added to the website be clearly indicated. The Secretary noted that document dates were stamped at the foot of each page, and agreed to also place the date on website. The Chair commented that internet connections must be reliable at any meeting venue if paper documents are not available. South Africa suggested that if intersessional work is done electronically rather than meeting in person then additional cost-savings could be made. The USA supported the move to electronic documents.

#### *Conclusion*

The Chair suggested that 'Operational Effectiveness and Cost-Saving Measures' should be a combined agenda item and the USA **agreed** to convene a Working Group to meet intersessionally for continued discussions on this item.

## 6. FORMULA FOR CALCULATING CONTRIBUTIONS AND RELATED MATTERS

The formula for calculating financial contributions (otherwise known as the Interim Measure) has been in place for several years. The Chair of the BSC referred to the BSC's recommendation that the F&A Committee should now adopt the formula for calculating contributions, and that the word 'interim' be removed from its name. The F&A Committee **endorsed** this recommendation.

## 7. REPORT OF THE INTERSESSIONAL CORRESPONDENCE GROUP ON STRENGTHENING IWC FINANCING

The Chair of the Intersessional Correspondence Group on Strengthening IWC Financing (ICGSF), Nicola Clarke (UK), introduced document IWC/64/F&A3 which contained a series of 11 recommendations to support the shared goal of rebuilding and maintaining healthy whale populations and injecting budget discipline to ensure rigorous financial practices in how the IWC conducts its business. The first three recommendations had been developed to improve accounting transparency and assist IWC decision-making. The remaining recommendations were aimed at: (1) creating the environment for funding; (2) establishing an eligibility and approvals process for projects; and (3) establishing a dedicated fund to receive external donations. The Chair of the ICGSF stated the group's intention to further develop this work in the intersessional period with a view to presenting it and a Resolution to IWC/65 on the establishment of a dedicated fund.

The USA supported the work of the ICGSF and thanked Australia for their funding contribution which had been used to hire an expert to help explore external funding opportunities. It supported the recommendations, and noted

that some (on financial reporting) had already started to be implemented by the Secretariat. Australia thanked the Chair and agreed with the recommendations in IWC/64/F&A3. Mexico indicated its desire to support the proposed project dealing with entanglement and suggested it should be renamed as dealing with mitigation of bycatch.

#### *Conclusion*

The Chair recognised that this is a way forward for the Commission, especially in difficult financial times, thanked the UK for the leadership shown, and looked forward to further work on this issue.

## 8. FINANCIAL STATEMENTS, BUDGETS AND OTHER MATTERS ADDRESSED BY THE BUDGETARY SUB-COMMITTEE

### 8.1 Review of the provisional financial statement 2011/12

#### *8.1.1 Report of the Budgetary Sub-committee*

The Chair referred to the BSC's recommendation that the F&A Committee take note of the provision financial statement for the current financial year 2011/12 and approve it subject to audit. In conveying this recommendation the BSC Chair drew attention to the number of new Contracting Governments who had not paid their financial contributions this year, and noted that the calculation of the provision for unpaid contributions was based on all countries who had paid in the previous financial year (2010/11) also paying in this financial year (2011/12). The Secretary noted that if any of these Contracting Governments failed to pay it would create overspend which would negatively affect the size of the Commission's general reserve.

The F&A Committee **recommended** that the Commission adopt the provisional financial statement for 2011/12 subject to audit after the close of the financial year.

The F&A Committee also agreed to the BSC's **recommendation** that a standing item be added to the BSC agenda to report the length of time served by the Commission's auditor, and to re-confirm their appointment for the following annual or biennial period as appropriate.

#### *8.1.2 Secretary's report on the collection of financial contributions*

The Secretary introduced IWC/64/F&A10 which indicated that total debts of £547,000 were still outstanding from 21 Contracting Governments. This figure was higher than in previous years, and the Secretary repeated the statement made by the Chair of the BSC at Item 8.1.1 that any additional Member Governments who failed to pay this year as compared to last year would create a situation of overspend which would negatively affect the size of the general fund at the end of the 2011/2012 financial year.

The F&A Committee agreed to the BSC's **recommendation** that the Secretary will present a review of the Financial Regulations to the next BSC meeting outlining any additional measures that can be taken to assist Contracting Governments in arrears of payments to pay their outstanding dues.

#### *8.1.3 Correspondence from the Government of Uruguay*

The Secretary referred to document IWC/64/F&A8 which was a letter from the Government of Uruguay explaining their intention to pay their outstanding financial contributions in full in October. Noting that the Secretariat had subsequently received a preliminary advice that Uruguay was expecting to pay its dues ahead of the Annual Meeting the Chair

suggested that this matter be deferred to the private meeting of Commissioners on 1 July 2012, by which time Uruguay may have been able to clear its outstanding debt.

### 8.2 Consideration of future budgets

The F&A Committee **agreed** with the BSC's **recommendation** that the future budget scenarios contained in document IWC/64/7 be adopted by the Commission, with the choice of Option 1 or 2 being determined according to whether the Commission decides to move to a biennial meeting cycle.

The F&A Committee also **agreed** with the BSC's **recommendation** that the NGO observer fee be raised to £565 for the first observer and £280 for each additional observer if the next meeting is held in 2013, and to £580 for the first observer and £285 for the second observer if the next meeting is held in 2014. The BSC recommended that press fees should be raised to £75 (2013) and £80 (2014).

### 8.3 Changes to the timing of the Commission's financial year in light of the decision to separate meetings of the Scientific Committee and Commission

At IWC/63 in 2011 the Commission adopted a recommendation from the F&A Committee to separate the meetings of the Scientific Committee and Commission by a period of 100 days or longer, with the best time for the Scientific Committee meeting being in late May and early June. In future years this is likely to lead to the Commission needing to approve a budget for a financial year which has already commenced.

The Chair of the BSC reviewed the Committee's discussions on this issue, and **recommended** that the Commission should change its financial year from the current timing of 1 September-31 August to 1 January-31 December. The BSC further **agreed** that the Secretary would provide a series of options for allowing individual Contracting Governments to pay the charge associated with the four month bridging period, and that this should include the option to spread the charge over a series of future years.

The Chair of the BSC also **recommended** that the Secretary should continue to operate the Commission's finances at a level of expenditure consistent with the previous financial year during the two month period in either 2013 or 2014 after the end of the agreed budget period and prior to the next Commission meeting.

The F&A Committee **endorsed** these recommendations from the Budgetary Sub-committee.

### 8.4 Budgetary Sub-committee operations

#### 8.4.1 Membership and open seats

The Chair of the BSC reported that there were two open seats on the Sub-committee, and urged Contracting Governments to consider coming forwards.

### 8.5 Recommendation from the ASW Sub-Committee

The Chair **noted** a recommendation from the ASW Sub-Committee for the Commission to consider establishing a voluntary fund at IWC/65 to support work associated with the management of aboriginal subsistence whaling.

## 9. DATE AND PLACE OF FORTHCOMING MEETINGS

The Secretariat referred to document IWC/64/F&A7 which outlined the initial arrangements for next meetings, and confirmed that the Secretariat had recently sent out a Circular Communication inviting Contracting Governments to consider offering to host either the next Scientific Committee or Commission meeting or both.

The Chair recognised the difficulty in offering to host given the uncertainty around the date of the next Commission meeting and hoped that offers would come forward during the Commission Plenary.

## 10. PERSONNEL MATTERS OF THE SECRETARIAT

Several Contracting Governments raised the question of how to arrange future recruitment to the Secretariat and recognised it may be useful to provide guidance so as to ensure retention of corporate knowledge and to take advantage of opportunities for the Secretariat to internationalise itself. After discussion, the F&A Committee **recommended** that the future recruitment policy could be decided either by a Bureau (should one be established through the move to biennial meetings) or developed through a dedicated working group established for the purpose.

## 11. CHAIR OF THE F&A COMMITTEE

The Chair reminded the Committee that her three year term of appointment will expire at the end of the Commission's 64<sup>th</sup> Annual Meeting and requested nominations for candidates to take over the Chair's role. In response the UK requested the current Chair (Donna Petrachenko, Australia) to consider serving for an additional period of time. The Chair thanked the UK for this suggestion, and noted that the final decision on Chair of the F&A Committee would be made during the Commission Plenary.

## 12. ADOPTION OF REPORT

The report was adopted 'by post' on 2 July 2012.

**Appendix 1****LIST OF PARTICIPANTS****ARGENTINA**

Miguel Iñíguez  
Victor Marzari

**AUSTRALIA**

Pam Eiser  
Stephanie Ierino  
Peter Komidar  
Donna Petrachenko (Chair)  
Chris Schweitzer  
Victoria Wadley  
Alexia Wellbelove

**AUSTRIA**

Andrea Nouak

**CHILE**

Barbara Galletti

**COLOMBIA**

Lilian Florez Gonzalez

**COSTA RICA**

Eugenia Arguedas  
Ricardo Meneses

**DENMARK**

Øle Samsing  
Gitte Hundahl  
Amalie Jessen  
Nette Levermann

**DOMINICAN REPUBLIC**

Peter Sanchez

**ECUADOR**

Gustavo Iturralde  
Jorge Samaniego

**FRANCE**

Martine Bigan  
Jean-Philippe Gavois

**GERMANY**

Walter Duebner  
Lutz Fredrichen

**GHANA**

Mike Akyeampong

**GUINEA, REPUBLIC OF**

Amadou Telivel Diallo

**ICELAND**

Johann Gudmundsson  
Ásta Einarsdóttir  
Gisli Víkingsson

**ITALY**

Plinio Conte  
Caterina Fortuna  
Francesca Granata

**JAPAN**

Kenji Kagawa  
Shinji Hiruma  
Toshihide Kitakado  
Tomio Miyashita  
Akiko Muramoto  
Takaaki Sakamoto  
Akima Umezawa

**KOREA, REPUBLIC OF**

Du Hae An  
Yong-Rock An

**MEXICO**

Lorenzo Rojas-Bracho  
Yolanda Alaniz

**NETHERLANDS**

Peter Bos

**MONACO**

Frederic Briand

**NEW ZEALAND**

Gerard van Bohemen  
Karena Lyons

**NORWAY**

Øle David Stenseth  
Einar Tallaksen  
Hild Ynnesdal

**PALAU, REPUBLIC OF**

Vic Uherbelau

**PANAMA**

Tomas Guardia

**RUSSIAN FEDERATION**

Valentin Ilyashenko  
Olga Etylina

**ST. LUCIA**

Jeannine Compton-Antoine

**ST. VINCENT AND THE GRENADINES**

Raymond Ryan

**SOUTH AFRICA**

Herman Oosthuizen  
Ed Couzens

**SPAIN**

Carmen Asencio

**SWEDEN**

Bo Fernholm

**SWITZERLAND**

Martin Krebs

**UK**

Nigel Gooding  
Nicola Clarke  
James Gray  
Jenny Lonsdale  
Anju Sharda  
Mark Simmonds  
Jolon Thomson

**USA**

Melissa Andersen  
Keith Benes  
Robert Brownell  
Doug DeMaster  
Roger Eckert  
Michael Gosliner  
Taryn Kiekow  
Lisa Phelps  
Allison Reed  
Ryan Wulff

**SCIENTIFIC COMMITTEE CHAIR**

Debra Palka

**SECRETARIAT**

Simon Brockington  
Cherry Allison  
Sandra Holdsworth  
David Mattila

## Appendix 2

### LIST OF DOCUMENTS

#### IWC/64/F&A

- 1 Provisional Agenda
- 2 List of Documents
- 3 Intersessional Correspondence Group on Strengthening IWC Financing
- 4 Submission to the Intersessional Correspondence Group on Strengthening IWC Financing regarding segmented financial reporting (submitted by the Secretariat)
- 5 Elections to the Advisory Committee (submitted by the Secretariat)
- 6 Overview of the work of the Technical Adviser assigned to the Secretariat in order to assist with reducing conflicts between cetaceans and marine resource users: October-May 2012
- 7 Arrangements for next meetings
- 8 Letter from Uruguay (submitted by the Secretariat)
- 9 New IWC website (submitted by the Secretariat)
- 10 Secretary's Report on the Collection of Financial Contributions for 2011-2012 (submitted by the Secretariat)
- 11 Reducing the costs of IWC meetings (submitted by the Secretariat)
- 12 Report of the Budgetary Sub-committee
- 13 Quorum and minimum number of countries which could make a decision (case study information from IWC/63) (submitted by Japan)

#### Commission Documents

##### IWC/64/

- Rep1 Report of the Scientific Committee [Extract]
- 5 Financial Statements for the Year Ended 31 August 2011
- 6 Financial Statements 2011-2012
- 7 Draft budget options for the single financial years 2012-13 and 2013-14, and for the two year period 2012-2014 in case of a move to biennial meetings (Secretariat)

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## Appendix 3

### AGENDA

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| <ol style="list-style-type: none"> <li>1. Introductory items               <ol style="list-style-type: none"> <li>1.1 Appointment of Chair</li> <li>1.2 Appointment of Rapporteurs</li> <li>1.3 Review of documents</li> </ol> </li> <li>2. Adoption of Agenda</li> <li>3. Administrative matters               <ol style="list-style-type: none"> <li>3.1 Annual Meeting Arrangements and Procedures                   <ol style="list-style-type: none"> <li>3.1.1 Need for a Technical Committee</li> <li>3.1.2 Report of the Intersessional Group on Quorum</li> <li>3.1.3 Report of the Intersessional Group on Biennial Meetings and Establishment of a Bureau</li> <li>3.1.4 Report of the Working Group on the Role of Observers at Meetings of the Commission</li> </ol> </li> <li>3.2 Website                   <ol style="list-style-type: none"> <li>3.2.1 Maintenance and expansion</li> <li>3.2.2 Translation</li> </ol> </li> <li>3.3 Report of the Working Group on Providing Options to Governments with Limited Means to Participate in the Commission's Work</li> <li>3.4 Review of the work of the technical adviser assigned to the Secretariat</li> </ol> </li> <li>4. Operational effectiveness</li> <li>5. Cost-saving measures</li> <li>6. Formula for calculating contributions and related matters</li> <li>7. Report of the Intersessional Correspondence Group on Strengthening IWC Financing</li> <li>8. Financial statements, budgets and other matters addressed by the Budgetary Sub-committee</li> </ol> | <ol style="list-style-type: none"> <li>8.1 Review of the Provisional Financial Statement 2011/2012               <ol style="list-style-type: none"> <li>8.1.1 Report of the Budgetary Sub-committee</li> <li>8.1.2 Secretary's report on the collection of financial contributions</li> </ol> </li> <li>8.2 Consideration of future budgets               <ol style="list-style-type: none"> <li>8.2.1 Report of the Budgetary Sub-committee</li> <li>8.2.2 F&amp;A Committee discussions and recommendations</li> </ol> </li> <li>8.3 Changes to the timing of the Commission's financial year in light of the decision to separate meetings of the Scientific Committee and Commission</li> <li>8.4 Budgetary Sub-committee operations</li> <li>9. Date and place of forthcoming meetings</li> <li>10. Adoption of Report</li> </ol> |
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#### TERMS OF REFERENCE

The Finance and Administration Committee shall advise the Commission on expenditure, budgets, scale of contributions, Financial Regulations, staff questions, and other such matters as the Commission may refer to it from time to time (Rules of Procedure, Rule M.8).

#### ADMISSION OF OBSERVERS

##### Rule of Procedure C.2

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

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## Appendix 4

## DRAFT CHANGES TO THE IWC'S RULES OF PROCEDURE

## Rules of Procedure and Financial Regulations

As amended by the Commission at its 63<sup>rd</sup> Annual Meeting, July 2011, and with proposed changes to establish a Bureau and move to biennial Commission meetings

RULES OF PROCEDURE.....	XXX
FINANCIAL REGULATIONS.....	XXX
RULES OF DEBATE.....	XXX
RULES OF PROCEDURE OF THE TECHNICAL COMMITTEE.....	XXX
RULES OF PROCEDURE OF THE SCIENTIFIC COMMITTEE.....	XXX

### Rules of Procedure

#### A. Representation

1. A Government party to the International Convention for the Regulation of Whaling, 1946 (hereafter referred to as the Convention) shall have the right to appoint one Commissioner and shall furnish the Secretary of the Commission with the name of its Commissioner and his/her designation and notify the Secretary promptly of any changes in the appointment. The Secretary shall inform other Commissioners of such appointment.
2. In addition to the Commissioner, each Contracting Government is invited to establish an additional means of communication between the Chair and Secretary of the Commission and that Government by designating an Alternate Commissioner or by creating a focal or contact point (which could be an e-mail address). The details shall be communicated to the Secretary through recognised diplomatic channels. Contact details of the Commissioner, Alternate Commissioner or the focal or contact point shall also be posted on the Commission's public web site.

#### B. Meetings

1. The Commission shall hold a regular *Annual Biennial* Meeting in such place as the Commission may determine. Any Contracting Government desiring to extend an invitation to the Commission to meet in that country shall give formal notice two years in advance. A formal offer should include:
  - (a) which meetings it covers, i.e. Scientific Committee, Commission sub-groups, *Annual Biennial* Commission meeting;
  - (b) a proposed time window within which the meeting will take place; and
  - (c) a timetable for finalising details of the exact timing and location of the meeting.
 Attendance by a majority of the members of the Commission shall constitute a quorum. Special Meetings of the Commission may be called at the direction of the Chair after consultation with the Contracting Governments and Commissioners.

2. Before the end of each *Annual Biennial* Meeting, the Commission shall decide on: (1) the length of the *Annual next Biennial* Commission Meeting and associated meetings ~~the following year~~; and (2) which of the Commission's sub-groups need to meet. *Other than the Scientific Committee's annual meetings, the normal practice of the Commission is to hold committee and subsidiary body meetings prior to the meeting of the Commission. This does not preclude the intersessional work of subsidiary bodies from continuing.*

#### C. Observers

1. (a) Any Government not a party to the Convention or any intergovernmental organisation may be represented at meetings of the Commission by an observer or observers, if such non-party government or intergovernmental organisation has previously attended any meeting of the Commission, or if it submits its request in writing to the Commission 60 days prior to the start of the meeting, or if the Commission issues an invitation to attend.
- (b) Any non-governmental organisation which expresses an interest in matters covered by the Convention, may be accredited as an observer. Requests for accreditation must be submitted in writing to the Commission 60 days prior to the start of the meeting and the Commission may issue an invitation with respect to such request. Such submissions shall include the standard application form for non-governmental organisations which will be provided by the Secretariat. These applications shall remain available for review by Contracting Governments.
 

Once a non-governmental organisation has been accredited through the application process above, it will remain accredited until the Commission decides otherwise.

Observers from each non-governmental organisation will be allowed seating in the meeting.

However, seating limitations may require that the number of observers from each non-governmental organisation be limited. The Secretariat will notify accredited non-governmental organisations of any seating limitations in advance of the meeting.

- (c) The Commission shall levy a registration fee and determine rules of conduct, and may define other conditions for the attendance of observers accredited in accordance with Rule C.1.(a) and (b). The registration fee will ~~be treated as an annual fee covering cover~~ attendance at the **Annual Biennial Commission** Meeting to which it relates and any other meeting of the Commission or its subsidiary groups as provided in Rule C.2 in the interval before the next **Biennial Commission Meeting Annual Meeting**.
2. Observers accredited in accordance with Rule C.1.(a) and (b) are admitted to all meetings of the Commission and the Technical Committee, and to any meetings of subsidiary groups of the Commission and the Technical Committee, except the Commissioners-only meetings, **Meetings of the Bureau** and the meetings of the Finance and Administration Committee.

#### D. Credentials

1. (a) The names of all representatives of member and non-member governments and observer organisations to any meeting of the Commission or committees, as specified in the Rules of Procedure of the Commission, Technical and Scientific Committees, shall be notified to the Secretary in writing before their participation and/or attendance at each meeting. For member governments, the notification shall indicate the Commissioner, his/her alternate(s) and advisers, and the head of the national delegation to the Scientific Committee and any alternate(s) as appropriate.

The written notification shall be made by governments or the heads of organisations as the case may be. In this context, 'governments' means the Head of State, the Head of Government, the Minister of Foreign Affairs (including: on behalf of the Minister of Foreign Affairs), the Minister responsible for whaling or whale conservation (including: on behalf of this Minister), the Head of the Diplomatic Mission accredited to the seat of the Commission or to the host country of the meeting in question, or the Commissioner appointed under Rule A.1.

- (b) Credentials for a Commissioner appointed for the duration of a meeting must be issued as in D.1(a). Thereafter, until the end of the meeting in question, that Commissioner assumes all the powers of a Commissioner appointed under A.1., including that of issuing credentials for his/her delegation.
- (c) In the case of members of delegations who will attend the **Annual Biennial** Commission Meeting and its associated meetings, the notification may be made *en bloc* by submitting a list of the members who will attend any of these meetings.
- (d) The Secretary, or his/her representative, shall report on the received notifications at the beginning of a meeting.

- (e) In case of any doubt as to the authenticity of notification or in case of apparent delay in their delivery, the Chair of the meeting shall convene an *ad hoc* group of no more than one representative from any Contracting Government present to decide upon the question of participation in the meeting.

#### E. Decision-making

A decision of the Commission taken at a meeting, whether by consensus or by vote, is not deemed adopted until the text has either been provided to all Members of the Commission, or presented to them by electronic means, and then approved by the Commission. The text will also be made simultaneously available to all other accredited participants. The text shall normally be distributed or presented in English and conveyed in the other working languages by oral interpretation. This rule applies both to decisions of the kinds specified in Rule J, and to other decisions of the Commission, except those relating only to the conduct of the current meeting. If the text of a proposed decision is amended, the revised text shall be distributed or presented in accordance with this rule. The authentic text of any such decision shall be the English version.

The Commission shall make every effort to reach its decisions by consensus. If all efforts to reach consensus have been exhausted and no agreement reached, the following Rules of Procedure shall apply:

1. Each Commissioner shall have the right to vote at Plenary Meetings of the Commission and in his/her absence his/her deputy or alternate shall have such right. Experts and advisers may address Plenary Meetings of the Commission but shall not be entitled to vote. They may vote at the meetings of any committee to which they have been appointed, provided that when such vote is taken, representatives of any Contracting Government shall only exercise one vote.
2. (a) The right to vote of representatives of any Contracting Government shall be suspended automatically when the annual payment of a Contracting Government including any interest due has not been received by the Commission by the earliest of these dates:
  - 3 months following the due date prescribed in Regulation E.2 of the Financial Regulations; or
  - the day before the first day of the next **Annual Biennial** or Special Meeting of the Commission if such a meeting is held within 3 months following the due date; or
  - in the case of a vote by postal or other means, the date upon which votes must be received if this falls within 3 months following the due date.
 This suspension of voting rights applies until payment is received by the Commission.
- (b) The Commissioner of a new Contracting Government shall not exercise the right to vote either at meetings or by postal or other means: (i) until 30 days after the date of adherence, although they may participate fully in discussions of the Commission; and (ii) unless the Commission has received the Government's financial contribution or part contribution for the year prescribed in Financial Regulation E.3. the day before the first day of the **Annual Biennial** or Special Meeting concerned.



3. (a) Where a vote is taken on any matter before the Commission, a simple majority of those casting an affirmative or negative vote shall be decisive, except that a three-fourths majority of those casting an affirmative or negative vote shall be required for action in pursuance of Article V of the Convention.
- (b) Action in pursuance of Article V shall contain the text of the regulations proposed to amend the Schedule. A proposal that does not contain such regulatory text does not constitute an amendment to the Schedule and therefore requires only a simple majority vote. A proposal that does not contain such regulatory text to revise the Schedule but would commit the Commission to amend the Schedule in the future can neither be put to a vote nor adopted.
- (c) At meetings of committees appointed by the Commission, a simple majority of those casting an affirmative or negative vote shall also be decisive. The committee shall report to the Commission if the decision has been arrived at as a result of the vote.
- (d) Votes shall be taken by show of hands, or by roll call, as in the opinion of the Chair, appears to be most suitable. The election of the Chair, Vice-Chair, the appointment of the Secretary of the Commission, and the selection of IWC *Annual Biennial* Meeting venues shall, upon request by a Commissioner, all proceed by secret ballot.
4. Between meetings of the Commission or in the case of emergency, a vote of the Commissioners may be taken by post, or other means of communication in which case the necessary simple, or where required three-fourths majority, shall be of the total number of Contracting Governments whose right to vote has not been suspended under paragraph 2.

#### F. Chair

1. The Chair of the Commission shall be elected from time to time from among the Commissioners and shall take office at the conclusion of the *Annual Biennial* Meeting at which he/she is elected. The Chair shall serve for a period of *three four* years and shall not be eligible for re-election as Chair until a further period of *three four* years has elapsed. The Chair shall, however, remain in office until a successor is elected.
2. The duties of the Chair shall be:
  - (a) to preside at all meetings of the Commission *and Bureau*;
  - (b) to decide all questions of order raised at meetings of the Commission, subject to the right of any Commissioner to appeal against any ruling of the Chair.
  - (c) to call for votes and to announce the result of the vote to the Commission;
  - (d) to develop, with appropriate consultation, draft agenda for meetings of the Commission *and Bureau*.
    - (i) for *Annual Biennial* Meetings:
      - in consultation with the ~~Secretary~~, *Secretary and the Bureau* to develop a draft agenda based on decisions and recommendations made at the previous *Annual Biennial* Meeting for circulation to all Contracting Governments and Commissioners for review and comment not less than 100 days in advance of the meeting.
      - on the basis of comments and proposals received from Contracting Governments and Commissioners under (d)(i) above, to develop with the Secretary, an annotated

- provisional agenda for circulation to all Contracting Governments not less than 60 days in advance of the meeting;
- (ii) for Special Meetings, the two-stage procedure described in (i) above will be followed whenever practicable, recognising that Rule of Procedure J.1 still applies with respect to any item of business involving amendment of the Schedule or recommendations under Article VI of the Convention.
- (e) to sign, on behalf of the Commission, a report of the proceedings of each *annual biennial* or other meeting of the Commission *and Bureau*, for transmission to Contracting Governments and others concerned as an authoritative record of what transpired;
- (f) generally, to make such decisions and give such directions to the Secretary as will ensure, especially in the interval between the meetings of the Commission, that the business of the Commission is carried out efficiently and in accordance with its decision.

#### G. Vice-Chair

1. The Vice-Chair of the Commission shall be elected from time to time from among the Commissioners and shall preside at meetings of the Commission *and Bureau*, or between them, in the absence or in the event of the Chair being unable to act. He/she shall on those occasions exercise the powers and duties prescribed for the Chair. The Vice-Chair shall be elected for a period of *three four* years and shall not be eligible for re-election as Vice-Chair until a further period of *three four* years has elapsed. He/she shall, however, remain in office until a successor is elected.

#### H. Secretary

1. The Commission shall appoint a Secretary and shall designate staff positions to be filled through appointments made by the Secretary. The Commission shall fix the terms of employment, rate of remuneration including tax assessment and superannuation and travelling expenses for the members of the Secretariat.
2. The Secretary is the executive officer of the Commission and shall:
  - (a) be responsible to the Commission for the control and supervision of the staff and management of its office and for the receipt and disbursement of all monies received by the Commission;
  - (b) make arrangements for all meetings of the Commission, *and* its committees and *the Bureau and* provide necessary secretarial assistance;
  - (c) prepare and submit to the Chair a draft of the Commission's budget for each *two year period* and shall subsequently submit the budget to all Contracting Governments and Commissioners as early as possible before the *Annual Biennial* Meeting;
  - (d) despatch by the most expeditious means available:
    - (i) a draft agenda for the *Annual Biennial* Commission Meeting to all Contracting Governments and Commissioners 100 days in advance of the meeting for comment and any additions with annotations they wish to propose;

- (ii) an annotated provisional agenda to all Contracting Governments and Commissioners not less than 60 days in advance of the **Annual Biennial** Commission Meeting. Included in the annotations should be a brief description of each item, and in so far as possible, documentation relevant to agenda items should be referred to in the annotation and sent to member nations at the earliest possible date;
- (e) receive, tabulate and publish notifications and other information required by the Convention in such form and manner as may be prescribed by the Commission;
- (f) perform such other functions as may be assigned to him/her by the Commission or its Chair;
- (g) where appropriate, provide copies or availability to a copy of reports of the Commission including reports of Observers under the International Observer Scheme, upon request after such reports have been considered by the Commission.
- (h) maintain the Commission's public web site, which shall be continuously accessible to the extent possible subject to maintenance requirements and technical constraints.

#### I. Chair of Scientific Committee

1. The Chair of the Scientific Committee may attend meetings of the Commission and Technical Committee in an *ex officio* capacity without vote, at the invitation of the Chair of the Commission or Technical Committee respectively in order to represent the views of the Scientific Committee.

#### J. Schedule amendments, recommendations under Article VI and Resolutions

1. No item of business which involves amendment of the Schedule to the Convention, recommendations under Article VI of the Convention, or Resolutions of the Commission, shall be the subject of decisive action by the Commission unless the full draft text has been circulated to the Commissioners at least 60 days in advance of the meeting at which the matter is to be discussed.
2. Notwithstanding the advance notice requirements for draft Resolutions in Rule J.1, at the recommendation of the Chair in consultation with the ~~Advisory Committee~~ **Bureau**, the Commission may decide to consider urgent draft Resolutions which arise after the 60 day deadline where there have been important developments that warrant action in the Commission. The full draft text of any such Resolution must be circulated to all Commissioners prior to the opening of the meeting at which the draft Resolution is to be considered.
3. Notwithstanding Rules J.1 and J.2, the Commission may adopt Resolutions on any matter that may arise during a meeting only when consensus is achieved.

#### K. Financial

1. The financial year of the Commission shall be from 1<sup>st</sup> September to 31<sup>st</sup> August.
2. Any request to Contracting Governments for financial contributions shall be accompanied by a statement of the Commission's expenditure for the appropriate year, actual or estimated.
3. Annual payments and other financial contributions by Contracting Governments shall be made payable to the Commission and shall be in pounds sterling.

#### L. Offices

1. The seat of the Commission shall be located in the United Kingdom.

#### M. Committees

1. The Commission shall establish a Scientific Committee, a Technical Committee and a Finance and Administration Committee. Commissioners shall notify their desire to be represented on the Scientific, Technical and Finance and Administration Committees 28 days prior to the meetings, and shall designate the approximate size of their delegations.
2. The Chair may constitute such *ad hoc* committees as may be necessary from time to time, with similar arrangements for notification of the numbers of participants as in paragraph 1 above where appropriate. Each committee shall elect its Chair. The Secretary shall furnish appropriate secretarial services to each committee.
3. Sub-committees and working groups may be designated by the Commission to consider technical issues as appropriate, and each will report to the Technical Committee or the plenary session of the Commission as the Commission may decide.
4. (a) The Scientific Committee shall review the current scientific and statistical information with respect to whales and whaling, shall review current scientific research programmes of Governments, other international organisations or of private organisations, shall review the scientific permits and scientific programmes for which Contracting Governments plan to issue scientific permits, shall consider such additional matters as may be referred to it by the Commission or by the Chair of the Commission, and shall submit reports and recommendations to the Commission.  
(b) Any *ad hoc* committee, sub-committee or working group established to provide scientific advice shall report to the Scientific Committee, which shall review the report of such committee, sub-committee or working group, and, as appropriate, make its own recommendations on the subject matter.
5. The report of the Scientific Committee should be completed and made available to all Commissioners and posted on the Commission's public web site by the opening date of the **Annual Biennial** Commission Meeting or within 14 days of the conclusion of the Scientific Committee meeting, whichever is the sooner.
6. The Secretary shall be an *ex officio* member of the Scientific Committee without vote.
7. The Technical Committee shall, as directed by the Commission or the Chair of the Commission, prepare reports and make recommendations on:
  - (a) Management principles, categories, criteria and definitions, taking into account the recommendations of the Scientific Committee, as a means of helping the Commission to deal with management issues as they arise;
  - (b) technical and practical options for implementation of conservation measures based on Scientific Committee advice;
  - (c) the implementation of decisions taken by the Commission through resolutions and through Schedule provisions;
  - (d) Commission agenda items assigned to it;
  - (e) any other matters.

8. The Finance and Administration Committee shall advise the Commission on expenditure, budgets, scale of contributions, financial regulations, staff questions, and such other matters as the Commission may refer to it from time to time.
9. ~~The Commission shall establish an Advisory Committee. This Committee shall comprise the Chair, Vice-Chair, Chair of the Finance and Administration Committee, Secretary and two Commissioners to broadly represent the interests within the IWC forum. The appointment of the Commissioners shall be for two years on alternative years.~~

~~The role of the Committee shall be to assist and advise the Secretariat on administrative matters upon request by the Secretariat or agreement in the Commission. The Committee is not a decision-making forum and shall not deal with policy matters or administrative matters that are within the scope of the Finance and Administration Committee other than making recommendations to this Committee.~~

~~The Commission shall establish a Bureau. It shall be comprised of the Chair of the Commission, the Vice-Chair of the Commission, the Chair of the Finance and Administration Committee, and four commissioners representing a range of views, including regional interests. The host government for the next meeting of the Commission will serve in an ex officio capacity. The Secretary will support the meeting. The appointment of Commissioners shall be for two years.~~

~~The Chair of the Commission will serve as the Chair of the Bureau and may call upon Chairs of the Commission's subsidiary bodies to participate in Bureau discussions, as appropriate.~~

~~The Bureau will support the work of the Commission by providing advice to the Chair of the Commission and the Secretariat on work ongoing under the Convention, especially at times when the Commission is not in session. To this end, the Bureau will:~~

- ~~Provide advice to the Chair and Secretariat on implementing Commission decisions;~~
- ~~Assist and advise the Secretariat on administrative and financial matters between meetings of the Commission;~~
- ~~Assist in the preparation for meetings of the Commission and Subsidiary Bodies;~~
- ~~Review progress of work of the Committees;~~
- ~~Provide support to the Chair during meetings of the Commission, as may be requested by the Chair.~~

~~The Bureau's mandate is to assist with process management. It is not a decision-making forum, and shall not deal with substantive or policy matters under the Convention. The Bureau may consider issues related to financial or administrative tasks within the scope of the Finance and Administration Committee, but only in the context of making recommendations to that Committee.~~

#### N. Languages of the Commission

1. English shall be the official language of the Commission. English, French and Spanish shall be the working languages of the Commission. Commissioners may speak in any other language, if desired, it being understood that Commissioners doing so will provide their own interpreters. All official publications and

communications of the Commission shall be in English. Agreed publications shall be available in English, French and Spanish<sup>1</sup>.

#### O. Records of Meetings

1. The proceedings of the meetings of the Commission, ~~and those of~~ its committees ~~and the Bureau~~ shall be recorded in summary form.
2. The text of each Commission decision adopted at a meeting in accordance with Rule E, or by post, shall be placed on the Commission's public web site in all working languages within 14 days of the conclusion of the meeting or adoption of the decision by post.

#### P. Reports and communications

1. Commissioners should arrange for reports on the subject of whaling published in their own countries to be sent to the Commission for record purposes.
2. The Chair's Report of the most recent *Annual Biennial* Commission Meeting shall be posted on the Commission's public web site in English within two months of the end of the meeting and in the other working languages as soon as possible thereafter. It shall be published in the Annual Report of the year just completed.
3. All individual and circular communications from the Chair or Secretary to Contracting Governments shall be sent to both the Commissioner appointed under Rule A.1. and to his/her Alternate designated or to the focal or contact point created under Rule A.2. They should also be sent to all accredited intergovernmental observers. All circular communications from the Chair or Secretary to Contracting Governments shall be posted on the Commission's public web site on despatch, unless the Chair, after consulting with the ~~Advisory Committee Bureau~~, deems that a confidential communication is warranted (applicable only for staff issues, infraction cases and information provided by contracting Governments with a request that it remain confidential), in which case the communication should be sent to the Contracting Governments alone. A list of dates and subject titles of such confidential communications shall be presented to the next *Annual Biennial* Meeting ~~and to the Bureau in years when the Commission does not meet~~.

#### Q. Commission Documents

1. Reports of meetings of all committees, sub-committees and working groups of the Commission are confidential (i.e. reporting of discussions, conclusions and recommendations made during a meeting is prohibited) until the opening plenary session of the Commission meeting to which they are submitted, or in the case of intersessional meetings, until after they have been dispatched by the Secretary to Contracting Governments and Commissioners. This applies equally to member governments and observers. Such reports, with the exception of the report of the Finance and Administration Committee, shall be distributed

<sup>1</sup>As agreed at IWC/59 in Anchorage in 2007: i.e. simultaneous interpretation in French and Spanish in IWC Plenary and private meetings of Commissioners, and translation into French and Spanish of: (1) Resolutions and Schedule amendments; (2) the Chair's *summary* reports of *annual biennial* meetings ~~and meetings of the Bureau~~; (3) Annotated Provisional Agendas; and (4) summaries of the Scientific Committee and working group reports. *Ann. Rep. Int. Whaling Comm.* 2007: 56-57.

to Commissioners, Contracting Governments and accredited observers at the same time. Procedures applying to the Scientific Committee are contained in its Rules of Procedure E.5.(a) and E.5.(b).

2. Any document submitted to the Commission for distribution to Commissioners, Contracting Governments or members of the Scientific Committee is considered to be in the public domain unless it is designated by the author or government submitting it to be restricted<sup>2</sup>. Such restriction is automatically lifted when the report of the meeting to which it is submitted becomes publicly available under 1. above.
3. Observers admitted under Rule of Procedure C.1.(a) and (b) may submit Opening Statements which will be included in the official documentation of the *Annual Biennial* or other Meeting concerned. They shall be presented in the format and the quantities determined by the Secretariat for meeting documentation.

The content of the Opening Statements shall be relevant to matters under consideration by the Commission, and shall be in the form of views and comments made to the Commission in general rather than directed to any individual or group of Contracting Governments.<sup>3</sup>

4. All meeting documents shall be included in the Commission's archives in the form in which they were considered at the meeting. All such documents dating from 2011 onwards, and also earlier years where feasible, shall be archived on the Commission's public web site in an accessible fashion by year and category of document.

#### R. Amendment of Rules

1. These Rules of Procedure and the Rules of Debate may be amended from time to time by a simple majority of the Commissioners voting, but the full draft text of any proposed amendment shall be circulated to the Commissioners at least 60 days in advance of the meeting at which the matter is to be discussed.

## Financial Regulations

### A. Applicability

1. These regulations shall govern the financial administration of the International Whaling Commission.
2. They shall become effective as from the date decided by the Commission and shall be read with and in addition to the Rules of Procedure. They may be amended in the same way as provided under Rule R.1 of the Rules of Procedure in respect of those Rules.
3. In case of doubt as to the interpretation and application of any of these regulations, the Chair is authorised to give a ruling.

### B. Financial Year

1. The financial year of the Commission shall be from 1<sup>st</sup> September to 31<sup>st</sup> August (Rules of Procedure, Rule K.1).

### C. General Financial Arrangements

1. There shall be established a Research Fund and a General Fund, and a Voluntary Fund for Small Cetaceans.
  - (a) The Research Fund shall be credited with voluntary contributions and any such monies as the Commission may allocate for research and scientific investigation and charged with specific expenditure of this nature.
  - (b) The General Fund shall, subject to the establishment of any other funds that the Commission may determine, be credited or charged with all other income and expenditure.
  - (c) The details of the Voluntary Fund for Small Cetaceans are given in Appendix 1.  
The General Fund shall be credited or debited with the balance on the Commission's Income and Expenditure Account at the end of each financial year.
2. Subject to the restrictions and limitations of the following paragraphs, the Commission may accept funds from outside the regular contributions of Contracting Governments.

- (a) The Commission may accept such funds to carry out programmes or activities decided upon by the Commission and/or to advance programmes and activities which are consistent with the objectives and provisions of the Convention.

- (b) The Commission shall not accept external funds from any of the following:

- (i) Sources that are known, through evidence available to the Commission, to have been involved in illegal activities, or activities contrary to the provisions of the Convention;
- (ii) Individual companies directly involved in legal commercial whaling under the Convention;
- (iii) Organisations which have deliberately brought the Commission into public disrepute.

3. Monies in any of the Funds that are not expected to be required for disbursement within a reasonable period may be invested in appropriate Government or similar loans by the Secretary in consultation with the Chair.

4. The Secretary shall:

- (a) establish detailed financial procedures and accounting records as are necessary to ensure effective financial administration and control and the exercise of economy;
- (b) deposit and maintain the funds of the Commission in an account in the name of the Commission in a bank to be approved by the Chair;
- (c) cause all payments to be made on the basis of supporting vouchers and other documents which ensure that the services or goods have been received, and that payment has not previously been made;
- (d) designate the officers of the Secretariat who may receive monies, incur obligations and make payments on behalf of the Commission;
- (e) authorise the writing off of losses of cash, stores and other assets and submit a statement of such amounts written off to the Commission and the auditors with the annual accounts.

<sup>2</sup>This does not prevent Contracting Governments from consulting as they see fit on such documents providing confidentiality is maintained as described in Rule of Procedure Q.1.

<sup>3</sup>[There is no intention that the Secretariat should conduct advance or *ex-ante* reviews of such statements.]

5. The accounts of the Commission shall be audited annually by a firm of qualified accountants selected by the Commission. The auditors shall certify that the financial statements are in accord with the books and records of the Commission, that the financial transactions reflected in them have been in accordance with the rules and regulations and that the monies on deposit and in hand have been verified. The most recent audited financial statements and the audit report shall be submitted to the *Annual Biennial Meeting or to the Bureau in years when the Commission does not meet* and posted on the Commission's public website by the opening of the *Annual Biennial Meeting or Meeting of the Bureau*.

#### D. Yearly Statements

1. At each *Annual Biennial Meeting*, there shall be laid before the Commission two financial statements:
  - (a) a provisional statement dealing with the actual and estimated expenditure and income in respect of the current financial year;
  - (b) the budget estimate of expenditure and income for the ensuing *two* year including the estimated amount of the individual annual payment to be requested of each Contracting Government *for each of the ensuing two years*.
  - (c) *in years when no Biennial Commission Meeting is held the provisional statement for the current financial year identified in Regulation D.1.(a) shall be laid before the Meeting of the Bureau.*
  - (d) *in years when no Biennial Commission Meeting is held the Bureau shall review the second half of the two year budget.*

Expenditure and incomes shall be shown under appropriate sub-heads accompanied by such explanations as the Commission may determine.
2. The two financial statements identified in Regulation D.1 shall be despatched by the most expeditious means available to each Contracting Government and each Commissioner not less than 60 days in advance of the *Annual Biennial Commission Meeting*. They shall require the Commission's approval after having been referred to the Finance and Administration Committee for consideration and recommendations. A copy of the final accounts *for each year* shall be sent to all Contracting Governments after they have been audited. *In years when the Commission does not meet, the provisional financial statement for the current year shall be made available to each Contracting Government and each Commissioner not less than 60 days in advance of the Meeting of the Bureau.*
3. Supplementary estimates may be submitted to the Commission, as and when may be deemed necessary, in a form consistent with the Annual Estimates. Any supplementary estimate shall require the approval of the Commission after being referred to the Finance and Administration Committee for consideration and recommendation.

#### E. Contributions

1. As soon as the Commission has approved the budget for any year, the Secretary shall send a copy thereof to each Contracting Government (in compliance with Rules of Procedure, Rule K.2), and shall request it to remit its annual payment.
2. Payment shall be in pounds sterling, drafts being made payable to the International Whaling Commission and

shall be payable within 90 days of the said request from the Secretary or by the following 28 February, the 'due date' whichever is the later. It shall be open to any Contracting Government to postpone the payment of any increased portion of the amount which shall be payable in full by the following 31 August, which then becomes the 'due date'. Payment shall be by bank transfer from an account belonging to the Contracting Government or to a state institution of that Government.

3. New Contracting Governments whose adherence to the Convention becomes effective during the first six months of any financial year shall be liable to pay the full amount of the annual payment for that year, but only half that amount if their adherence falls within the second half of the financial year. The due date for the first payment by new Contracting Governments shall be defined as 6 months from the date of adherence to the Convention or before the first day of any *Annual or Special Meeting of the Commission or Bureau* in which it participates, whichever is the earlier.

Subsequent annual payments shall be paid in accordance with Financial Regulation E.2.

4. The Secretary shall report at each *Annual Biennial Meeting and Meeting of the Bureau* the position as regards the collection of annual payments. *The report shall also be sent to all Commissioners including those who are not members of the Bureau before the beginning of the Bureau Meeting in the year when the Commission does not meet.*
5. For the purpose of application of Rule of Procedure E.2, payments of membership dues shall only count as having been received by the Commission when the funds have been credited to the Commission's account unless the payment has been made and the Commission is satisfied that the delay in receipt is due to circumstances beyond the control of the Contracting Government.

#### F. Arrears of Contributions

1. If a Contracting Government's annual payments have not been received by the Commission within 12 months of the due date referred to under Regulation E.2 compound interest shall be added on the anniversary of that day and each subsequent anniversary thereafter at the rate of 2% above the base rate quoted by the Commission's bankers on the day. The interest, calculated to the nearest pound, shall be payable in respect of complete years and continue to be payable in respect of any outstanding balance until such time as the amount in arrears, including interest, is settled in full.
2. If a Contracting Government's annual payments, including any interest due<sup>4</sup>, have not been received by the Commission by the earliest of these dates:
  - 3 months following the due date; or
  - the day before the first day of the next *Annual Biennial or Special Meeting of the Commission, or Meeting of the Bureau* if such a meeting is held within 3 months following the due date; or,
  - in the case of a vote by postal or other means, the date upon which votes must be received if this falls within 3 months following the due date, the right to vote of the Contracting Government concerned shall be suspended as provided under Rule E.2 of the Rules of Procedure.
3. Any interest paid by a Contracting Government to the Commission in respect of late annual payments shall be credited to the General Fund.

4. Any payment to the Commission by a Contracting Government in arrears with annual payments shall be used to pay off debts to the Commission, including interest due, in the order in which they were incurred.
5. If a Contracting Government's annual payments, including any interest due, have not been received by the Commission in respect of a period of 3 financial years;
  - (a) no further annual contribution will be charged;
  - (b) interest will continue to be applied annually in accordance with Financial Regulation F.1.;
  - (c) the provisions of this Regulation apply to the Contracting Government for as long as the provisions of Financial Regulations F.1. and F.2. remain in effect for that Government;
  - (d) the Contracting Government concerned will be entitled to attend Commission Meetings on payment of a fee per delegate at the same level as Non-Member Government observers;
  - (e) the provisions of this Regulation and of Financial Regulations F.1. and F.2. will cease to have effect for a Contracting Government if it makes a payment of 2 years outstanding contributions and provides an undertaking to pay the balance of arrears and the interest within a further 2 years;
  - (f) interest applied to arrears in accordance with this Regulation will accrue indefinitely except that, if a Government withdraws from the Convention, no further charges shall accrue after the date upon which the withdrawal takes effect.
6. Unless the Commission decides otherwise, a Government which adheres to the Convention without having paid to the Commission any financial obligations incurred prior to its adherence shall, with effect from the date of adherence, be subject to all the penalties prescribed by the Rules of Procedure and Financial Regulations relating to arrears of financial contributions and interest thereon. The penalties shall remain in force until the arrears, including any newly-charged interest, have been paid in full.

<sup>4</sup>A short-term concession of up to 500 pounds sterling will be given to any Contracting Government to take account of remittances sent to cover annual payments, including any interest due, that fall short of the balance owing by up to that amount. This concession is to allow for variations in bank charges and exchange rate that might otherwise reduce the value of the remittance to a lower value than intended in pounds sterling and so leave a Contracting Government with a balance of annual payments, including any interest due outstanding. This short term concession will enable a Contracting Government to maintain its right to vote. Any Contracting Government with a balance outstanding above 500 pounds sterling will not be entitled to the short-term concession and its right to vote shall be suspended. The shortfall of up to 500 pounds sterling allowed by the concession shall then be carried forward to the next financial year as part of the balance of annual payments, including any interest due to the Commission.

## Appendix 1

### VOLUNTARY FUND FOR SMALL CETACEANS

#### Purpose

The Commission decided at its 46<sup>th</sup> Annual Meeting in 1994 to establish an IWC voluntary fund to allow for the participation from developing countries in future small cetacean work and requested the Secretary to make arrangements for the creation of such a fund whereby contributions in cash and in kind can be registered and utilised by the Commission.

#### Contributions

The Commission has called on Contracting Governments and non-contracting Governments, intergovernmental organisations and other entities as appropriate, in particular those most interested in scientific research on small cetaceans, to contribute to the IWC voluntary fund for small cetaceans.

Acceptance of contributions from entities other than Governments will be subject to the Commission's procedures for voluntary contributions. Where funds or support in kind are to be made available through the Voluntary Fund, the donation will be registered and administered by the Secretariat in accordance with Commission procedures.

The Secretariat will notify all members of the Commission on receipt of such voluntary contributions.

Where expenditure is incurred using these voluntary funds the Secretariat will inform the donors of their utilisation.

#### Distribution of Funds

1. Recognising that there are differences of view on the legal competence of the Commission in relation to small cetaceans, but aware of the need to promote the development of increased participation by developing countries, the following primary forms of disbursement will be supported in accordance with the purpose of the Voluntary Fund:
  - (a) provision of support for attendance of invited participants at meetings of the Scientific Committee;
  - (b) provision of support for research in areas, species or populations or research methodology in small cetacean work identified as of direct interest or priority in the advice provided by the Scientific Committee to the Commission;
  - (c) other small cetacean work in developing countries that may be identified from time to time by the Commission and in consultation with intergovernmental agencies as requiring, or likely to benefit from support through the Fund.
2. Where expenditure is proposed in support of invited participants, the following will apply:
  - (a) invited participants will be selected through consultation between the Chair of the Scientific Committee, the Convenor of the appropriate sub-committee and the Secretary;
  - (b) the government of the country where the scientists work will be advised of the invitation and asked if it can provide financial support.
3. Where expenditure involves research activity, the following will apply:
  - (a) the normal procedures for review of proposals and recommendations by the Scientific Committee will be followed;
  - (b) appropriate procedures for reporting of progress and outcomes will be applied and the work reviewed;
  - (c) the Secretariat shall solicit the involvement, as appropriate, of governments in the regions where the research activity is undertaken.

## Rules of Debate

### A. Right to speak

1. The Chair shall call upon speakers in the order in which they signify their desire to speak.
2. A Commissioner or Observer may speak only if called upon by the Chair, who may call a speaker to order if his/her remarks are not relevant to the subject under discussion.
3. A speaker shall not be interrupted except on a point of order. He/she may, however, with the permission of the Chair, give way during his/her speech to allow any other Commissioner to request elucidation on a particular point in that speech.
4. The Chair of a committee or working group may be accorded precedence for the purpose of explaining the conclusion arrived at by his/her committee or group.

### B. Submission of Motions

1. Proposals and amendments shall normally be introduced in writing in the working language of the meeting and shall be submitted to the Secretariat which shall circulate copies to all delegations in the session. As a general rule, no proposal shall be discussed at any plenary session unless copies of it have been circulated to all delegations normally no later than 6pm, or earlier if so determined by the Chair in consultation with the Commissioners, on the day preceding the plenary session. The presiding officer may, however, permit the discussion and consideration of amendments, or motions, as to procedure, even though such amendments, or motions have not been circulated previously.

### C. Procedural Motions

1. During the discussion of any matter, a Commissioner may rise to a point of order, and the point of order shall be immediately decided by the Chair in accordance with these Rules of Procedure. A Commissioner may appeal against any ruling of the Chair. The appeal shall be immediately put to the vote and the question voted upon shall be stated as: Shall the decision of the Chair be overturned? The Chair's ruling shall stand unless a majority of the Commissioners present and voting otherwise decide. A Commissioner rising to a point of order may not speak on the substance of the matter under discussion.
2. The following motions shall have precedence in the following order over all other proposals or motions before the Commission:
  - (a) to adjourn the session;
  - (b) to adjourn the debate on the particular subject or question under discussion;
  - (c) to close the debate on the particular subject or question under discussion.
3. Notwithstanding anything in these Rules, the Chair may suspend the meeting for a brief period at any time in order to allow informal discussions aimed at reaching consensus consistent with Rule E of the Rules of Procedure.

### D. Arrangements for Debate

1. The Commission may, in a proposal by the Chair or by a Commissioner, limit the time to be allowed to each

speaker and the number of times the members of a delegation may speak on any question. When the debate is subject to such limits, and a speaker has spoken for his allotted time, the Chair shall call him/her to order without delay.

2. During the course of a debate the Chair may announce the list of speakers, and with the consent of the Commission, declare the list closed. The Chair may, however, accord the right of reply to any Commissioner if a speech delivered after he/she has declared the list closed makes this desirable.
3. During the discussion of any matter, a Commissioner may move the adjournment of the debate on the particular subject or question under discussion. In addition to the proposer of the motion, a Commissioner may speak in favour of, and two Commissioners may speak against the motion, after which the motion shall immediately be put to the vote. The Chair may limit the time to be allowed to speakers under this rule.
4. A Commissioner may at any time move the closure of the debate on the particular subject or question under discussion, whether or not any other Commissioner has signified the wish to speak. Permission to speak on the motion for the closure of the debate shall be accorded only to two Commissioners wishing to speak against the motion, after which the motion shall immediately be put to the vote. The Chair may limit the time to be allowed to speakers under this rule.

### E. Procedure for Voting on Motions and Amendments

1. A Commissioner may move that parts of a proposal or of an amendment shall be voted on separately. If objection is made to the request of such division, the motion for division shall be voted upon. Permission to speak on the motion for division shall be accorded only to two Commissioners wishing to speak in favour of, and two Commissioners wishing to speak against, the motion. If the motion for division is carried, those parts of the proposal or amendments which are subsequently approved shall be put to the vote as a whole. If all operative parts of the proposal or of the amendment have been rejected, the proposal or the amendment shall be considered to have been rejected as a whole.
2. When the amendment is moved to a proposal, the amendment shall be voted on first. When two or more amendments are moved to a proposal, the Commission shall first vote on the last amendment moved and then on the next to last, and so on until all amendments have been put to the vote. When, however, the adoption of one amendment necessarily implies the rejection of another amendment, the latter amendment shall not be put to the vote. If one or more amendments are adopted, the amended proposal shall then be voted upon. A motion is considered an amendment to a proposal if it merely adds to, deletes from or revises part of that proposal.
3. If two or more proposals relate to the same question, the Commission shall, unless it otherwise decides, vote on the proposals in the order in which they have been submitted. The Commission may, after voting on a proposal, decide whether to vote on the next proposal.

## Rules of Procedure of the Technical Committee

### A. Participation

1. Membership shall consist of those member nations that elect to be represented on the Technical Committee. Delegations shall consist of Commissioners, or their nominees, who may be accompanied by technical experts.
2. The Secretary of the Commission or a deputy shall be an *ex officio* non-voting member of the Committee.
3. Observers may attend Committee meetings in accordance with the Rules of the Commission.

### B. Organisation

1. Normally the Vice-Chair of the Commission is the Chair of the Technical Committee. Otherwise the Chair shall be elected from among the members of the Committee.
2. A provisional agenda for the Technical Committee and each sub-committee and working group shall be prepared by the Technical Committee Chair with the assistance of the Secretary. After agreement by the Chair of the Commission they shall be distributed to Commissioners 30 days in advance of the *Annual Biennial* Meeting.

### C. Meetings

1. The *Annual Meeting of the Technical Committee* shall be held between the Scientific Committee and

Commission meetings with reasonable overlap of meetings as appropriate to agenda requirements. Special meetings may be held as agreed by the Commission or the Chair of the Commission.

2. Rules of conduct for observers shall conform with rules established by the Commission for meetings of all committees and plenary sessions.

### D. Reports

1. Reports and recommendations shall, as far as possible, be developed on the basis of consensus. However, if a consensus is not achievable, the committee, sub-committee or working group shall report the different views expressed. The Chair or any national delegation may request a vote on any issue. Resulting recommendations shall be based on a simple majority of those nations casting an affirmative or negative vote.
2. Documents on which recommendations are based should be available on demand immediately following each committee, sub-committee or working group meeting.
3. Technical papers produced for the Commission may be reviewed by the Committee for publication by the Commission.

## Rules of Procedure of the Scientific Committee

### TERMS OF REFERENCE

The Scientific Committee, established in accordance with the Commission's Rule of Procedure M.1, has the general terms of reference defined in Rule of Procedure M.4.

In this regard, the DUTIES of the Scientific Committee, can be seen as a progression from the scientific investigation of whales and their environment, leading to assessment of the status of the whale stocks and the impact of catches upon them, and then to provision of management advice on the regulation of whaling. This can be defined in the following terms for the Scientific Committee to:

- Encourage, recommend, or if necessary, organise studies and investigations related to whales and whaling [Convention Article IV.1(a)]
- Collect and analyse statistical information concerning the current condition and trend of whale stocks and the effects of whaling activities on them [Article IV.1 (b)]
- Study, appraise, and disseminate information concerning methods of maintaining and increasing the population of whale stocks [Article IV.1 (c)]
- Provide scientific findings on which amendments to the Schedule shall be based to carry out the objectives of the Convention and to provide for the conservation, development and optimum utilisation of the whale resources [Article V.2 (a) and (b)]
- Publish reports of its activities and findings [Article IV.2]

In addition, specific FUNCTIONS of the Scientific Committee are to:

- Receive, review and comment on Special Permits issued for scientific research [Article VIII.3 and Schedule paragraph 30]
- Review research programmes of Contracting Governments and other bodies [Rule of Procedure M.4]

SPECIFIC TOPICS of current concern to the Commission include:

- Comprehensive Assessment of whale stocks [*Rep. int. Whal. Commn* 34:30]
- Implementation of the Revised Management Procedure [*Rep. int. Whal. Commn* 45:43]
- Assessment of stocks subject to aboriginal subsistence whaling [Schedule paragraph 13(b)]
- Development of the Aboriginal Subsistence Whaling Management Procedure [*Rep. int. Whal. Commn* 45:42-3]
- Effects of environmental change on cetaceans [*Rep. int. Whal. Commn* 43:39-40; 44:35; 45:49]
- Scientific aspects of whale sanctuaries [*Rep. int. Whal. Commn* 33:21-2; 45:63]
- Scientific aspects of small cetaceans [*Rep. int. Whal. Commn* 41:48; 42:48; 43:51; 45:41]
- Scientific aspects of whalewatching [*Rep. int. Whal. Commn* 45:49-50]

### A. Membership and Observers

1. The Scientific Committee shall be composed of scientists nominated by the Commissioner of each Contracting Government which indicates that it wishes to be represented on that Committee. Commissioners shall identify the head of delegation and any alternate(s) when making nominations to the Scientific Committee. The Secretary of the Commission and relevant members

of the Secretariat shall be *ex-officio* non-voting members of the Scientific Committee.

2. The Scientific Committee recognises that representatives of Inter-Governmental Organisations with particular relevance to the work of the Scientific Committee may also participate as non-voting members, subject to the agreement of the Chair of the Committee acting according to such policy as the Commission may decide.



3. Further to paragraph 2 above the World Conservation Union (IUCN) shall have similar status in the Scientific Committee.
  4. Non-member governments may be represented by observers at meetings of the Scientific Committee, subject to the arrangements given in Rule C.1(a) of the Commission's Rules of Procedure.
  5. Any non-governmental organisation sending an accredited observer to a meeting of the Commission may nominate a scientifically qualified observer to be present at meetings of the Scientific Committee. Any such nomination must reach the Secretary not less than 60 days before the start of the meeting in question and must specify the scientific qualifications and relevant experience of the nominee. The Chair of the Scientific Committee shall decide upon the acceptability of any nomination but may reject it only after consultation with the Chair and Vice-Chair of the Commission. Observers admitted under this rule shall not participate in discussions but the papers and documents of the Scientific Committee shall be made available to them at the same time as to members of the Committee.
  6. The Chair of the Committee, acting according to such policy as the Commission or the Scientific Committee may decide, may invite qualified scientists not nominated by a Commissioner to participate by invitation or otherwise in committee meetings as non-voting contributors. They may present and discuss documents and papers for consideration by the Scientific Committee, participate on sub-committees, and they shall receive all Committee documents and papers.
    - (a) Convenors will submit suggestions for Invited Participants (including the period of time they would like them to attend) to the Chair (copied to the Secretariat) not less than four months before the meeting in question. The Convenors will base their suggestions on the priorities and initial agenda identified by the Committee and Commission at the previous meeting. The Chair may also consider offers from suitably qualified scientists to contribute to priority items on the Committee's agenda if they submit such an offer to the Secretariat not less than four months before the meeting in question, providing information on the contribution they believe that they can make. Within two weeks of this, the Chair, in consultation with the Convenors and Secretariat, will develop a list of invitees.
    - (b) The Secretary will then promptly issue a letter of invitation to those potential Invited Participants suggested by the Chair and Convenors. That letter will state that there may be financial support available, although invitees will be encouraged to find their own support. Invitees who wish to be considered for travel and subsistence will be asked to submit an estimated airfare (incl. travel to and from the airport) to the Secretariat, within 2 weeks. Under certain circumstances (e.g. the absence of a potential participant from their institute), the Secretariat will determine the likely airfare.
 

At the same time as (b) a letter will be sent to the government of the country where the scientist is domiciled for the primary purpose of enquiring whether that Government would be prepared to pay for the scientist's participation. If it is, the scientist is no longer an Invited Participant but becomes a national delegate.
  - (c) At least three months before the meeting, the Secretariat will supply the Chair with a list of participants and the estimated expenditure for each, based on (1) the estimated airfare, (2) the period of time the Chair has indicated the IP should be present and (3) a daily subsistence rate based on the actual cost of the hotel deemed most suitable by the Secretary and Chair<sup>5</sup>, plus an appropriate daily allowance.
 

At the same time as (c) a provisional list of the proposed Invited Participants will be circulated to Commissioners, with a final list attached to the Report of the Scientific Committee.
  - (d) The Chair will review the estimated total cost for all suggested participants against the money available in the Commission's budget. Should there be insufficient funds, the Chair, in consultation with the Secretariat and Convenors where necessary, will decide on the basis of the identified priorities, which participants should be offered financial support and the period of the meeting for which that support will be provided. Invited Participants without IWC support, and those not supported for the full period, may attend the remainder of the meeting at their own expense.
  - (e) At least two months before the meeting, the Secretary will send out formal confirmation of the invitations to all the selected scientists, in accordance with the Commission's Guidelines, indicating where appropriate that financial support will be given and the nature of that support.
  - (f) In exceptional circumstances, the Chair, in consultation with the Convenors and Secretariat, may waive the above time restrictions.
  - (g) The letter of invitation to Invited Participants will include the following ideas:
    - Under the Committee's Rules of Procedure, Invited Participants may present and discuss papers, and participate in meetings (including those of subgroups). They are entitled to receive all Committee documents and papers. They may participate fully in discussions pertaining to their area of expertise. However, discussions of Scientific Committee procedures and policies are in principle limited to Committee members nominated by member governments. Such issues will be identified by the Chair of the Committee during discussions. Invited Participants are also urged to use their discretion as regards their involvement in the formulation of potentially controversial recommendations to the Commission; the Chair may at his/her discretion rule them out of order.
  - (h) After an Invited Participant has his/her participation confirmed through the procedures set up above, a Contracting Government may grant this person national delegate status, thereby entitling him/her to full participation in Committee proceedings, without prejudice to funding arrangements previously agreed upon to support the attendance of the scientist in question.
7. A small number of interested local scientists may be permitted to observe at meetings of the Scientific Committee on application to, and at the discretion of, the Chair. Such scientists should be connected with the local Universities, other scientific institutions or

organisations, and should provide the Chair with a note of their scientific qualifications and relevant experience at the time of their application.

### B. Agenda

1. The initial agenda for the Committee meeting of the following year shall be developed by the Committee prior to adjournment each year. The agenda should identify, as far as possible, key issues to be discussed at the next meeting and specific papers on issues should be requested by the Committee as appropriate.
2. The provisional agenda for the Committee meeting shall be circulated for comment 60 days prior to the Annual Meeting of the Committee. Comments will normally be considered for incorporation into the draft agenda presented to the opening plenary only if received by the Chair 21 days prior to the beginning of the Annual Meeting.

### C. Organisation

1. The Scientific Committee shall include standing sub-committees and working groups by area or species, or other subject, and a standing sub-committee on small cetaceans. The Committee shall decide at each meeting on sub-committees for the coming year.
2. The sub-committees and working groups shall prepare the basic documents on the identification, status and trends of stocks, including biological parameters, and related matters as necessary, for the early consideration of the full Committee.
3. The sub-committees, except for the sub-committee on small cetaceans, shall concentrate their efforts on stocks of large cetaceans, particularly those which are currently exploited or for which exploitation is under consideration, or for which there is concern over their status, but they may examine matters relevant to all cetaceans where appropriate.
4. The Chair may appoint other sub-committees as appropriate.
5. The Committee shall elect from among its members a Chair and Vice-Chair who will normally serve for a period of three years. They shall take office at the conclusion of the annual meeting at which they are elected. The Vice-Chair shall act for the Chair in his/her absence.

The election process shall be undertaken by the heads of national delegations who shall consult widely before nominating candidates<sup>5</sup>. The Vice-Chair will become Chair at the end of his/her term (unless he/she declines), and a new Vice-Chair will then be elected. If the Vice-Chair declines to become Chair, then a new Chair must also be elected. If the election of the Chair or Vice-Chair is not by consensus, a vote shall be conducted by the Secretary and verified by the current Chair. A simple majority shall be decisive. In cases where a vote is tied, the Chair shall have the casting vote. If requested by a head of delegation, the vote shall proceed by secret ballot. In these circumstances, the results shall only be reported in terms of which nominee received the most votes, and the vote counts shall not be reported or retained.

<sup>5</sup>[Invited participants who choose to stay at a cheaper hotel will receive the actual rate for their hotel plus the same daily allowance.]

### D. Meetings

1. Meetings of the Scientific Committee as used in these rules include all meetings of subgroups of the Committee, e.g. sub-committees, working groups, workshops, etc.
2. The Scientific Committee shall meet prior to the *Annual Biennial Meeting* of the Commission ~~or in years when the Commission does not meet, the Scientific Committee shall meet prior to the meeting of the Bureau~~. Special meetings of the Scientific Committee or its subgroups may be held as agreed by the Commission or the Chair of the Commission.
3. The Scientific Committee will organise its work in accordance with a schedule determined by the Chair with the advice of a group comprising sub-committee/working group chairs and relevant members of the Secretariat.

### E. Scientific Papers and Documents

The following documents and papers will be considered by the Scientific Committee for discussion and inclusion in its report to the Commission:

1. Progress Reports. Each nation having information on the biology of cetaceans, cetacean research, the taking of cetaceans, or other matters it deems appropriate should prepare a brief progress report following in the format agreed by the Committee.
2. Special Reports. The Committee may request special reports as necessary on matters to be considered by the Committee for the following year.
3. Sub-committee Reports. Reports of the sub-committees or working groups shall be included as annexes to the Report to the Commission. Recommendations contained therein shall be subject to modification by the full Committee before inclusion in its Report.
4. Scientific and Working Papers.
  - (a) Any scientist may submit a scientific paper for consideration by the Committee. The format and submission procedure shall be in accordance with guidelines established by the Secretariat with the concurrence of the Committee. Papers published elsewhere may be distributed to Committee members for information as relevant to specific topics under consideration.
  - (b) Scientific papers will be considered for discussion and inclusion in the papers of the Committee only if the paper is received by the Secretariat on or by the first day of the annual Committee meeting, intersessional meeting or any sub-group. Exceptions to this rule can be granted by the Chair of the Committee where there are exceptional extenuating circumstances.
  - (c) Working papers will be distributed for discussion only if prior permission is given by the Chair of the committee or relevant sub-group. They will be archived only if they are appended to the meeting report.
  - (d) The Scientific Committee may receive and consider unpublished scientific documents from non-members of the Committee (including observers) and may invite them to introduce their documents at a meeting of the Committee provided that they are received under the same conditions (with regard to timing etc.) that apply to members.

<sup>6</sup>The Commission's Rule of Procedure on voting rights (rule E.2) also applies to the Scientific Committee.

5. Publication of Scientific Papers and Reports.
  - (a) Scientific papers and reports considered by the Committee that are not already published shall be included in the Commission's archives in the form in which they were considered by the Committee or its sub-committees. Papers submitted to meetings shall be available on request at the same time as the report of the meeting concerned (see (b) below).
  - (b) The report of the Annual Meeting of the Scientific Committee shall be distributed to *all Commissioners in accordance with the Commission's Rule of Procedure M.5. no later than the beginning of the opening plenary of the Annual Commission Meeting and is confidential until this time.*

Reports of intersessional Workshops or Special Committee Meetings are confidential until they have been dispatched by the Secretary to the full Committee, Commissioners and Contracting Governments.

Reports of intersessional Steering Groups or Sub-committees are confidential until they have been discussed by the Scientific Committee, normally at an Annual Meeting.

In this context, 'confidential' means that reporting of discussions, conclusions and recommendations is prohibited. This applies equally to Scientific Committee members, invited participants and observers. Reports shall be distributed to Commissioners, Contracting Governments and accredited observers at the same time.

The Scientific Committee should identify the category of any intersessional meetings at the time they are recommended.
  - (c) Scientific papers and reports (revised as necessary) may be considered for publication by the Commission. Papers shall be subject to peer review before publication. Papers submitted shall follow the Guidelines for Authors published by the Commission.

#### F. Review of Scientific Permits

1. When proposed scientific permits are sent to the Secretariat before they are issued by national governments the Scientific Committee shall review the scientific aspects of the proposed research at its annual meeting, or during a special meeting called for that purpose and comment on them to the Commission.
2. The review process shall take into account guidelines issued by the Commission.
3. The proposed permits and supporting documents should include specifics as to the objectives of the research, number, sex, size, and stock of the animals to be taken, opportunities for participation in the research by scientists of other nations, and the possible effect on conservation of the stock resulting from granting the permits.
4. Preliminary results of any research resulting from the permits should be made available for the next meeting of the Scientific Committee as part of the national progress report or as a special report, paper or series of papers.

#### G. Financial Support for Research Proposals

1. The Scientific Committee shall identify research needs.
2. It shall consider unsolicited research proposals seeking financial support from the Commission to address these needs. A sub-committee shall be established to review and rank research proposals received 4 months in advance of the Annual Meeting and shall make recommendations to the full Committee.

3. The Scientific Committee shall recommend in priority order those research proposals for Commission financial support as it judges best meet its objectives.

#### H. Availability of data

The Scientific Committee shall work with the Secretariat to ensure that catch and scientific data that the Commission holds are archived and accessible using modern computer data handling techniques. Access to such data shall be subject to the following rules.

1. Information identified in Section VI of the Schedule that shall be notified or forwarded to the IWC or other body designated under Article VII of the Convention.
 

This information is available on request through the Secretariat to any interested persons with a legitimate claim relative to the aims and purposes of the Convention<sup>7</sup>.
2. Information and reports provided where possible under Section VI of the Schedule.
 

When such information is forwarded to the IWC a covering letter should make it clear that the information or report is being made available, and it should identify the pertinent Schedule paragraph under which the information or report is being submitted.

Information made available to the IWC under this provision is accessible to accredited persons as defined under 4. below, and additionally to other interested persons subject to the agreement of the government submitting the information or report.

Such information already held by the Commission is not regarded as having been forwarded until such clarification of its status is received from the government concerned.
3. Information neither required nor requested under the Schedule but which has been or might be made available to the Commission on a voluntary basis.

This information is of a substantially different status from the previous two types. It can be further divided into two categories:

- (a) Information collected under International Schemes.
  - (i) Data from the IWC sponsored projects.
  - (ii) Data from the International Marking Scheme.
  - (iii) Data obtained from international collaborative activities which are offered by the sponsors and accepted as contributions to the Comprehensive Assessment, or proposed by the Scientific Committee itself.

Information collected as the result of IWC sponsored activities and/or on a collaborative basis with other organisations, governments, institutions or individuals is available within those contributing bodies either immediately, or, after mutual agreement between the IWC and the relevant body/person, after a suitable time interval to allow 'first use' rights to the primary contributors.

- (b) Information collected under national programmes, or other than in (a).

Information in this category is likely to be provided by governments under special conditions and would hence be subject to some degree of restriction of access. This information can only be held under the following conditions:

<sup>7</sup>[The Government of Norway notes that for reasons of domestic legislation it is only able to agree that data it provides under this paragraph are made available to accredited persons.]

- (i) A minimum level of access should be that such data could be used by accredited persons during the Scientific Committee meetings using validated techniques or methods agreed by the Scientific Committee. After the meeting, at the request of the Scientific Committee, such data could be accessed by the Secretariat for use with previously specified techniques or validated programs. Information thus made available to accredited persons should not be passed on to third parties but governments might be asked to consider making such records more widely available or accessible.
- (ii) The restrictions should be specified at the time the information is provided and these should be the only restrictions.
- (iii) Restrictions on access should not discriminate amongst accredited persons.
- (iv) All information held should be documented (i.e. described) so that accredited persons know what is held, along with stated restrictions on the access to it and the procedures needed to obtain permission for access.

4. Accredited persons. Accredited persons are those scientists defined under sections A.1, 2, 3 and 6 of the Rules of Procedure of the Scientific Committee. Invited participants are also considered as 'accredited' during the intersessional period following the meeting which they attend.

## Appendix 5

### PROVISIONAL FINANCIAL STATEMENT 2011-2012

#### Income and Expenditure Account

Income	Approved Budget		Projected Out-turn	
	£	£	£	£
Contracting Government contributions		1,679,000		1,650,750
Interest on overdue financial contributions		0		9,100
Voluntary contributions		2,000		469,150
Sales of publications		15,000		15,000
Sales of sponsored publications		500		110
Observers' registration fees		51,500		51,400
UK taxes recoverable		26,300		26,200
Staff assessments		166,750		167,000
Interest receivable		3,000		3,000
Sundry income		0		500
		<u>1,944,050</u>		<u>2,392,210</u>
<b>Expenditure</b>				
Secretariat	1,105,500		1,085,430	
Publications	31,750		39,350	
Annual Meetings	383,000		384,030	
Other meetings	42,150		42,100	
Research expenditure	324,950		255,530	
Small cetaceans	1,050		174,200	
Southern Ocean Research Partnership	0		124,420	
Conservation Management Plan	0		2,810	
Operations	0		0	
Other work	0		68,770	
Grey whale tagging	0		392,140	
	<u>1,888,400</u>		<u>2,568,760</u>	
<b>Provisions</b>				
Unpaid interest and overdue contributions	59,700		62,330	
Severance Pay Provision	-27,000		11,410	
Provision for other doubtful debts	22,950		0	
		<u>1,944,050</u>		<u>2,642,500</u>
<b>Surplus/Deficit (-) for the year <i>before</i> transfers</b>		0		-250,290
Net Transfers to/(from) the Income and Expenditure Account				
Sponsored Publications Fund		(520)		7,480
Research Fund		(1,660)		(69,470)
Small Cetaceans Fund		(52)		109,510
Annual Meeting Fund		0		1,030
Southern Ocean Research Partnership		0		104,260
Conservation Management Plan		0		2,760
Operations Fund		0		0
Other Work Fund		0		11,730
Gray Whale Tagging Fund		0		64,800
<b>Surplus/Deficit (-) for the year <i>after</i> transfers</b>		<u>-2,230</u>		<u>-18,180</u>

## Appendix 6

## BUDGET OPTIONS

## OPTION ONE: ANNUAL MEETINGS. PROPOSED BUDGET FOR 2012-13 AND 2013-14

	Current Budget 2011-2012	Proposed Budget 2012-2013	Forecast Budget 2013-2014
<b>INCOME: continuing operations</b>			
Contributions from Member Governments	1,679,000	1,693,472	1,707,451
Interest on overdue financial contributions	0	8,000	8,000
Voluntary Contributions	-	-	-
Sales of publications	15,000	10,000	9,000
Sales of sponsored publications	500	300	300
Observers' registration fees	51,500	43,000	43,000
UK taxes recoverable	26,300	24,000	24,000
Staff assessments	166,750	175,463	180,727
Interest receivable	3,000	5,000	5,000
Sundry income	0	250	250
<b>Total Income</b>	<b>1,942,050</b>	<b>1,959,485</b>	<b>1,977,728</b>
<b>EXPENDITURE</b>			
Secretariat	1,105,500	1,103,935	1,124,178
Publications	31,750	15,600	11,600
Annual Meetings	383,000	374,500	374,500
Other meetings	42,150	42,150	42,150
Research expenditure	324,950	315,800	315,800
	<b>1,887,350</b>	<b>1,851,985</b>	<b>1,868,228</b>
<b>Provision made for:</b>			
Cancelled Financial Contributions	22,950	23,500	23,500
Severance Pay Provision	-27,000	24,000	26,000
Provision for doubtful debts	59,700	60,000	60,000
	<b>55,650</b>	<b>107,500</b>	<b>109,500</b>
Surplus / (-) deficit for the year	-950	0	0

## ANALYSIS OF EXPENDITURE

## SECRETARIAT

	2011-2012	2012-2013	2013-2014
Salaries, national insurance and allowances	722,900	747,109	769,492
Retirement and other benefit schemes	151,300	141,806	146,826
Travelling expenses	10,250	9,100	9,100
Office rent, heating and maintenance	102,300	102,460	112,460
Insurance	4,200	5,200	5,700
Postage and telecommunications	22,200	18,000	12,000
Office equipment and consumables	52,850	53,760	25,600
Professional fees	22,600	15,000	15,000
Training and recruitment	7,800	4,000	4,000
Photocopying	2,950	4,500	21,000
Sundry	6,150	3,000	3,000
	<b>1,105,500</b>	<b>1,103,935</b>	<b>1,124,178</b>

## PUBLICATIONS

Annual Report	7,650	2,500	2,500
Journal of Cetacean Research and Management	24,100	13,000	9,000
Sponsored publications	0	100	100
	<b>31,750</b>	<b>15,600</b>	<b>11,600</b>

	Current Budget 2011-2012	Proposed Budget 2012-2013	Forecast Budget 2013-2014
Operating Costs <sup>1</sup>	1,943,000	1,957,485	1,977,728
Operating Costs x 50% (Target Level)	971,500	979,743	988,864
General Fund	953,883	953,883	953,883
General Fund/Target Level (as a %)	98.2%	97.4%	96.5%

<sup>1</sup>Operating costs are calculated as total expenditure plus the cost of all provisions.

**OPTION TWO: BIENNIAL MEETINGS. PROPOSED BUDGET FOR 2012-14**

	Current Budget 2011-2012	Two Year Budget, Annual Invoicing 2012-2013      2013-2014	
<b>INCOME: continuing operations</b>			
Contributions from Member Governments	1,679,000	1,623,972	1,637,951
Interest on overdue financial contributions	0	8,000	8,000
Voluntary Contributions	-	-	-
Sales of publications	15,000	10,000	9,000
Sales of sponsored publications	500	300	300
Observers' registration fees	51,500	0	43,000
UK taxes recoverable	26,300	24,000	24,000
Staff assessments	166,750	175,463	180,727
Interest receivable	3,000	5,000	5,000
Sundry income	0	250	250
<b>Total Income</b>	<b>1,942,050</b>	<b>1,846,985</b>	<b>1,908,228</b>
<b>EXPENDITURE</b>			
Secretariat	1,105,500	1,103,935	1,124,178
Publications	31,750	15,600	11,600
Annual Meetings	383,000	262,000	305,000
Other meetings	42,150	42,150	42,150
Research expenditure	324,950	315,800	315,800
	<b>1,887,350</b>	<b>1,739,485</b>	<b>1,798,728</b>
<b>Provision made for:</b>			
Cancelled Financial Contributions	22,950	23,500	23,500
Severance Pay Provision	-27,000	24,000	26,000
Provision for doubtful debts	59,700	60,000	60,000
	<b>55,650</b>	<b>107,500</b>	<b>109,500</b>
Surplus / (-) deficit for the year	-950	0	0

**ANALYSIS OF EXPENDITURE****SECRETARIAT**

	2011-2012	2012-2013	2013-2014
Salaries, national insurance and allowances	722,900	747,109	769,492
Retirement and other benefit schemes	151,300	141,806	146,826
Travelling expenses	10,250	9,100	9,100
Office rent, heating and maintenance	102,300	102,460	112,460
Insurance	4,200	5,200	5,700
Postage and telecommunications	22,200	18,000	12,000
Office equipment and consumables	52,850	53,760	25,600
Professional fees	22,600	15,000	15,000
Training and recruitment	7,800	4,000	4,000
Photocopying	2,950	4,500	21,000
Sundry	6,150	3,000	3,000
	<b>1,105,500</b>	<b>1,103,935</b>	<b>1,124,178</b>

**PUBLICATIONS**

Annual Report	7,650	2,500	2,500
Journal of Cetacean Research and Management	24,100	13,000	9,000
Sponsored publications	0	100	100
	<b>31,750</b>	<b>15,600</b>	<b>11,600</b>

	Current Budget 2011-2012	Proposed Budget 2012-2013	Forecast Budget 2013-2014
Operating Costs <sup>2</sup>	1,943,000	1,957,485	1,977,728
Operating Costs x 50% (Target Level)	971,500	979,743	988,864
General Fund	953,883	953,883	953,883
General Fund /Target Level (as a %)	98.2%	97.4%	96.5%

<sup>1</sup>Operating costs are calculated as total expenditure plus the cost of all provisions.

**Appendix 7****SCIENTIFIC COMMITTEE'S RECOMMENDED BUDGET FOR THE 2012/2013 INTERSESSIONAL PERIOD**

**See Annex M of the Chair's Report.**

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**Appendix 8****CURRENT AND FUTURE MEMBERSHIP OF THE BUDGETARY SUB-COMMITTEE**

	Term of membership (years)	Current membership 2011-12	Future membership 2012-13	Future membership 2013-14
Group 1	3	Guinea (1) Guinea Bissau (1)	Guinea (2) Guinea Bissau (2)	Guinea (3) Guinea Bissau (3)
Group 2	3	San Marino (1) Russian Federation (1)	San Marino (2) Russian Federation (2)	San Marino (3) Russian Federation (3)
Group 3	3	Iceland (2) New Zealand (1)	Iceland (3) New Zealand (2)	Norway (1) New Zealand (3)
Group 4	3	UK (1) Japan USA	UK (2) Japan USA	UK (3) Japan USA
Open Seats	2	Vacant Vacant	Vacant Vacant	Vacant Vacant
Chair	3	Martin Krebs (1) (Switzerland)	Martin Krebs (2) (Switzerland)	Martin Krebs (3) (Switzerland)
Vice-Chair	3	Elizabeth Phelps (1) (USA)	Elizabeth Phelps (2) (USA)	Elizabeth Phelps (3) (USA)

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## Annex K

# Report of the Working Group on the Role of Observers at Meetings of the Commission

Wednesday 27 June 2012, Panamá City, Republic of Panama

### 1. INTRODUCTORY ITEMS

The list of participants is given as Appendix 1.

#### 1.1 Appointment of Chair

Donna Petrachenko (Australia) was appointed Chair.

#### 1.2 Appointment of Rapporteur

Simon Brockington (Secretariat) was appointed rapporteur.

#### 1.3 Review of documents

The list of documents is given as Appendix 2.

#### 1.4. Adoption of Agenda

The Chair noted that Resolution 2011-1 *inter alia* requested the Secretary to convene a working group of Contracting Governments and observers immediately prior to IWC/64 to consider the role of observers at meetings of the Commission based on experience gained in that regard at IWC/63 in 2011.

The adopted Agenda is given as Appendix 3.

### 2. ROLE OF OBSERVERS AT MEETINGS OF THE COMMISSION

#### 2.1 Summary of recent Commission developments regarding the role of Observers

The Secretary introduced IWC/64/OBS3 which summarised the development of the Commission's procedures relating to the role of observers from 2004 onwards. Between 2004 and 2007 the Commission discussed and implemented changes to its procedures relating to the criteria for accreditation, the number of individuals per organisation allowed to access meeting rooms and also the fee structure and level applied to NGO observer groups. These resulted in an elimination of the requirement for NGOs to maintain international offices, a relaxation of the restriction allowing only a single observer into the meeting room at any one time and a more equitable fee structure.

From 2008-10 the involvement of civil society organisations was discussed as part of the Future of the IWC process. During these years speaking rights for NGO observers were introduced in the form of a dedicated 30 minute 'NGO Session' during which six organisations comprising three from each side of the debate addressed the plenary meeting. These interventions were captured in the Chair's reports from the 61<sup>st</sup> and 62<sup>nd</sup> Annual Meetings in 2009 and 2010.

In 2011 the procedures surrounding the NGO session were further developed so as to allow six speakers (again comprising three from each side of the debate) a total of 30 minutes of interventions spread over three specific agenda items.

IWC/64/OBS3 noted that at IWC/63 in 2011 a number of Contracting Governments had suggested that a review of NGO speaking procedures was appropriate following on from the introduction of the trial in 2008. The issues with the 2008 trial included: (1) observers did not speak to a specific agenda item, and hence interventions lacked structure; (2) because of the absence of an agenda item for NGO interventions Contracting Governments were not easily able to respond; and (3) on occasions, the number of groups speaking from each side of the debate was unequal. IWC/64/OBS3 also proposed some possible solutions to these issues.

#### 2.2 Working group discussion and recommendations

There was an extensive and wide ranging discussion within the group to which several observer organisations contributed. At the end of discussions there was consensus that the Observer Working Group would make the following recommendations to the Finance and Administration Committee:

The thirty minute period for hearing NGO spoken interventions was **recommended** as a base time allowance for IWC/64. Furthermore the group recognised that the Chair would need to exercise discretion so as to allow the debate to flow smoothly, and therefore the group **recommended** that the NGO interventions would be specific to subjects that would be identified in advance through discussions between the Chair and NGOs. The group also **recommended** that the Chair should work to find a balance of representation in the NGO interventions, and recognised that this representation would need to consider both thematic and geographical contexts.

In recognition of a request made by the host government, the group also **recommended** that some flexibility be allowed in the implementation of the above proposal for involvement of NGOs. In particular, the group **recommended** that the 30-minute allowance should be considered as a minimum which could be slightly expanded upon as the meeting moves forward within the overall time allowance for the meeting as the Chair sees fit.

### 3. ADOPTION OF REPORT

The report was adopted 'by post' at 20:00 on 1 July 2012.



**Appendix 1****LIST OF PARTICIPANTS****ARGENTINA**

Victor Marzari  
Miguel Iníguez

**AUSTRALIA**

Pam Eiser  
Stephanie Ierino  
Chris Schweitzer  
Victoria Wadley  
Alexia Wellbelove

**AUSTRIA**

Andrea Nouak

**DENMARK**

Gitte Hundahl

**CHILE**

Barbara Galletti

**DOMINICAN REPUBLIC**

Peter Sanchez

**COSTA RICA**

Eugenia Arguedas  
Ricardo Meneses

**DENMARK**

Øle Samsing  
Amalie Jessen  
Nette Levermann

**ECUADOR**

Gustavo Iturralde  
Jorge Samaniego

**GERMANY**

Karl-Hermann Kock  
Lutz Friedrichsen

**GHANA**

Mike Akyeampong

**ICELAND**

Ásta Einarsdottir

**JAPAN**

Akima Umezawa  
Akiko Muramoto  
Takaaki Sakamoto

**NETHERLANDS**

Peter Bos

**NORWAY**

Einar Tallaksen  
Hild Ynnessdal

**MEXICO**

Lorenzo Rojas-Bracho  
Yolanda Alaniz

**PANAMA**

Tomas Guardia

**NORWAY**

Kathrine Ryeng  
Truls Soløy

**SOUTH AFRICA**

Herman Oosthuizen  
Ed Couzens

**SWEDEN**

Bo Fernholm

**UK**

Nigel Gooding  
Jennifer Lonsdale  
Anju Sharda  
Mark Simmonds  
Jolyon Thomson

**USA**

Melissa Andersen  
Doug DeMaster  
Roger Eckert  
Brian Gruber  
Peter Jones  
Lisa Phelps  
Allison Reed  
Jonathan Scordino  
Ryan Wulff

**SECRETARIAT**

Simon Brockington

**NGO ORGANISATIONS****PRESENT:****Animal Welfare Institute**

DJ Schubert  
Kate O'Connell

**Centro de Conservacion Cetacea**

Jose Truda Palazzo  
Elsa Cabrera  
Javier Figueroa

**ECCEA**

Marlon Mills  
Paul Elliot Lewis

**Environmental Investigation Agency**

Clare Perry

**Fluke Foundation**

Mary Whitney

**Fundación Cethus**

Marta Hevia

**Greenpeace**

John Frizell

**Humane Society International**

Kitty Block  
Grettel Delgadillo

**Instituto de Conservación de Ballenas**

Roxana Schteinbarg

**Natural Resources Defense Council**

Taryn Kiekow

**Society for the Conservation of Marine Mammals**

Birgith Sloth

**Windstar**

Nancy Azzam

**WDCS**

Vanesa Tossenberger  
Carolina Cassani  
Laura Doebring

**WWF International**

Aimee Leslie

**Appendix 2****LIST OF DOCUMENTS****IWC/64/OBS**

1. Draft Agenda
  2. List of Documents
  3. Summary of the Recent Development of Commission Procedures Regarding the Role of NGO Observers
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**Appendix 3****AGENDA**

- |  |  |
|--|--|
| <ol style="list-style-type: none"><li>1. Introductory items<ol style="list-style-type: none"><li>(a) Appointment of Chair</li><li>(b) Appointment of Rapporteurs</li><li>(c) Review of documents</li></ol></li><li>2. Adoption of Agenda</li></ol> | <ol style="list-style-type: none"><li>3. Role of Observers at meetings of the Commission<ol style="list-style-type: none"><li>(a) Summary of recent Commission developments regarding the role of Observers</li><li>(b) Working group discussion and recommendations</li></ol></li><li>4. Adoption of Report</li></ol> |
|--|--|
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## Annex L

### Approved Budget for 2012/13 and Forecast Budget for 2013/2014

#### Income and Expenditure Account

	Proposed Budget, 2012-2013		Forecast Budget, 2013-2014	
	£	£	£	£
<b>INCOME: continuing operations</b>				
Contributions from Member Governments		1,623,972		1,637,951
Interest on overdue financial contributions		8,000		8,000
Voluntary Contributions		-		-
Sales of publications		10,000		9,000
Sales of sponsored publications		300		300
Observers' registration fees		0		43,000
UK taxes recoverable		24,000		24,000
Staff assessments		175,463		180,727
Interest receivable		5,000		5,000
Sundry income		250		250
<b>Total Income</b>		1,846,985		1,908,228
<b>EXPENDITURE</b>				
Secretariat	1,103,935		1,124,178	
Publications	15,600		11,600	
Annual Meetings	262,000		305,000	
Other meetings	42,150		42,150	
Research expenditure	315,800		315,800	
	1,739,485		1,798,728	
<b>Provision made for:</b>				
Cancelled Financial Contributions	23,500		23,500	
Severance Pay Provision	24,000		26,000	
Provision for doubtful debts	60,000		60,000	
	107,500		109,500	
Surplus / (-) deficit for the year		0		0
<b>ANALYSIS OF EXPENDITURE</b>				
<b>SECRETARIAT</b>				
Salaries, national insurance and allowances	747,109		769,492	
Retirement and other benefit schemes	141,806		146,826	
Travelling expenses	9,100		9,100	
Office rent, heating and maintenance	102,460		112,460	
Insurance	5,200		5,700	
Postage and telecommunications	18,000		12,000	
Office equipment and consumables	53,760		25,600	
Professional fees	15,000		15,000	
Training and recruitment	4,000		4,000	
Photocopying	4,500		21,000	
Sundry	3,000		3,000	
	1,103,935		1,124,178	
<b>PUBLICATIONS</b>				
Annual Report	2,500		2,500	
<i>Journal of Cetacean Research and Management</i>	13,000		9,000	
Sponsored publications	100		100	
	15,600		11,600	
Operating costs	1,957,485		1,977,728	
Operating costs x 50% (target level)	979,743		988,864	
General Fund	953,883		953,883	
General Fund/target level (as a %)	97.4%		96.5%	

## Annex M

### Approved Research Budget for 2012/2013

Title	Approved Budget (£)
(1) Development of an operating model for West Greenland humpback and bowhead whales	5,000
(2) Workshop on development of <i>SLAs</i> for Greenlandic hunts	8,000
(3) AWMP developers funds	3,000
(4) Ship Strike Database coordinator	8,000
(5) Right whale survey off South Africa	21,730
(6) Genomic diversity and phylogenetic relationships among right whales	0
(7) Photographic matching of gray whales	9,000
(8) Contribution to the preparation of the State of the Cetacean Environment Report (SOCER)	3,000
(9) Pre-meeting Workshop on Assessing the Impacts of Marine Debris	20,500
(10) Develop simulations of Southern Hemisphere minke line transect data	5,000
(11) IWC-POWER cruise for summer 2013	60,754
(12) Preparation for the application of the statistical catch-at-age assessment method for Southern Hemisphere minke whales	4,000
(13) 'Second' intersessional Workshop on the <i>Implementation Review</i> for WNP common minke whales	18,500
(14) Essential computing for RMP/NPM and AWMP	25,000
(15) MSYR Review Workshop	5,000
(16) Review and guidelines for model-based and design-based line transect abundance estimates	5,000
(17) Modelling of Southern Hemisphere humpback whale populations	3,000
(18) Antarctic Humpback Whale Catalogue	13,000
(19) Photo matching of Antarctic blue whales	3,000
(20) Southern Hemisphere Blue Whale Catalogue 2012/13	3,000
(21) Expert workshop for final review of Iceland's Special Permit programme on common minke whales	24,000
(22) Whalewatching guidelines and operator training in Oman	3,500
(23) Invited Participants (IP's) funds	64,000
<b>TOTAL</b>	<b>314,984</b>

\*Note that in addition, there are budget requests for two additional separate funds (Small Cetaceans and SORP).

## Annex N

### Amendments to the Schedule Adopted at the 64<sup>th</sup> Annual Meeting

At the 64<sup>th</sup> Annual Meeting of the International Whaling Commission held in Panama City, Panama from 2-6 July 2012, no modifications were made to provisions for zero catch limits for commercial whaling with effect from the 1986 coastal and 1985/86 pelagic seasons.

The following amendments to the Schedule of the International Convention for the Regulation of Whaling are necessary (changes in *bold italics* type):

*Paragraphs 11 and 12, and Tables 1, 2 and 3:*

- Substitute the dates 2011/12 pelagic season and 2012 coastal season for **2012/13** pelagic season and **2013** coastal season as appropriate.

In addition, at IWC/64, the Commission agreed by three-fourths majority vote a proposal to amend the Schedule to establish Aboriginal Subsistence Whaling catch limits for bowhead whales from the Bering-Chukchi-Beaufort Seas, for gray whales from the Eastern stock in the North Pacific and for humpback whales around St. Vincent and The Grenadines.

These changes are shown in paragraphs 13.(b)(1)(i), 13.(b)(2)(i) and 13.(b)(4) respectively of the Schedule.

Paragraphs 13(b)(1), (2) and (4) of the Schedule are amended to read:

13...

- (b) Catch limits for aboriginal subsistence whaling are as follows:
- (1) The taking of bowhead whales from the Bering-Chukchi-Beaufort Seas stock by aborigines is permitted, but only when the meat and products of such whales are to be used exclusively for local consumption by the aborigines and further provided that:
    - (i) For the years **2013, 2014, 2015, 2016, 2017 and 2018**, the number of bowhead whales landed shall not exceed **336**. For each of these years the number of bowhead whales struck shall not exceed 67, except that any unused portion of a strike quota from any year (including 15 unused strikes from the **2008-2012** quota) shall be carried forward and added to the strike quotas of any subsequent years, provided that no more than 15 strikes shall be added to the strike quota for any one year.
    - (ii) This provision shall be reviewed annually by the Commission in light of the advice of the Scientific Committee.
  - (2) The taking of gray whales from the Eastern stock in the North Pacific is permitted, but only by aborigines or a Contracting Government on behalf of aborigines, and then only when the meat and products of such whales are to be used exclusively for local consumption by the aborigines.
    - (i) For the years **2013, 2014, 2015, 2016, 2017 and 2018**, the number of gray whales taken in accordance with this sub-paragraph shall not exceed **744**, provided that the number of gray whales taken in any one of the years **2013, 2014, 2015, 2016, 2017 and 2018** shall not exceed 140.
    - (ii) This provision shall be reviewed annually by the Commission in light of the advice of the Scientific Committee.
  - (4) For the seasons **2013-2018** the number of humpback whales to be taken by the Bequians of St. Vincent and The Grenadines shall not exceed **24**. The meat and products of such whales are to be used exclusively for local consumption in St. Vincent and The Grenadines.
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**Financial Statements**  
**for the**  
**Year ended 31 August 2012**



# Financial Statement for the year ended 31 August 2012

## Statement of the Secretary's Responsibilities

The financial responsibilities of the Secretary to the Commission are set out in its Rules of Procedure and Financial Regulations. Fulfilment of those responsibilities requires the Secretary to prepare financial statements for each financial year which set out the state of affairs of the Commission as at the end of the financial year and the surplus or deficit of the Commission for that period. In preparing those financial statements, the Secretary should:

- Select suitable accounting policies and then apply them consistently;
- Make judgements and estimates that are reasonable and prudent;

- Prepare the financial statements on the going concern basis unless it is inappropriate to presume that the Commission will continue in operation.

The Secretary is responsible for keeping adequate accounting records which disclose with reasonable accuracy at any time the financial position of the Commission. The Secretary is also responsible for safeguarding the assets of the Commission and hence for taking reasonable steps for the prevention and detection of fraud and other irregularities.

## Independent Auditors' Report to the Commission

We have audited the financial statements of the International Whaling Commission for the year ended 31 August 2012 which comprise the accounting policies, the income and expenditure account, the analysis of expenditure, the balance sheet and the related notes on the following pages. These financial statements have been prepared under the accounting policies set out therein. This report is made solely to the Commission. Our audit work has been undertaken so that we might state to the Commission those matters we are required to state to them in an auditors' report and for no other purpose. To the fullest extent permitted by law, we do not accept or assume responsibility to anyone other than the Commission for our audit work, for this report, or for the opinions we have formed.

### Respective Responsibilities of the Secretary and Auditors

As described in the statement of the Secretary's responsibilities, the Secretary is responsible for the preparation of financial statements.

Neither statute nor the Commission has prescribed that the financial statements should give a true and fair view of the Commission's state of affairs at the end of each year within the specialised meaning of that expression in relation to financial statements. This recognised terminology signifies in accounting terms that statements are generally accepted as true and fair only if they comply in all material aspects with accepted accounting principles. These are embodied in accounting standards issued by the Accounting Standards Board. The Commission has adopted certain accounting policies which represent departures from accounting standards:

- fixed assets are not capitalised within the Commission's accounts. Instead fixed assets are charged to the income and expenditure account in the year of acquisition. Hence, the residual values of the furniture, fixtures and fittings and equipment are not reflected in the accounts;
- publications stocks are charged to the income and expenditure account in the year of acquisition and their year end valuation is not reflected in the accounts;
- provision is made for the severance pay which would be payable should the Commission cease to function.

This is permissible as the financial statements are not required to give a true and fair view.

It is our responsibility to form an independent opinion, based on our audit, on those statements and to report our opinion to you. We also report if the Commission has not kept proper accounting records or if we have not received all the information and explanations we require for our audit.

### Anthony Wright (Senior Statutory Auditor)

For and on behalf of Edwards Chartered Accountants

15 Station Road, St Ives, Cambridgeshire, PE27 5BH

1<sup>st</sup> March 2013

### Accounting Policies - Year Ended 31 August 2012

The accounting policies adopted by the Commission in the preparation of these financial statements are as set out below. The departures from generally accepted accounting practice are considered not to be significant for the reasons stated.

#### Convention

These accounts are prepared under the historical cost convention (i.e. assets and liabilities are stated at cost and not re-valued).

#### Fixed Assets

The full cost of furniture and equipment is written off in the income and expenditure account in the year in which it is incurred. The total cost of equipment owned by the Commission amounts to £152,645 and its realisable value is not considered to be significant. Proposed expenditure on new items is included in budgets and raised by contributions for the year.

#### Publications

The full cost of printing publications is written off in the year. No account is taken of stocks which remain unsold at the balance sheet date. Most sales occur shortly after publication and so stock levels held are mainly made up of old unsold stock which is unlikely to result in many sales, consequently their net realisable value is not significant.

#### Severance Pay Provision

The Commission provides for an indemnity to members of staff in the event of their appointment being terminated on the abolition of their posts. The

### Basis of Opinion

We conducted our audit in accordance with International Auditing Standards issued by the Auditing Practices Board. An audit includes examination, on a test basis, of evidence relevant to the amounts and disclosures in the financial statements. It also includes an assessment of the significant estimates and judgements made by the Secretary in the preparation of the financial statements, and of whether the accounting policies are appropriate to the Commission's circumstances, consistently applied and adequately disclosed.

We planned and performed our audit so as to obtain all the information and explanations which we considered necessary in order to provide us with sufficient evidence to give reasonable assurance that the financial statements are free from material misstatement whether caused by fraud or other irregularity or error. In forming our opinion, we also evaluated the overall adequacy of the presentation of information in the financial statements.

### Added Emphasis

In forming our opinion we have taken account of the absence of a requirement for the financial statements to give a true and fair view as described above.

### Opinion

In our opinion the financial statements have been properly prepared in accordance with the accounting policies and present a proper record of the transactions of the Commission for the year ended 31 August 2012.

indemnity varies according to length of service and therefore an annual provision is made to bring the total provision up to the maximum liability. This liability is calculated after adjusting for staff assessments since they would not form part of the Commission's liability.

### Interest on Overdue Contributions

Interest is included in the income and expenditure account on the accruals basis and provision is made where its recoverability is in doubt.

### Leases

The costs of operating leases are charged to the income and expenditure account as they fall due for payment.

### Foreign Exchange

Transactions dominated in foreign currencies are translated into sterling at the rate ruling at the date of the transaction. Monetary assets and liabilities denominated in foreign currencies at the balance sheet date are translated at the rate ruling at that date. These translation differences are dealt with in the income and expenditure account.

### Retirement Benefits Scheme

The Commission operates a defined contribution retirement benefits scheme. The costs represent the amount of the Commission's contributions payable to the scheme in respect of the accounting period.



**Income and Expenditure Account (Year Ended 31 August 2012)**

	[Note]	2012		2011	
		£	£	£	£
<b>INCOME: continuing operations</b>					
Contributions from member governments	[App 1]		1,638,254		1,608,610
Interest on overdue financial contributions			9,478		8,082
Voluntary contributions for all Funds	[App 2]		297,923		330,620
Sales of publications			1,962		10,772
Sales of sponsored publications			1,780		307
Observers' registration fees			46,165		40,739
UK taxes recoverable			23,798		24,361
Staff assessments			170,450		173,854
Interest receivable			1,716		4,760
Sundry income			546		385
			<u>2,192,073</u>		<u>2,202,490</u>
<b>Expenditure</b>					
Secretariat	[1]	1,044,249		1,074,350	
Publications	[2]	28,440		18,661	
Annual Meetings		401,650		531,129	
Other meetings		40,871		35,934	
Research expenditure	[3]	239,753		250,581	
Small cetaceans	[4]	178,591		34,267	
Southern Ocean Research Partnership (voluntary fund)	[5]	113,124		23,562	
Conservation Management Plan fund	[6]	5,386		-	
Operations (voluntary fund)		-		-	
IWC - other work fund	[7]	103,727		37,109	
Gray whale tagging (voluntary fund)	[8]	253,030		282,704	
			<u>2,408,821</u>		<u>2,288,297</u>
<b>Provisions made for:</b>					
Unpaid contributions		30,674		80,045	
Unpaid interest on overdue contributions		9,478		3,427	
Severance pay	[19]	10,800		(32,000)	
Other doubtful debts		(5,879)		(1,578)	
			<u>2,453,894</u>		<u>2,338,191</u>
<b>(Deficit)/surplus for the year before transfers</b>			<u>(261,821)</u>		<u>(135,701)</u>
<b>Net transfers to/(from) Income and Expenditure Account</b>					
Publications fund	[9]	(1,791)		(322)	
Research fund	[10]	(91,566)		(72,629)	
Small cetaceans fund	[11]	110,376		19,885	
Annual Meeting fund	[12]	18,650		(4,094)	
Southern Ocean Research Partnership fund	[13]	76,926		23,412	
Conservation Management Plan fund	[14]	5,296		(153)	
Operations fund	[15]	24,887		-	
IWC - other work fund	[16]	3,312		3,518	
Gray whale tagging fund	[17]	141,123		167,903	
			<u>287,212</u>		<u>137,520</u>
<b>Surplus/(deficit) for the year after transfers</b>			<u>25,391</u>		<u>1,819</u>

There are no recognised gains or losses for the current financial year and the preceding financial year other than as stated in the income and expenditure account.

## Analysis of Expenditure (Year Ended 31 August 2012)

	2012 £	2011 £
<b>1 SECRETARIAT</b>		
Salaries, national insurance and allowances	693,047	721,165
Retirement and other benefit schemes	154,104	153,686
Travelling expenses	3,928	7,130
Office rent, heating and maintenance	91,825	97,501
Insurance	5,361	5,316
Postage and telecommunications	19,844	17,680
Office equipment and consumables	50,282	51,778
Professional fees	17,150	13,041
Training and recruitment	3,918	1,570
Photocopying	3,150	2,702
Sundry	1,640	2,781
	<u>1,044,249</u>	<u>1,074,350</u>
<b>2 PUBLICATIONS</b>		
Annual Report	9,922	5,700
Journal of Cetacean Research and Management	18,518	12,961
	<u>28,440</u>	<u>18,661</u>
<b>3 RESEARCH</b>		
Invited Participants	70,395	48,096
Contract 14 analysis support (DESS)	-	9,720
IA - Abundance estimation Antarctic minke whales using SOWER data	10,470	10,875
WNP minke whales: Workshop.	13,405	25,188
IA - Integrated model analysis	-	2,000
Preparation re: survey issues relative to changes in minke whale abundance estimates between CPU and CPIII	4,000	-
IA - Investigate sea ice and Antarctic minke whale abundance	-	5,000
IA - Statistical catch-at-age estimation for Antarctic minke whales	2,386	2,500
SH - Humpback whales: Antarctic humpback whale catalogue	-	10,013
SH - Humpback whales: abundance in Oceania	-	2,902
SH - Blue whale photo-id catalogue	10,000	18,800
Pre-meeting: Marine Renewable Energy Developments and Cetaceans	7,185	-
IWC global ship strike database	3,520	9,664
SOCER (State of the Cetacean Environment Report)	3,000	3,000
BC - Develop online database for Progress Reports	-	1,143
E - Risk assess impact of pollutants on cetacean populations	19,150	38,350
AWMP - fund for developers	-	4,244
AWMP - genetic simulation studies	3,500	-
Workshop on Greenland hunts	7,721	9,555
SH - Humpback whales: assessment model development	3,000	2,851
SH - Humpback whales: mixing analyses	-	7,000
IA - development support	-	3,000
2009/10 SOWER cruise and 2011 North Pacific planning	-	2,055
Past cruise analysis and future cruise expenses	19,625	17,993
Catch data	693	-
RMP (SC) Intersessional	1,085	-
RMP - Investigate DNA/allozyme anomalies	1,000	-
RMP - Analysis of calving rates for use in MSYR review	-	7,000
RMP computing support	23,935	4,637
BRG - Southern Ocean right whale photo-id catalogue	-	3,800
Southern Right Whale Assessment Workshop	19,546	-
Pacific wide study on population structure and movement patterns	6,200	-
Intersessional Workshop - Guidelines for the analysis of population genetic data and genetic data quality control	3,538	-
WW - Data compilation and power analyses for LaWE	4,000	-
Other including exchange differences	2,400	1,195
	<u>239,753</u>	<u>250,581</u>
<b>4 SMALL CETACEANS</b>		
SM - Invited Participants	4,294	6,669
Franciscana abundance estimate	23,246	17,129
Climate Change Workshop, Vienna, 2010	-	10,419
Conservation solutions for the Yangtze finless porpoise (Turvey; 1 year; £33,600)	25,200	-
Conservation of coastal Indo-Pacific humpback and bottlenose dolphins on the west of Madagascar (Cerchio; 3 years; £33,900)	11,206	-
Abundance and distribution of the Atlantic humpback dolphin in Gabon and Congo (Collins; 1 year; £27,900)	20,944	-
Investigation population ID Indo-Pacific humpback in the Bay of Bengal, Bangladesh (Smith; 2 years; £31,700)	15,869	-

Cont.

	2012 £	2011 £
<b>4 SMALL CETACEANS cont.</b>		
Photo-ID of east Taiwan Strait population of Indo-Pacific humpback dolphins ( <i>Sousa chinensis</i> ) (Wang; 2 years; £32,500)	16,271	-
Assess genetics and demography - dolphins taken in traditional drive-hunt in the Solomon Islands	21,212	-
Assess threat re: coastal cetacean populations in Sarawak, Malaysia (Minton; 1 year; £20,440)	15,350	-
Assess alternative fishing gears to avoid bycatch of vaquita in the Upper Gulf of California, Mexico (1 year; £33,270)	24,952	-
Other including exchange differences	47	50
	<u>178,591</u>	<u>34,267</u>
<b>5 SOUTHERN OCEAN RESEARCH PARTNERSHIP (SORP)</b>		
Interactions between baleen whales and krill in the Antarctic (Nicols)	-	11,269
Killer whale distribution, abundance and migration in the Antarctic area (Pitman)	-	5,344
Killer whale distribution, abundance and migration in the Antarctic area (Guinet)	-	2,715
Killer whale distribution, abundance and migration in the Antarctic area (Dalla Rosa)	-	2,734
Foraging ecology and predator-prey interactions/baleen whales and krill: study across Antarctic (part 2 – Coordinator’s salary) (Friedlaender)	3,769	-
Assess migration and mixing of SH humpback whales around Antarctica. (part 2 – Coordinator’s salary) (Constantine and Segegin)	15,026	-
Study distribution, abundance, migration and foraging ecology of 3 ecotypes of killer whales in Antarctica (part 2 – Coordinator’s salary) (Pitman)	1,794	-
Study distribution, abundance, migration and foraging ecology of 3 ecotypes of killer whales in Antarctica (Guinet and Tixier)	915	-
Foraging ecology and predator-prey interactions/baleen whales and krill: study across Antarctica (part 2 – coordinator’s salary) (Friedlaender)	8,794	-
Study distribution, abundance, migration and foraging ecology of 3 ecotypes of killer whales in Antarctica (part 2 – coordinator’s salary) (Pitman)	5,888	-
Study distribution, relative abundance, migration patterns and foraging ecology of 3 ecotypes of killer whales in Antarctic and adjacent waters (part 2 – coordinator’s salary) (Dalla Rosa)	3,129	-
Living whales in the Southern Ocean: Workshop on methods for non-lethal cetacean research (coordinator’s salary) (Galetti)	5,257	-
Acoustic trends in abundance, distribution, and seasonal presence of blue and fin whales in the Southern Ocean: data analysis (for analysis salary) (Adams)	1,890	-
Acoustic trends in abundance, distribution, and seasonal presence of blue and fin whales in the Southern Ocean: data analysis (for analysis salary) (Mussolini and Shulman)	7,413	-
Acoustic trends in abundance, distribution, and seasonal presence of blue and fin whales in the Southern Ocean (coordinator and analysis salary) (Stafford)	10,894	-
Acoustic trends in abundance, distribution, and seasonal presence of blue and fin whales in the Southern Ocean (£7,800; steering group meeting) (£8,125; coordinator and salary for analysis) (Samaran)	11,959	-
Living Whales Symposium, Chile, March 2012 (SORP funded)	36,396	-
SORP Invited Participants	-	1,500
	<u>113,124</u>	<u>23,562</u>
<b>6 CONSERVATION MANAGEMENT PLAN</b>		
CMP expenditure (VC funded)	5,386	-
	<u>5,386</u>	-
<b>7 IWC - OTHER WORK FUND</b>		
GFR unspecified expenditure voluntary contributions	20,994	-
Whalewatching Workshop - Argentina	10,479	17,621
Ship strikes - IWC-ACCOBANS - joint workshop + database	-	18,158
Entanglement Workshop - Hawaii	-	1,330
Fund raising expenses - conservation	19,395	-
Reduction of conflict/cetaceans and ships etc./2 <sup>nd</sup> entanglement Workshop	40,758	-
North Pacific gray whale <i>Implementation Review</i>	9,757	-
WGW photo-catalogue (Calambokidis) sf VC6.2+VC14.2->VC30	2,345	-
	<u>103,727</u>	<u>37,109</u>
<b>8 GRAY WHALE TAGGING</b>		
GWT Expenditure (VC funded)	251,434	282,704
Other including exchange differences	1,596	-
	<u>253,030</u>	<u>282,704</u>

## Balance Sheet as at 31 August 2012

	[Note]	£	2012 £	£	2011 £
<b>Cash on short term deposit</b>					
General fund		1,448,610		1,630,279	
Southern Ocean Research Partnership (Voluntary fund)		149,116		232,342	
Conservation Management Plan (Voluntary fund)		240,637		244,636	
IWC - other work fund		18,759		18,806	
Research fund		456,011		214,338	
Publications fund		21,914		29,497	
Small cetaceans fund		130,878		263,125	
			2,465,925		2,633,023
<b>Cash at bank on current account</b>					
Annual Meeting fund		18,013		2,049	
IWC - other work fund		1,000		1,000	
Research fund		1,000		1,000	
Publications fund		1,000		1,000	
Small cetaceans fund		1,000		1,500	
Cash in hand		346		133	
			22,359		6,682
			2,488,283		2,639,705
<b>Outstanding contributions from members including interest</b>					
		503,412		489,101	
Less provision for doubtful debts		(502,889)		(462,736)	
			523		26,365
<b>Other debtors and prepayments</b>					
		49,603		86,676	
Less provision for other doubtful debts		-		(5,879)	
			49,603		80,797
			2,538,409		2,746,867
<b>CREDITORS:</b>					
Amounts falling due within one year	[20]		(180,381)		(137,818)
<b>NET CURRENT ASSETS</b>					
			2,358,028		2,609,049
<b>PROVISION FOR SEVERANCE PAY</b>					
	[19]		(363,900)		(353,100)
			1,994,128		2,255,949
<b>FINANCED BY</b>					
Publications fund	[9]		41,086		39,295
Research fund	[10]		381,785		290,219
Small cetaceans fund	[11]		130,262		240,638
Annual Meeting fund	[12]		(14,556)		4,094
Southern Ocean Research Partnership fund	[13]		128,926		205,852
Conservation Management Plan fund	[14]		239,362		244,658
Operations fund	[15]		23,288		48,175
IWC - other work fund	[16]		91,790		95,102
Gray whale tagging fund	[17]		(7,090)		134,033
General fund	[18]		979,274		953,883
	[21]		1,994,128		2,255,949

Approved on behalf of the Commission  
**Simon Brockington** (Secretary)  
Dated: 1 March 2013

## Notes to the Accounts (Year Ended 31 August 2012)

	2012	2011		2012	2011
	£	£		£	£
<b>9 Publications fund</b>			<b>15 Operations fund</b>		
Interest receivable	11	15	Allocation for other work	(24,887)	-
Receipts from sales of sponsored publications	1,780	307	Net transfers (to)/from income and expenditure account	(24,887)	-
Net transfers (to)/from income and expenditure account	1,791	322	Opening balance as at 01 September 2011	48,175	48,175
Opening balance as at 01 September 2011	39,295	38,973	Closing balance as at 31 August 2012	23,288	48,175
Closing balance as at 31 August 2012	41,086	39,295			
<b>10 Research fund</b>			<b>16 IWC - other work fund</b>		
Allocation for research	324,950	315,800	Voluntary contributions received	91,531	33,589
Voluntary contributions received	6,216	7,257	Interest receivable	(2)	2
Interest receivable	153	153	Expenditure	(103,727)	(37,109)
Expenditure	(239,753)	(250,581)	Allocation for research	(16,000)	-
Net transfers (to)/from income and expenditure account	91,566	72,629	Allocation for other work	24,887	-
Opening balance as at 01 September 2011	290,219	217,590	Net transfers (to)/from income and expenditure account	(3,312)	(3,518)
Closing balance as at 31 August 2012	381,785	290,219	Opening balance as at 01 September 2011	95,102	98,620
			Closing balance as at 31 August 2012	91,790	95,102
<b>11 Small cetaceans fund</b>			<b>17 Gray whale tagging fund</b>		
Voluntary contributions received	68,141	14,251	Voluntary contributions received	111,908	114,801
Interest receivable	73	131	Expenditure	(253,030)	(282,704)
Expenditure	(178,591)	(34,267)	Net transfers (to)/from income and expenditure account	(141,123)	(167,903)
Net transfers (to)/from income and expenditure account	(110,376)	(19,885)	Opening balance as at 01 September 2011	134,033	301,936
Opening balance as at 01 September 2011	240,638	260,523	Closing balance as at 31 August 2012	(7,090)	134,033
Closing balance as at 31 August 2012	130,262	240,638			
<b>12 Annual Meeting fund</b>			<b>18 General fund</b>		
Allocation for meetings	383,000	374,500	Opening balance as at 01 September 2011	953,883	952,064
Voluntary contributions received	-	160,723	Net transfers (to)/from income and expenditure account	25,391	1,819
Expenditure	(401,650)	(531,129)	Closing balance as at 31 August 2012	979,274	953,883
Net transfers (to)/from income and expenditure account	(18,650)	4,094			
Opening balance as at 01 September 2011	4,094	-	<b>19 Provision for severance pay</b>		
Closing balance as at 31 August 2012	(14,556)	4,094	Opening balance as at 01 September 2011	(353,100)	(385,100)
			Net transfers (to)/from income and expenditure account	(10,800)	32,000
<b>13 Southern Ocean Research Partnership fund</b>			Closing balance as at 31 August 2012	(363,900)	(353,100)
Allocation for research	16,000	-	<b>20 Creditors: amounts falling due within one year</b>		
Voluntary contributions received	20,127	-	Deferred contributions income	115,382	92,867
Interest receivable	71	150	Other creditors and accruals	64,999	44,951
Expenditure	(113,124)	(23,562)	Closing balance as at 31 August 2012	180,381	137,818
Net transfers (to)/from income and expenditure account	(76,926)	(23,412)			
Opening balance as at 01 September 2011	205,852	229,264	<b>21 Reconciliation of movement in funds</b>		
Closing balance as at 31 August 2012	128,926	205,852	Excess (surplus) of expenditure over income	(261,821)	(135,701)
			Opening funds	2,255,949	2,391,650
<b>14 Conservation Management Plan fund</b>			Closing funds	1,994,128	2,255,949
Interest receivable	91	153			
Expenditure	(5,386)	-			
Net transfers (to)/from income and expenditure account	(5,296)	153			
Opening balance as at 01 September 2011	244,658	244,505			
Closing balance as at 31 August 2012	239,362	244,658			

**22 Financial commitments**

The Commission had annual commitments at 31 August 2012 under non-cancellable operating leases as set out below and which expire:

	2012		2011	
	Land and buildings	Office equipment	Land and buildings	Office equipment
	£	£	£	£
Within 2 to 5 years	60,000	23,015	60,000	23,015

The lease on the IWC Secretariat Offices was renewed from 18 March 2009 for 10 years, with an option to break after 5 years.

## Appendix 1

## Financial Contributions for the Year Ended 31 August 2012

Line No.	Country	Financial Contribution
1	Antigua and Barbuda	6,944
2	Argentina	12,500
3	Australia	36,633
4	Austria	24,287
5	Belgium	24,287
6	Belize	4,630
7	Benin	4,630
8	Brazil	12,500
9	Bulgaria	8,333
10	Cambodia	6,944
11	Cameroon	12,500
12	Chile	12,500
13	China, P.R of	8,333
14	Colombia	12,500
15	Congo, Rep	4,630
16	Costa Rica	12,500
17	Cote d'Ivoire	12,500
18	Croatia	18,114
19	Cyprus	18,114
20	Czech Republic	24,287
21	Denmark	50,177
22	Dominica	4,630
23	Dominican Republic	12,500
24	Ecuador	12,500
25	Eritrea	4,630
26	Estonia	24,287
27	Finland	24,287
28	France	56,428
29	Gabon	4,630
30	Gambia, The	6,944
31	Germany	62,601
32	Ghana	12,500
33	Greece	18,114
34	Grenada	6,944
35	Guatemala	8,333
36	Guinea	4,630
37	Guinea-Bissau	6,944
38	Hungary	12,500
39	Iceland	56,350
40	India	12,500
41	Ireland	24,287
42	Israel	24,287
43	Italy	56,428
44	Japan	131,700
45	Kenya	8,333

Line No.	Country	Financial Contribution
46	Kiribati	6,944
47	Korea, Rep of	30,460
48	Lao PDR	4,630
49	Lithuania	8,333
50	Luxembourg	24,287
51	Mali	4,630
52	Marshall Islands	4,630
53	Mauritania	6,944
54	Mexico	12,500
55	Monaco	12,500
56	Mongolia	6,944
57	Morocco	12,500
58	Nauru	6,944
59	Netherlands	24,287
60	New Zealand	30,460
61	Nicaragua	4,630
62	Norway	56,350
63	Oman	8,333
64	Palau	6,944
65	Panama	12,500
66	Peru	8,333
67	Poland	12,500
68	Portugal	24,287
69	Romania	8,333
70	Russian Federation	28,205
71	San Marino	8,333
72	Senegal	4,630
73	Slovak Republic	18,114
74	Slovenia	18,114
75	Solomon Islands	4,630
76	South Africa	12,500
77	Spain	56,428
78	St Kitts and Nevis	6,944
79	St Vincent and The Grenadines	4,630
80	St. Lucia	6,944
81	Suriname	4,630
82	Sweden	24,287
83	Switzerland	24,287
84	Tanzania	8,333
85	Togo	6,944
86	Tuvalu	6,944
87	United Kingdom	68,774
88	Uruguay	12,500
89	USA	88,490

Total originally requested from Contracting Governments

Total

1,678,994

Less Financial Contributions for 2011/12 cancelled as per Financial Regulation F5(a)

Cameroon	(12,500)
Gambia, The	(6,944)
Guatemala	(8,333)
Kenya	(8,333)
Senegal	(4,630)

Total net Financial Contributions receivable for the Financial Year 2011/12

1,638,254

**Appendix 2****Analysis of Voluntary Contributions received in 2011/12**

Donor	Amount (£)	Purpose
Exxon Nefgas	38,501	North Pacific Gray Whale Tagging Programme.
IUCN	73,407	North Pacific Gray Whale Tagging Programme.
Government of Australia	20,127	Contribution towards the Living Whales Symposium.
Government of Australia	19,335	Fundraising to support conservation work.
OceanCare	6,216	Contribution towards the Marine Debris and Cetaceans Workshop, May 2013, Korea.
Government of UK	10,000	Contribution towards the Workshop on Euthanasia of Large Stranded Whales.
Government of USA	55,196	Applied to the IWC - other work fund.
WSPA	3,000	Contribution towards whale welfare issues.
WSPA	4,000	Contribution towards Marine Debris Workshop, Korea.
WWF	2,300	} Contributions towards the IWC's work on Small Cetaceans.
Government of Italy	16,994	
Government of France	24,849	
OceanCare	998	
Government of UK	20,000	
WSPA	3,000	
	<u>297,923</u>	

**International Convention  
for the  
Regulation of Whaling**

*signed at Washington, 2 December 1946*

and its

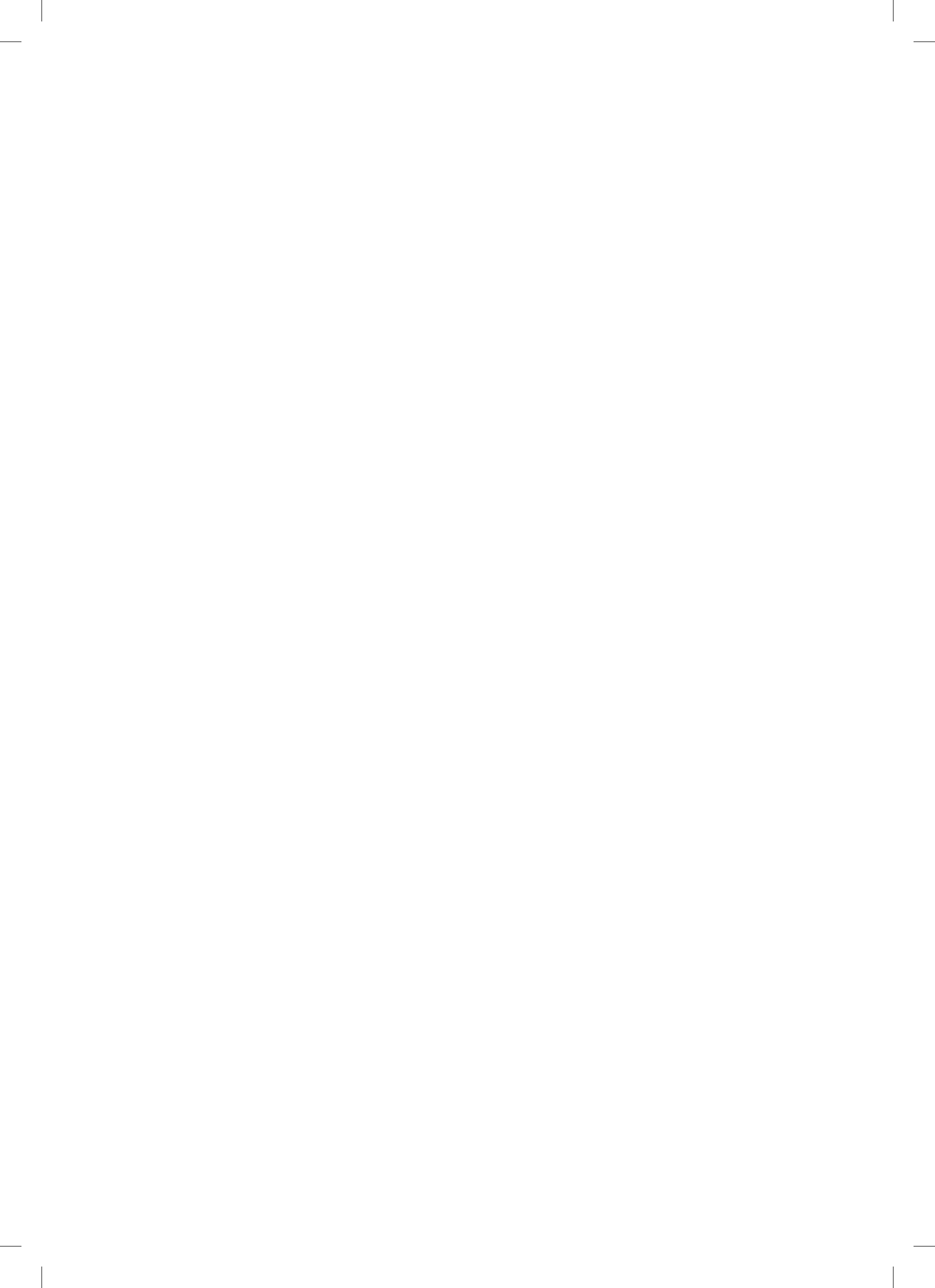
**Protocol**

*signed at Washington, 19 November 1956*

**The Schedule which is attached to the Convention and under Article I forms an integral part thereof is amended regularly by the Commission. The most recent version begins on p. 169 of this volume.**







# International Convention

for the

## Regulation of Whaling

Washington, 2<sup>nd</sup> December, 1946

The Governments whose duly authorised representatives have subscribed hereto,

Recognizing the interest of the nations of the world in safeguarding for future generations the great natural resources represented by the whale stocks;

Considering that the history of whaling has seen over-fishing of one area after another and of one species of whale after another to such a degree that it is essential to protect all species of whales from further over-fishing;

Recognizing that the whale stocks are susceptible of natural increases if whaling is properly regulated, and that increases in the size of whale stocks will permit increases in the number of whales which may be captured without endangering these natural resources;

Recognizing that it is in the common interest to achieve the optimum level of whale stocks as rapidly as possible without causing widespread economic and nutritional distress;

Recognizing that in the course of achieving these objectives, whaling operations should be confined to those species best able to sustain exploitation in order to give an interval for recovery to certain species of whales now depleted in numbers;

Desiring to establish a system of international regulation for the whale fisheries to ensure proper and effective conservation and development of whale stocks on the basis of the principles embodied in the provisions of the International Agreement for the Regulation of Whaling, signed in London on 8<sup>th</sup> June, 1937, and the protocols to that Agreement signed in London on 24<sup>th</sup> June, 1938, and 26<sup>th</sup> November, 1945; and

Having decided to conclude a convention to provide for the proper conservation of whale stocks and thus make possible the orderly development of the whaling industry;

Have agreed as follows:-

### Article I

1. This Convention includes the Schedule attached thereto which forms an integral part thereof. All references to "Convention" shall be understood as including the said Schedule either in its present terms or as amended in accordance with the provisions of Article V.
2. This Convention applies to factory ships, land stations, and whale catchers under the jurisdiction of the Contracting Governments and to all waters in which whaling is prosecuted by such factory ships, land stations, and whale catchers.

### Article II

As used in this Convention:-

1. "Factory ship" means a ship in which or on which whales are treated either wholly or in part;

2. "Land station" means a factory on the land at which whales are treated either wholly or in part;
3. "Whale catcher" means a ship used for the purpose of hunting, taking, towing, holding on to, or scouting for whales;
4. "Contracting Government" means any Government which has deposited an instrument of ratification or has given notice of adherence to this Convention.

### Article III

1. The Contracting Governments agree to establish an International Whaling Commission, hereinafter referred to as the Commission, to be composed of one member from each Contracting Government. Each member shall have one vote and may be accompanied by one or more experts and advisers.
2. The Commission shall elect from its own members a Chairman and Vice-Chairman and shall determine its own Rules of Procedure. Decisions of the Commission shall be taken by a simple majority of those members voting except that a three-fourths majority of those members voting shall be required for action in pursuance of Article V. The Rules of Procedure may provide for decisions otherwise than at meetings of the Commission.
3. The Commission may appoint its own Secretary and staff.
4. The Commission may set up, from among its own members and experts or advisers, such committees as it considers desirable to perform such functions as it may authorize.
5. The expenses of each member of the Commission and of his experts and advisers shall be determined and paid by his own Government.
6. Recognizing that specialized agencies related to the United Nations will be concerned with the conservation and development of whale fisheries and the products arising therefrom and desiring to avoid duplication of functions, the Contracting Governments will consult among themselves within two years after the coming into force of this Convention to decide whether the Commission shall be brought within the framework of a specialized agency related to the United Nations.
7. In the meantime the Government of the United Kingdom of Great Britain and Northern Ireland shall arrange, in consultation with the other Contracting Governments, to convene the first meeting of the Commission, and shall initiate the consultation referred to in paragraph 6 above.
8. Subsequent meetings of the Commission shall be convened as the Commission may determine.

**Article IV**

1. The Commission may either in collaboration with or through independent agencies of the Contracting Governments or other public or private agencies, establishments, or organizations, or independently
  - (a) encourage, recommend, or if necessary, organize studies and investigations relating to whales and whaling;
  - (b) collect and analyze statistical information concerning the current condition and trend of the whale stocks and the effects of whaling activities thereon;
  - (c) study, appraise, and disseminate information concerning methods of maintaining and increasing the populations of whale stocks.
2. The Commission shall arrange for the publication of reports of its activities, and it may publish independently or in collaboration with the International Bureau for Whaling Statistics at Sandefjord in Norway and other organizations and agencies such reports as it deems appropriate, as well as statistical, scientific, and other pertinent information relating to whales and whaling.

**Article V**

1. The Commission may amend from time to time the provisions of the Schedule by adopting regulations with respect to the conservation and utilization of whale resources, fixing
  - (a) protected and unprotected species;
  - (b) open and closed seasons;
  - (c) open and closed waters, including the designation of sanctuary areas;
  - (d) size limits for each species;
  - (e) time, methods, and intensity of whaling (including the maximum catch of whales to be taken in any one season);
  - (f) types and specifications of gear and apparatus and appliances which may be used;
  - (g) methods of measurement; and
  - (h) catch returns and other statistical and biological records.
2. These amendments of the Schedule
  - (a) shall be such as are necessary to carry out the objectives and purposes of this Convention and to provide for the conservation, development, and optimum utilization of the whale resources;
  - (b) shall be based on scientific findings;
  - (c) shall not involve restrictions on the number or nationality of factory ships or land stations, nor allocate specific quotas to any factory ship or land station or to any group of factory ships or land stations; and
  - (d) shall take into consideration the interests of the consumers of whale products and the whaling industry.
3. Each of such amendments shall become effective with respect to the Contracting Governments ninety days following notification of the amendment by the Commission to each of the Contracting Governments, except that
  - (a) if any Government presents to the Commission objection to any amendment prior to the expiration of this ninety-day period, the amendment shall not become effective with respect to any of the Governments for an additional ninety days;

- (b) thereupon, any other Contracting Government may present objection to the amendment at any time prior to the expiration of the additional ninety-day period, or before the expiration of thirty days from the date of receipt of the last objection received during such additional ninety-day period, whichever date shall be the later; and
  - (c) thereafter, the amendment shall become effective with respect to all Contracting Governments which have not presented objection but shall not become effective with respect to any Government which has so objected until such date as the objection is withdrawn. The Commission shall notify each Contracting Government immediately upon receipt of each objection and withdrawal and each Contracting Government shall acknowledge receipt of all notifications of amendments, objections, and withdrawals.
4. No amendments shall become effective before 1<sup>st</sup> July, 1949.

**Article VI**

The Commission may from time to time make recommendations to any or all Contracting Governments on any matters which relate to whales or whaling and to the objectives and purposes of this Convention.

**Article VII**

The Contracting Government shall ensure prompt transmission to the International Bureau for Whaling Statistics at Sandefjord in Norway, or to such other body as the Commission may designate, of notifications and statistical and other information required by this Convention in such form and manner as may be prescribed by the Commission.

**Article VIII**

1. Notwithstanding anything contained in this Convention any Contracting Government may grant to any of its nationals a special permit authorizing that national to kill, take and treat whales for purposes of scientific research subject to such restrictions as to number and subject to such other conditions as the Contracting Government thinks fit, and the killing, taking, and treating of whales in accordance with the provisions of this Article shall be exempt from the operation of this Convention. Each Contracting Government shall report at once to the Commission all such authorizations which it has granted. Each Contracting Government may at any time revoke any such special permit which it has granted.
2. Any whales taken under these special permits shall so far as practicable be processed and the proceeds shall be dealt with in accordance with directions issued by the Government by which the permit was granted.
3. Each Contracting Government shall transmit to such body as may be designated by the Commission, in so far as practicable, and at intervals of not more than one year, scientific information available to that Government with respect to whales and whaling, including the results of research conducted pursuant to paragraph 1 of this Article and to Article IV.
4. Recognizing that continuous collection and analysis of biological data in connection with the operations of factory ships and land stations are indispensable to sound and constructive management of the whale fisheries, the Contracting Governments will take all practicable measures to obtain such data.

**Article IX**

1. Each Contracting Government shall take appropriate measures to ensure the application of the provisions of this Convention and the punishment of infractions against the said provisions in operations carried out by persons or by vessels under its jurisdiction.
2. No bonus or other remuneration calculated with relation to the results of their work shall be paid to the gunners and crews of whale catchers in respect of any whales the taking of which is forbidden by this Convention.
3. Prosecution for infractions against or contraventions of this Convention shall be instituted by the Government having jurisdiction over the offence.
4. Each Contracting Government shall transmit to the Commission full details of each infraction of the provisions of this Convention by persons or vessels under the jurisdiction of that Government as reported by its inspectors. This information shall include a statement of measures taken for dealing with the infraction and of penalties imposed.

**Article X**

1. This Convention shall be ratified and the instruments of ratifications shall be deposited with the Government of the United States of America.
2. Any Government which has not signed this Convention may adhere thereto after it enters into force by a notification in writing to the Government of the United States of America.
3. The Government of the United States of America shall inform all other signatory Governments and all adhering Governments of all ratifications deposited and adherences received.
4. This Convention shall, when instruments of ratification have been deposited by at least six signatory Governments, which shall include the Governments of

the Netherlands, Norway, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland, and the United States of America, enter into force with respect to those Governments and shall enter into force with respect to each Government which subsequently ratifies or adheres on the date of the deposit of its instrument of ratification or the receipt of its notification of adherence.

5. The provisions of the Schedule shall not apply prior to 1st July, 1948. Amendments to the Schedule adopted pursuant to Article V shall not apply prior to 1st July, 1949.

**Article XI**

Any Contracting Government may withdraw from this Convention on 30th June, of any year by giving notice on or before 1st January, of the same year to the depository Government, which upon receipt of such a notice shall at once communicate it to the other Contracting Governments. Any other Contracting Government may, in like manner, within one month of the receipt of a copy of such a notice from the depository Government give notice of withdrawal, so that the Convention shall cease to be in force on 30th June, of the same year with respect to the Government giving such notice of withdrawal.

The Convention shall bear the date on which it is opened for signature and shall remain open for signature for a period of fourteen days thereafter.

In witness whereof the undersigned, being duly authorized, have signed this Convention.

Done in Washington this second day of December, 1946, in the English language, the original of which shall be deposited in the archives of the Government of the United States of America. The Government of the United States of America shall transmit certified copies thereof to all the other signatory and adhering Governments.

## Protocol

### to the International Convention for the Regulation of Whaling, Signed at Washington Under Date of December 2, 1946

The Contracting Governments to the International Convention for the Regulation of Whaling signed at Washington under date of 2<sup>nd</sup> December, 1946 which Convention is hereinafter referred to as the 1946 Whaling Convention, desiring to extend the application of that Convention to helicopters and other aircraft and to include provisions on methods of inspection among those Schedule provisions which may be amended by the Commission, agree as follows:

#### Article I

Subparagraph 3 of the Article II of the 1946 Whaling Convention shall be amended to read as follows:

“3. ‘whale catcher’ means a helicopter, or other aircraft, or a ship, used for the purpose of hunting, taking, killing, towing, holding on to, or scouting for whales.”

#### Article II

Paragraph 1 of Article V of the 1946 Whaling Convention shall be amended by deleting the word “and” preceding clause (h), substituting a semicolon for the period at the end of the paragraph, and adding the following language: “and (i) methods of inspection”.

#### Article III

1. This Protocol shall be open for signature and ratification or for adherence on behalf of any Contracting Government to the 1946 Whaling Convention.

2. This Protocol shall enter into force on the date upon which instruments of ratification have been deposited with, or written notifications of adherence have been received by, the Government of the United States of America on behalf of all the Contracting Governments to the 1946 Whaling Convention.
3. The Government of the United States of America shall inform all Governments signatory or adhering to the 1946 Whaling Convention of all ratifications deposited and adherences received.
4. This Protocol shall bear the date on which it is opened for signature and shall remain open for signature for a period of fourteen days thereafter, following which period it shall be open for adherence.

IN WITNESS WHEREOF the undersigned, being duly authorized, have signed this Protocol.

DONE in Washington this nineteenth day of November, 1956, in the English Language, the original of which shall be deposited in the archives of the Government of the United States of America. The Government of the United States of America shall transmit certified copies thereof to all Governments signatory or adhering to the 1946 Whaling Convention.

**International Convention  
for the  
Regulation of Whaling, 1946**

**Schedule**

**As amended by the Commission at the 64th Annual Meeting  
Panama City, Panama, July 2012**





# International Convention

## for the

# Regulation of Whaling, 1946

## Schedule

### EXPLANATORY NOTES

The Schedule printed on the following pages contains the amendments made by the Commission at its 64<sup>th</sup> Annual Meeting in July 2012. The amendments, which are shown in *italic bold* type, came into effect on 4 February 2013.

In Tables 1, 2 and 3 unclassified stocks are indicated by a dash. Other positions in the Tables have been filled with a dot to aid legibility.

Numbered footnotes are integral parts of the Schedule formally adopted by the Commission. Other footnotes are editorial.

The Commission was informed in June 1992 by the ambassador in London that the membership of the Union of Soviet Socialist Republics in the International Convention for the Regulation of Whaling from 1948 is continued by the Russian Federation.

The Commission recorded at its 39<sup>th</sup> (1987) meeting the fact that references to names of native inhabitants in Schedule paragraph 13(b)(4) would be for geographical purposes alone, so as not to be in contravention of Article V.2(c) of the Convention (*Rep. int. Whal. Commn* 38:21).

### I. INTERPRETATION

1. The following expressions have the meanings respectively assigned to them, that is to say:

#### A. Baleen whales

“baleen whale” means any whale which has baleen or whale bone in the mouth, i.e. any whale other than a toothed whale.

“blue whale” (*Balaenoptera musculus*) means any whale known as blue whale, Sibbald’s rorqual, or sulphur bottom, and including pygmy blue whale.

“bowhead whale” (*Balaena mysticetus*) means any whale known as bowhead, Arctic right whale, great polar whale, Greenland right whale, Greenland whale.

“Bryde’s whale” (*Balaenoptera edeni*, *B. brydei*) means any whale known as Bryde’s whale.

“fin whale” (*Balaenoptera physalus*) means any whale known as common finback, common rorqual, fin whale, herring whale, or true fin whale.

“gray whale” (*Eschrichtius robustus*) means any whale known as gray whale, California gray, devil fish, hard head, mussel digger, gray back, or rip sack.

“humpback whale” (*Megaptera novaeangliae*) means any whale known as bunch, humpback, humpback whale, humpbacked whale, hump whale or hunchbacked whale.

“minke whale” (*Balaenoptera acutorostrata*, *B. bonaerensis*) means any whale known as lesser rorqual, little piked whale, minke whale, pike-headed whale or sharp headed finner.

“pygmy right whale” (*Caperea marginata*) means any whale known as southern pygmy right whale or pygmy right whale.

“right whale” (*Eubalaena glacialis*, *E. australis*) means any whale known as Atlantic right whale, Arctic right whale, Biscayan right whale, Nordkaper, North Atlantic right whale, North Cape whale, Pacific right whale, or southern right whale.

“sei whale” (*Balaenoptera borealis*) means any whale known as sei whale, Rudolphi’s rorqual, pollack whale, or coalfish whale.

#### B. Toothed whales

“toothed whale” means any whale which has teeth in the jaws.

“beaked whale” means any whale belonging to the genus *Mesoplodon*, or any whale known as Cuvier’s beaked whale (*Ziphius cavirostris*), or Shepherd’s beaked whale (*Tasmacetus shepherdi*).

“bottlenose whale” means any whale known as Baird’s beaked whale (*Berardius bairdii*), Arnoux’s whale (*Berardius arnuxii*), southern bottlenose whale (*Hyperoodon planifrons*), or northern bottlenose whale (*Hyperoodon ampullatus*).

“killer whale” (*Orcinus orca*) means any whale known as killer whale or orca.

“pilot whale” means any whale known as long-finned pilot whale (*Globicephala melaena*) or short-finned pilot whale (*G. macrorhynchus*).

“sperm whale” (*Physeter macrocephalus*) means any whale known as sperm whale, spermacet whale, cachalot or pot whale.

#### C. General

“strike” means to penetrate with a weapon used for whaling.

“land” means to retrieve to a factory ship, land station, or other place where a whale can be treated.

“take” means to flag, buoy or make fast to a whale catcher.

“lose” means to either strike or take but not to land.

“dauhval” means any unclaimed dead whale found floating.

“lactating whale” means (a) with respect to baleen whales - a female which has any milk present in a mammary gland, (b) with respect to sperm whales - a female which has milk present in a mammary gland the maximum thickness (depth) of which is 10cm or more. This measurement shall be at the mid ventral point of the mammary gland perpendicular to the body axis, and shall be logged to the nearest centimetre; that is to say, any gland between 9.5cm and 10.5cm shall be logged as 10cm. The measurement of any gland which falls on an exact 0.5 centimetre shall be logged at the next 0.5 centimetre, e.g. 10.5cm shall be logged as 11.0cm.



However, notwithstanding these criteria, a whale shall not be considered a lactating whale if scientific (histological or other biological) evidence is presented to the appropriate national authority establishing that the whale could not at that point in its physical cycle have had a calf dependent on it for milk.

“small-type whaling” means catching operations using powered vessels with mounted harpoon guns hunting exclusively for minke, bottlenose, beaked, pilot or killer whales.

## II. SEASONS

### Factory Ship Operations

2. (a) It is forbidden to use a factory ship or whale catcher attached thereto for the purpose of taking or treating baleen whales except minke whales, in any waters south of 40° South Latitude except during the period from 12<sup>th</sup> December to 7<sup>th</sup> April following, both days inclusive.
- (b) It is forbidden to use a factory ship or whale catcher attached thereto for the purpose of taking or treating sperm or minke whales, except as permitted by the Contracting Governments in accordance with sub-paragraphs (c) and (d) of this paragraph, and paragraph 5.
- (c) Each Contracting Government shall declare for all factory ships and whale catchers attached thereto under its jurisdiction, an open season or seasons not to exceed eight months out of any period of twelve months during which the taking or killing of sperm whales by whale catchers may be permitted; provided that a separate open season may be declared for each factory ship and the whale catchers attached thereto.
- (d) Each Contracting Government shall declare for all factory ships and whale catchers attached thereto under its jurisdiction one continuous open season not to exceed six months out of any period of twelve months during which the taking or killing of minke whales by the whale catchers may be permitted provided that:
  - (1) a separate open season may be declared for each factory ship and the whale catchers attached thereto;
  - (2) the open season need not necessarily include the whole or any part of the period declared for other baleen whales pursuant to sub-paragraph (a) of this paragraph.
3. It is forbidden to use a factory ship which has been used during a season in any waters south of 40° South Latitude for the purpose of treating baleen whales, except minke whales, in any other area except the North Pacific Ocean and its dependent waters north of the Equator for the same purpose within a period of one year from the termination of that season; provided that catch limits in the North Pacific Ocean and dependent waters are established as provided in paragraphs 12 and 16 of this Schedule and provided that this paragraph shall not apply to a ship which has been used during the season solely for freezing or salting the meat and entrails of whales intended for human food or feeding animals.

### Land Station Operations

4. (a) It is forbidden to use a whale catcher attached to a land station for the purpose of killing or attempting to kill baleen and sperm whales except as permitted by the Contracting Government in accordance with sub-paragraphs (b), (c) and (d) of this paragraph.
- (b) Each Contracting Government shall declare for all land stations under its jurisdiction, and whale catchers attached to such land stations, one open season during which the taking or killing of baleen whales, except minke whales, by the whale catchers shall be permitted. Such open season shall be for a period of not more than six consecutive months in any period of twelve months and shall apply to all land stations under the jurisdiction of the Contracting Government; provided that a separate open season may be declared for any land station used for the taking or treating of baleen whales, except minke whales, which is more than 1,000 miles from the nearest land station used for the taking or treating of baleen whales, except minke whales, under the jurisdiction of the same Contracting Government.
- (c) Each Contracting Government shall declare for all land stations under its jurisdiction and for whale catchers attached to such land stations, one open season not to exceed eight continuous months in any one period of twelve months, during which the taking or killing of sperm whales by the whale catchers shall be permitted; provided that a separate open season may be declared for any land station used for the taking or treating of sperm whales which is more than 1,000 miles from the nearest land station used for the taking or treating of sperm whales under the jurisdiction of the same Contracting Government.
- (d) Each Contracting Government shall declare for all land stations under its jurisdiction and for whale catchers attached to such land stations one open season not to exceed six continuous months in any period of twelve months during which the taking or killing of minke whales by the whale catchers shall be permitted (such period not being necessarily concurrent with the period declared for other baleen whales, as provided for in sub-paragraph (b) of this paragraph); provided that a separate open season may be declared for any land station used for the taking or treating of minke whales which is more than 1,000 miles from the nearest land station used for the taking or treating of minke whales under the jurisdiction of the same Contracting Government.

Except that a separate open season may be declared for any land station used for the taking or treating of minke whales which is located in an area having oceanographic conditions clearly distinguishable from those of the area in which are located the other land stations used for the taking or treating of minke whales under the jurisdiction of the same Contracting Government; but the declaration of a separate open season by virtue of the provisions of this sub-paragraph shall not cause thereby the period of time covering the open seasons declared by the same Contracting Government to exceed nine continuous months of any twelve months.

- (e) The prohibitions contained in this paragraph shall apply to all land stations as defined in Article II of the Whaling Convention of 1946.

### Other Operations

5. Each Contracting Government shall declare for all whale catchers under its jurisdiction not operating in conjunction with a factory ship or land station one continuous open season not to exceed six months out of any period of twelve months during which the taking or killing of minke whales by such whale catchers may be permitted. Notwithstanding this paragraph one continuous open season not to exceed nine months may be implemented so far as Greenland is concerned.

### III. CAPTURE

6. The killing for commercial purposes of whales, except minke whales using the cold grenade harpoon shall be forbidden from the beginning of the 1980/81 pelagic and 1981 coastal seasons. The killing for commercial purposes of minke whales using the cold grenade harpoon shall be forbidden from the beginning of the 1982/83 pelagic and the 1983 coastal seasons.\*
7. (a) In accordance with Article V(1)(c) of the Convention, commercial whaling, whether by pelagic operations or from land stations, is prohibited in a region designated as the Indian Ocean Sanctuary. This comprises the waters of the Northern Hemisphere from the coast of Africa to 100°E, including the Red and Arabian Seas and the Gulf of Oman; and the waters of the Southern Hemisphere in the sector from 20°E to 130°E, with the Southern boundary set at 55°S. This prohibition applies irrespective of such catch limits for baleen or toothed whales as may from time to time be determined by the Commission. This prohibition shall be reviewed by the Commission at its Annual Meeting in 2002.†
- (b) In accordance with Article V(1)(c) of the Convention, commercial whaling, whether by pelagic operations or from land stations, is prohibited in a region designated as the Southern Ocean Sanctuary. This Sanctuary comprises the waters of the Southern Hemisphere southwards of the following line: starting from 40 degrees S, 50 degrees W; thence due east to 20 degrees E; thence due south to 55 degrees S; thence due east to 130 degrees E; thence due north to 40 degrees S; thence due east to 130 degrees W; thence due south to 60 degrees S; thence due east to 50 degrees W; thence due north to the point of beginning. This prohibition applies irrespective of the conservation status of baleen and toothed whale stocks in this Sanctuary, as may from time to time be determined by the Commission.

However, this prohibition shall be reviewed ten years after its initial adoption and at succeeding ten year intervals, and could be revised at such times by the Commission. Nothing in this sub-paragraph is intended to prejudice the special legal and political status of Antarctica.\*\*+

### Area Limits for Factory Ships

8. It is forbidden to use a factory ship or whale catcher attached thereto, for the purpose of taking or treating baleen whales, except minke whales, in any of the following areas:
- in the waters north of 66°N, except that from 150°E eastwards as far as 140°W, the taking or killing of baleen whales by a factory ship or whale catcher shall be permitted between 66°N and 72°N;
  - in the Atlantic Ocean and its dependent waters north of 40°S;
  - in the Pacific Ocean and its dependent waters east of 150°W between 40°S and 35°N;
  - in the Pacific Ocean and its dependent waters west of 150°W between 40°S and 20°N;
  - in the Indian Ocean and its dependent waters north of 40°S.

### Classification of Areas and Divisions

9. (a) *Classification of Areas*  
Areas relating to Southern Hemisphere baleen whales except Bryde's whales are those waters between the ice-edge and the Equator and between the meridians of longitude listed in Table 1.
- (b) *Classification of Divisions*  
Divisions relating to Southern Hemisphere sperm whales are those waters between the ice-edge and the Equator and between the meridians of longitude listed in Table 3.
- (c) *Geographical boundaries in the North Atlantic*  
The geographical boundaries for the fin, minke and sei whale stocks in the North Atlantic are:

#### FIN WHALE STOCKS

##### NOVA SCOTIA

South and West of a line through:  
47°N 54°W, 46°N 54°30'W,  
46°N 42°W, 20°N 42°W.

##### NEWFOUNDLAND-LABRADOR

West of a line through:  
75°N 73°30'W, 69°N 59°W, 61°N 59°W,  
52°20'N 42°W, 46°N 42°W and  
North of a line through:  
46°N 42°W, 46°N 54°30'W, 47°N 54°W.

##### WEST GREENLAND

East of a line through:  
75°N 73°30'W, 69°N 59°W,  
61°N 59°W, 52°20'N 42°W,  
and West of a line through  
52°20'N 42°W, 59°N 42°W,  
59°N 44°W, Kap Farvel.

\*The Governments of Brazil, Iceland, Japan, Norway and the Union of Soviet Socialist Republics lodged objections to the second sentence of paragraph 6 within the prescribed period. For all other Contracting Governments this sentence came into force on 8 March 1982. Norway withdrew its objection on 9 July 1985 and Brazil on 8 January 1992. Iceland withdrew from the Convention with effect from 30 June 1992. The objections of Japan and the Russian Federation not having been withdrawn, this sentence is not binding upon these governments.

†At its 54<sup>th</sup> Annual Meeting in 2002, the Commission agreed to continue this prohibition but did not discuss whether or not it should set a time when it should be reviewed again.

\*\*The Government of Japan lodged an objection within the prescribed period to paragraph 7(b) to the extent that it applies to the Antarctic minke whale stocks. The Government of the Russian Federation also lodged an objection to paragraph 7(b) within the prescribed period but withdrew it on 26 October 1994. For all Contracting Governments except Japan paragraph 7(b) came into force on 6 December 1994.

+Paragraph 7(b) contains a provision for review of the Southern Ocean Sanctuary "ten years after its initial adoption". Paragraph 7(b) was adopted at the 46<sup>th</sup> (1994) Annual Meeting. Therefore, the first review is due in 2004.

**EAST GREENLAND-ICELAND**

East of a line through:  
Kap Farvel (South Greenland),  
59°N 44°W, 59°N 42°W, 20°N 42°W,  
and West of a line through:  
20°N 18°W, 60°N 18°W, 68°N 3°E,  
74°N 3°E, and South of 74°N.

**NORTH NORWAY**

North and East of a line through:  
74°N 22°W, 74°N 3°E, 68°N 3°E,  
67°N 0°, 67°N 14°E.

**WEST NORWAY-FAROE ISLANDS**

South of a line through:  
67°N 14°E, 67°N 0°, 60°N 18°W,  
and North of a line through:  
61°N 16°W, 61°N 0°, Thyborøn  
(Western entrance to Limfjorden, Denmark).

**SPAIN-PORTUGAL-BRITISH ISLES**

South of a line through:  
Thyborøn (Denmark), 61°N 0°, 61°N 16°W,  
and East of a line through:  
63°N 11°W, 60°N 18°W, 22°N 18°W.

**MINKE WHALE STOCKS****CANADIAN EAST COAST**

West of a line through:  
75°N 73°30'W, 69°N 59°W, 61°N 59°W,  
52°20'N 42°W, 20°N 42°W.

**CENTRAL**

East of a line through:  
Kap Farvel (South Greenland),  
59°N 44°W, 59°N 42°W, 20°N 42°W,  
and West of a line through:  
20°N 18°W, 60°N 18°W, 68°N 3°E,  
74°N 3°E, and South of 74°N.

**WEST GREENLAND**

East of a line through:  
75°N 73°30'W, 69°N 59°W, 61°N 59°W,  
52°20'N 42°W, and  
West of a line through:  
52°20'N 42°W, 59°N 42°W,  
59°N 44°W, Kap Farvel.

**NORTHEASTERN**

East of a line through:  
20°N 18°W, 60°N 18°W, 68°N 3°E, 74°N 3°E,  
and North of a line through:  
74°N 3°E, 74°N 22°W.

**SEI WHALE STOCKS****NOVA SCOTIA**

South and West of a line through:  
47°N 54°W, 46°N 54°30'W, 46°N 42°W,  
20°N 42°W.

**ICELAND-DENMARK STRAIT**

East of a line through:  
Kap Farvel (South Greenland),  
59°N 44°W, 59°N 42°W, 20°N 42°W,  
and West of a line through:  
20°N 18°W, 60°N 18°W, 68°N 3°E,  
74°N 3°E, and South of 74°N.

**EASTERN**

East of a line through:  
20°N 18°W, 60°N 18°W, 68°N 3°E, 74°N 3°E,  
and North of a line through:  
74°N 3°E, 74°N 22°W.

**(d) Geographical boundaries in the North Pacific**

The geographical boundaries for the sperm, Bryde's and minke whale stocks in the North Pacific are:

**SPERM WHALE STOCKS****WESTERN DIVISION**

West of a line from the ice-edge south along the 180° meridian of longitude to 180°, 50°N, then east along the 50°N parallel of latitude to 160°W, 50°N, then south along the 160°W meridian of longitude to 160°W, 40°N, then east along the 40°N parallel of latitude to 150°W, 40°N, then south along the 150°W meridian of longitude to the Equator.

**EASTERN DIVISION**

East of the line described above.

**BRYDE'S WHALE STOCKS****EAST CHINA SEA**

West of the Ryukyu Island chain.

**EASTERN**

East of 160°W (excluding the Peruvian stock area).

**WESTERN**

West of 160°W (excluding the East China Sea stock area).

**MINKE WHALE STOCKS****SEA OF JAPAN-YELLOW SEA-EAST CHINA SEA**

West of a line through the Philippine Islands, Taiwan, Ryukyu Islands, Kyushu, Honshu, Hokkaido and Sakhalin Island, north of the Equator.

**OKHOTSK SEA-WEST PACIFIC**

East of the Sea of Japan-Yellow Sea- East China Sea stock and west of 180°, north of the Equator.

**REMAINDER**

East of the Okhotsk Sea-West Pacific stock, north of the Equator.

**(e) Geographical boundaries for Bryde's whale stocks in the Southern Hemisphere****SOUTHERN INDIAN OCEAN**

20°E to 130°E,  
South of the Equator.

**SOLOMON ISLANDS**

150°E to 170°E,  
20°S to the Equator.

**PERUVIAN**

110°W to the South American coast,  
10°S to 10°N.

**EASTERN SOUTH PACIFIC**

150°W to 70°W,  
South of the Equator (excluding the Peruvian stock area).

**WESTERN SOUTH PACIFIC**

130°E to 150°W,  
South of the Equator (excluding the Solomon Islands stock area).

**SOUTH ATLANTIC**

70°W to 20°E,  
South of the Equator (excluding the South African inshore stock area).

**SOUTH AFRICAN INSHORE**

South African coast west of 27°E and out to the 200 metre isobath.

**Classification of Stocks**

10. All stocks of whales shall be classified in one of three categories according to the advice of the Scientific Committee as follows:

- (a) A Sustained Management Stock (SMS) is a stock which is not more than 10 per cent of Maximum Sustainable Yield (hereinafter referred to as MSY) stock level below MSY stock level, and not more than 20 per cent above that level; MSY being determined on the basis of the number of whales.

When a stock has remained at a stable level for a considerable period under a regime of approximately constant catches, it shall be classified as a Sustained Management Stock in the absence of any positive evidence that it should be otherwise classified.

Commercial whaling shall be permitted on Sustained Management Stocks according to the advice of the Scientific Committee. These stocks are listed in Tables 1, 2 and 3 of this Schedule.

For stocks at or above the MSY stock level, the permitted catch shall not exceed 90 per cent of the MSY. For stocks between the MSY stock level and 10 per cent below that level, the permitted catch shall not exceed the number of whales obtained by taking 90 per cent of the MSY and reducing that number by 10 per cent for every 1 per cent by which the stock falls short of the MSY stock level.

- (b) An Initial Management Stock (IMS) is a stock more than 20 per cent of MSY stock level above MSY stock level. Commercial whaling shall be permitted on Initial Management Stocks according to the advice of the Scientific Committee as to measures necessary to bring the stocks to the MSY stock level and then optimum level in an efficient manner and without risk of reducing them below

this level. The permitted catch for such stocks will not be more than 90 per cent of MSY as far as this is known, or, where it will be more appropriate, catching effort shall be limited to that which will take 90 per cent of MSY in a stock at MSY stock level.

In the absence of any positive evidence that a continuing higher percentage will not reduce the stock below the MSY stock level no more than 5 per cent of the estimated initial exploitable stock shall be taken in any one year. Exploitation should not commence until an estimate of stock size has been obtained which is satisfactory in the view of the Scientific Committee. Stocks classified as Initial Management Stock are listed in Tables 1, 2 and 3 of this Schedule.

- (c) A Protection Stock (PS) is a stock which is below 10 per cent of MSY stock level below MSY stock level.

There shall be no commercial whaling on Protection Stocks. Stocks so classified are listed in Tables 1, 2 and 3 of this Schedule.

- (d) Notwithstanding the other provisions of paragraph 10 there shall be a moratorium on the taking, killing or treating of whales, except minke whales, by factory ships or whale catchers attached to factory ships. This moratorium applies to sperm whales, killer whales and baleen whales, except minke whales.

- (e) Notwithstanding the other provisions of paragraph 10, catch limits for the killing for commercial purposes of whales from all stocks for the 1986 coastal and the 1985/86 pelagic seasons and thereafter shall be zero. This provision will be kept under review, based upon the best scientific advice, and by 1990 at the latest the Commission will undertake a comprehensive assessment of the effects of this decision on whale stocks and consider modification of this provision and the establishment of other catch limits.\*•#

\*The Governments of Japan, Norway, Peru and the Union of Soviet Socialist Republics lodged objection to paragraph 10(e) within the prescribed period. For all other Contracting Governments this paragraph came into force on 3 February 1983. Peru withdrew its objection on 22 July 1983. The Government of Japan withdrew its objections with effect from 1 May 1987 with respect to commercial pelagic whaling; from 1 October 1987 with respect to commercial coastal whaling for minke and Bryde's whales; and from 1 April 1988 with respect to commercial coastal sperm whaling. The objections of Norway and the Russian Federation not having been withdrawn, the paragraph is not binding upon these Governments.

•Iceland's instrument of adherence to the International Convention for the Regulation of Whaling and the Protocol to the Convention deposited on 10 October 2002 states that Iceland 'adheres to the aforesaid Convention and Protocol with a reservation with respect to paragraph 10(e) of the Schedule attached to the Convention'. The instrument further states the following:

'Notwithstanding this, the Government of Iceland will not authorise whaling for commercial purposes by Icelandic vessels before 2006 and, thereafter, will not authorise such whaling while progress is being made in negotiations within the IWC on the RMS. This does not apply, however, in case of the so-called moratorium on whaling for commercial purposes, contained in paragraph 10(e) of the Schedule not being lifted within a reasonable time after the completion of the RMS. Under no circumstances will whaling for commercial purposes be authorised without a sound scientific basis and an effective management and enforcement scheme.'

#The Governments of Argentina, Australia, Brazil, Chile, Finland, France, Germany, Italy, Mexico, Monaco, the Netherlands, New Zealand, Peru, San Marino, Spain, Sweden, UK and the USA have lodged objections to Iceland's reservation to paragraph 10(e).

Table 1  
BALEEN WHALE STOCK CLASSIFICATIONS AND CATCH LIMITS<sup>1</sup> (excluding Bryde's whales).

Area	SEI		MINKE		FIN		BLUE		RIGHT, BOWHEAD, HUMPBACK		PYGMY RIGHT		GRAY	
	Classi- fication	Catch limit	Classi- fication	Catch limit	Classi- fication	Catch limit	Classi- fication	Catch limit	Classi- fication	Catch limit	Classi- fication	Catch limit	Classi- fication	Catch limit
SOUTHERN HEMISPHERE-2012/2013 pelagic season and 2013 coastal season <sup>▲</sup>														
I	PS	0	-	0	PS	0	PS	0	PS	0	PS	0	PS	0
II	PS	0	-	0	PS	0	PS	0	PS	0	PS	0	PS	0
III	PS	0	-	0	PS	0	PS	0	PS	0	PS	0	PS	0
IV	PS	0	-	0	PS	0	PS	0	PS	0	PS	0	PS	0
V	PS	0	-	0	PS	0	PS	0	PS	0	PS	0	PS	0
VI	PS	0	-	0	PS	0	PS	0	PS	0	PS	0	PS	0
Total catch not to exceed:														
NORTHERN HEMISPHERE-2013 season <sup>▲</sup>														
ARCTIC														
NORTH PACIFIC														
Whole region														
Okhotsk Sea-West Pacific Stock	PS	0	-	0	PS	0	PS	0	PS	0	PS	0	PS	0
Sea of Japan-Yellow Sea-East	-	-	-	-	-	-	-	-	-	-	-	-	-	-
China Sea Stock	-	-	PS	0	-	-	-	-	-	-	-	-	-	-
Remainder	-	-	IMS	0	-	-	-	-	-	-	-	-	SMS	1
Eastern Stock	-	-	-	-	-	-	-	-	-	-	-	-	-	PS
Western Stock	-	-	-	-	-	-	-	-	-	-	-	-	-	0
NORTH ATLANTIC														
Whole region														
West Greenland Stock	-	-	PS	0	-	16 <sup>28</sup>	PS	0	PS	0	PS	0	PS	0
Newfoundland-Labrador Stock	-	-	-	-	-	0	-	-	-	-	-	-	-	-
Canadian East Coast Stock	-	-	-	0	-	-	-	-	-	-	-	-	-	-
Nova Scotia Stock	PS	0	-	-	PS	0	-	-	-	-	-	-	-	-
Central Stock	-	-	-	-	-	-	-	-	-	-	-	-	-	-
East Greenland-Iceland Stock	-	-	-	-	SMS	0	-	-	-	-	-	-	-	-
Iceland-Denmark Strait Stock	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Spain-Portugal-British Isles Stock	-	0	-	-	-	-	-	-	-	-	-	-	-	-
NORTHERN INDIAN OCEAN														
Northwestern Stock	-	-	PS*	0	-	0	-	-	-	-	-	-	-	-
West Norway-Faroe Islands Stock	-	-	-	-	PS	0	-	-	-	-	-	-	-	-
North Norway Stock	-	-	-	-	-	0	-	-	-	-	-	-	-	-
Eastern Stock	-	0	-	-	-	-	-	-	-	-	-	-	-	-
NORTHERN INDIAN OCEAN														
Eastern Stock	-	-	IMS	0	-	-	PS	0	PS	0	PS	0	PS	0

<sup>1</sup> Available to be taken by aborigines or a Contracting Government on behalf of aborigines pursuant to paragraph 13(b)2.

<sup>2</sup> Available to be struck by aborigines pursuant to paragraph 13(b)3. Catch limit for each of the years 2010, 2011 and 2012.

<sup>3</sup> In IWC/62 in Agadir, Morocco, June 2010, Denmark and Greenland agreed to voluntarily reduce further the catch limit for the West Greenland stock of fin whales from 16 to 10 for each of the years 2010, 2011 and 2012.

<sup>4</sup> The catch limits of zero introduced into Table 1 as editorial amendments as a result of the coming into effect of paragraph 10(e) are not binding upon the governments of the countries which lodged and have not withdrawn objections to the said paragraph.

\* The Government of Norway presented objection to the classification of the Northeastern Atlantic stock of minke whales as a Protection Stock within the prescribed period. This classification came into force on 30 January 1986 but is not binding on the Government of Norway.

<sup>▲</sup> The Government of the Czech Republic lodged an objection within the prescribed period to the amendments to the Schedule arising from the 64<sup>th</sup> Annual Meeting of the Commission. These amendments related to the establishment of Aboriginal Subsistence Whaling catch numbers for the period 2013-2018 in paragraph 13(b) subparagraphs (1), (2) and (4) and amendments to the dates of the coastal whaling seasons given in paragraphs 11 and 12 and Tables 1, 2 and 3. For all other Contracting Governments, these provisions came into force on 4 February 2013. The Czech Republic lodged similar objections to the Schedule amendments arising from the 60<sup>th</sup>, 61<sup>st</sup>, 62<sup>nd</sup> and 63<sup>rd</sup> Annual Meetings of the Commission. These objections to the amendments of the 60<sup>th</sup>, 61<sup>st</sup> and 62<sup>nd</sup> meetings were withdrawn by the Government of the Czech Republic on 8 June 2011.

Table 2  
Bryde's whale stock classifications and catch limits.<sup>†</sup>

	Classification	Catch limit
SOUTHERN HEMISPHERE-2012/2013 pelagic season and 2013 coastal season <sup>▲</sup>		
South Atlantic Stock	-	0
Southern Indian Ocean Stock	IMS	0
South African Inshore Stock	-	0
Solomon Islands Stock	IMS	0
Western South Pacific Stock	IMS	0
Eastern South Pacific Stock	IMS	0
Peruvian Stock	-	0
NORTH PACIFIC-2013 season <sup>▲</sup>		
Eastern Stock	IMS	0
Western Stock	IMS	0
East China Sea Stock	PS	0
NORTH ATLANTIC-2013 season <sup>▲</sup>	IMS	0
NORTHERN INDIAN OCEAN-2013 season <sup>▲</sup>	-	0

<sup>†</sup>The catch limits of zero introduced in Table 2 as editorial amendments as a result of the coming into effect of paragraph 10(e) are not binding upon the governments of the countries which lodged and have not withdrawn objections to the said paragraph.

<sup>▲</sup>See footnote to Table 1.

Table 3  
Toothed whale stock classifications and catch limits.<sup>†</sup>

SOUTHERN HEMISPHERE-2012/2013 pelagic season and 2013 coastal season <sup>▲</sup>			SPERM	Catch limit
Division	Longitudes	Classification		
1	60°W-30°W	-		0
2	30°W-20°E	-		0
3	20°E-60°E	-		0
4	60°E-90°E	-		0
5	90°-130°E	-		0
6	130°E-160°E	-		0
7	160°E-170°W	-		0
8	170°W-100°W	-		0
9	100°W-60°W	-		0
NORTHERN HEMISPHERE-2013 season <sup>▲</sup>				
NORTH PACIFIC				
Western Division		PS		0 <sup>1</sup>
Eastern Division		-		0
NORTH ATLANTIC				0
NORTHERN INDIAN OCEAN				0
			BOTTLENOSE	
NORTH ATLANTIC			PS	0

<sup>1</sup>No whales may be taken from this stock until catch limits including any limitations on size and sex are established by the Commission.

<sup>†</sup>The catch limits of zero introduced in Table 3 as editorial amendments as a result of the coming into effect of paragraph 10(e) are not binding upon the governments of the countries which lodged and have not withdrawn objections to the said paragraph.

<sup>▲</sup>See footnote to Table 1.

**Baleen Whale Catch Limits**

11. The number of baleen whales taken in the Southern Hemisphere in the **2012/2013** pelagic season and the **2013** coastal season shall not exceed the limits shown in Tables 1 and 2.<sup>▲</sup>
12. The number of baleen whales taken in the North Pacific Ocean and dependent waters in **2013** and in the North Atlantic Ocean in **2013** shall not exceed the limits shown in Tables 1 and 2.<sup>▲</sup>
13. (a) Notwithstanding the provisions of paragraph 10, catch limits for aboriginal subsistence whaling to satisfy aboriginal subsistence need for the 1984 whaling season and each whaling season thereafter shall be established in accordance with the following principles:
  - (1) For stocks at or above MSY level, aboriginal subsistence catches shall be permitted so long as total removals do not exceed 90 per cent of MSY.
  - (2) For stocks below the MSY level but above a certain minimum level, aboriginal subsistence catches shall be permitted so long as they are set at levels which will allow whale stocks to move to the MSY level.<sup>1</sup>
  - (3) The above provisions will be kept under review, based upon the best scientific advice, and by 1990 at the latest the Commission will undertake a comprehensive assessment of the effects of these provisions on whale stocks and consider modification.
  - (4) For aboriginal whaling conducted under subparagraphs (b)(1), (b)(2), and (b)(3) of this paragraph, it is forbidden to strike, take or kill calves or any whale accompanied by a calf. For aboriginal whaling conducted under subparagraphs (b)(4) of this paragraph, it is forbidden to strike, take or kill suckling calves or female whales accompanied by calves.
  - (5) All aboriginal whaling shall be conducted under national legislation that accords with this paragraph.
- (b) Catch limits for aboriginal subsistence whaling are as follows:
  - (1) The taking of bowhead whales from the Bering-Chukchi-Beaufort Seas stock by aborigines is permitted, but only when the meat and products of such whales are to be used exclusively for local consumption by the aborigines and further provided that:
    - (i) For the years **2013, 2014, 2015, 2016, 2017** and **2018**, the number of bowhead whales landed shall not exceed **336**. For each of these years the number of bowhead whales struck shall not exceed **67**, except that any unused portion of a strike quota from any year (including **15** unused strikes from the **2008-2012** quota) shall be carried forward and added to the strike quotas of any subsequent years, provided that no more than **15** strikes shall be added to the strike quota for any one year.<sup>▲</sup>
    - (ii) This provision shall be reviewed annually by the Commission in light of the advice of the Scientific Committee.
  - (2) The taking of gray whales from the Eastern stock in the North Pacific is permitted, but only by aborigines or a Contracting Government on behalf of aborigines, and then only when the meat and products of such whales are to be used exclusively for local consumption by the aborigines.
    - (i) For the years **2013, 2014, 2015, 2016, 2017** and **2018**, the number of gray whales taken in accordance with this sub-paragraph shall not exceed **744**, provided that the number of gray whales taken in any one of the years **2013, 2014, 2015, 2016, 2017** and **2018** shall not exceed **140**.<sup>▲</sup>
    - (ii) This provision shall be reviewed annually by the Commission in light of the advice of the Scientific Committee.
  - (3) The taking by aborigines of minke whales from the West Greenland and Central stocks and fin whales from the West Greenland stock and bowhead whales from the West Greenland feeding aggregation and humpback whales from the West Greenland feeding aggregation is permitted and then only when the meat and products are to be used exclusively for local consumption.
    - (i) The number of fin whales struck from the West Greenland stock in accordance with this sub-paragraph shall not exceed **16** in each of the years **2010, 2011** and **2012**.<sup>§§</sup>
    - (ii) The number of minke whales struck from the Central stock in accordance with this sub-paragraph shall not exceed **12** in each of the years **2008, 2009, 2010, 2011** and **2012**, except that any unused portion of the quota for each year shall be carried forward from that year and added to the quota of any subsequent years, provided that no more than **3** shall be added to the quota for any one year.<sup>§</sup>
    - (iii) The number of minke whales struck from the West Greenland stock shall not exceed **178** in each of the years **2010, 2011** and **2012**, except that any unused portion of the quota for each year shall be carried forward from that year and added to the strike quota of any of the subsequent years, provided

<sup>▲</sup>See footnote to Table 1.

<sup>1</sup>The Commission, on advice of the Scientific Committee, shall establish as far as possible (a) a minimum stock level for each stock below which whales shall not be taken, and (b) a rate of increase towards the MSY level for each stock. The Scientific Committee shall advise on a minimum stock level and on a range of rates of increase towards the MSY level under different catch regimes.

<sup>§</sup> At IWC/62 in Agadir, Morocco, June 2010, Denmark and Greenland agreed to voluntarily reduce further the catch limit for the West Greenland stock of fin whales from 16 to 10 for each of the years 2010, 2011 and 2012.

<sup>§§</sup> At the Commission's 64<sup>th</sup> Annual Meeting held in 2012 a proposal by Denmark (document number IWC/64/12) regarding the Greenland Aboriginal Subsistence Whaling hunts for the period 2013 to 2018 failed to gain the necessary three-quarters majority support.

that no more than 15 strikes shall be added to the strike quota for any one year. This provision will be reviewed if new scientific data become available within the 5 year period and if necessary amended on basis of the advice of the Scientific Committee.<sup>5</sup>

- (iv) The number of bowhead whales struck off West Greenland in accordance with this sub-paragraph shall not exceed 2 in each of the years 2008, 2009, 2010, 2011 and 2012, except that any unused portion of the quota for each year shall be carried forward from that year and added to the quota of any subsequent years, provided that no more than 2 shall be added to the quota for any one year. This provision will be reviewed if new scientific data become available within the 5 year period and if necessary amended on basis of the advice of the Scientific Committee.<sup>5</sup>
  - (v) The number of humpback whales struck off West Greenland in accordance with this sub-paragraph shall not exceed 9 in each of the years 2010, 2011 and 2012, except that any unused portion of the quota for each year shall be carried forward from that year and added to the strike quota of any of the subsequent years, provided that no more than 2 strikes shall be added to the strike quota for any one year. This provision will be reviewed if new scientific data become available within the remaining quota period and if necessary amended on the basis of the advice of the Scientific Committee.<sup>5</sup>
- (4) For the seasons **2013-2018** the number of humpback whales to be taken by the Bequians of St. Vincent and The Grenadines shall not exceed **24**. The meat and products of such whales are to be used exclusively for local consumption in St. Vincent and The Grenadines.<sup>▲</sup>
14. It is forbidden to take or kill suckling calves or female whales accompanied by calves.

#### Baleen Whale Size Limits

- 15. (a) It is forbidden to take or kill any sei or Bryde's whales below 40 feet (12.2 metres) in length except that sei and Bryde's whales of not less than 35 feet (10.7 metres) may be taken for delivery to land stations, provided that the meat of such whales is to be used for local consumption as human or animal food.
- (b) It is forbidden to take or kill any fin whales below 57 feet (17.4 metres) in length in the Southern Hemisphere, and it is forbidden to take or kill fin whales below 55 feet (16.8 metres) in the Northern Hemisphere; except that fin whales of not less than 55 feet (16.8 metres) may be taken in the Southern Hemisphere for delivery to land stations and fin whales of not less than 50 feet (15.2

metres) may be taken in the Northern Hemisphere for delivery to land stations, provided that, in each case the meat of such whales is to be used for local consumption as human or animal food.

#### Sperm Whale Catch Limits

- 16. Catch limits for sperm whales of both sexes shall be set at zero in the Southern Hemisphere for the 1981/82 pelagic season and 1982 coastal seasons and following seasons, and at zero in the Northern Hemisphere for the 1982 and following coastal seasons; except that the catch limits for the 1982 coastal season and following seasons in the Western Division of the North Pacific shall remain undetermined and subject to decision by the Commission following special or annual meetings of the Scientific Committee. These limits shall remain in force until such time as the Commission, on the basis of the scientific information which will be reviewed annually, decides otherwise in accordance with the procedures followed at that time by the Commission.
- 17. It is forbidden to take or kill suckling calves or female whales accompanied by calves.

#### Sperm Whale Size Limits

- 18. (a) It is forbidden to take or kill any sperm whales below 30 feet (9.2 metres) in length except in the North Atlantic Ocean where it is forbidden to take or kill any sperm whales below 35 feet (10.7 metres).
- (b) It is forbidden to take or kill any sperm whale over 45 feet (13.7 metres) in length in the Southern Hemisphere north of 40° South Latitude during the months of October to January inclusive.
- (c) It is forbidden to take or kill any sperm whale over 45 feet (13.7 metres) in length in the North Pacific Ocean and dependent waters south of 40° North Latitude during the months of March to June inclusive.

#### IV. TREATMENT

- 19. (a) It is forbidden to use a factory ship or a land station for the purpose of treating any whales which are classified as Protection Stocks in paragraph 10 or are taken in contravention of paragraphs 2, 3, 4, 5, 6, 7, 8, 11, 12, 14, 16 and 17 of this Schedule, whether or not taken by whale catchers under the jurisdiction of a Contracting Government.
- (b) All other whales taken, except minke whales, shall be delivered to the factory ship or land station and all parts of such whales shall be processed by boiling or otherwise, except the internal organs, whale bone and flippers of all whales, the meat of sperm whales and parts of whales intended for human food or feeding animals. A Contracting Government may in less developed regions exceptionally permit treating of whales without use of land stations, provided that such whales are fully utilised in accordance with this paragraph.
- (c) Complete treatment of the carcasses of "dauhval" and of whales used as fenders will not be required in cases where the meat or bone of such whales is in bad condition.

<sup>▲</sup>See footnote to Table 1.

<sup>5</sup>At the Commission's 64<sup>th</sup> Annual Meeting held in 2012 a proposal by Denmark (document number IWC/64/12) regarding the Greenland Aboriginal Subsistence Whaling hunts for the period 2013 to 2018 failed to gain the necessary three-quarters majority support.



20. (a) The taking of whales for treatment by a factory ship shall be so regulated or restricted by the master or person in charge of the factory ship that no whale carcass (except of a whale used as a fender, which shall be processed as soon as is reasonably practicable) shall remain in the sea for a longer period than thirty-three hours from the time of killing to the time when it is hauled up for treatment.
- (b) Whales taken by all whale catchers, whether for factory ships or land stations, shall be clearly marked so as to identify the catcher and to indicate the order of catching.

#### V. SUPERVISION AND CONTROL

21. (a) There shall be maintained on each factory ship at least two inspectors of whaling for the purpose of maintaining twenty-four hour inspection provided that at least one such inspector shall be maintained on each catcher functioning as a factory ship. These inspectors shall be appointed and paid by the Government having jurisdiction over the factory ship; provided that inspectors need not be appointed to ships which, apart from the storage of products, are used during the season solely for freezing or salting the meat and entrails of whales intended for human food or feeding animals.
- (b) Adequate inspection shall be maintained at each land station. The inspectors serving at each land station shall be appointed and paid by the Government having jurisdiction over the land station.
- (c) There shall be received such observers as the member countries may arrange to place on factory ships and land stations or groups of land stations of other member countries. The observers shall be appointed by the Commission acting through its Secretary and paid by the Government nominating them.
22. Gunners and crews of factory ships, land stations, and whale catchers, shall be engaged on such terms that their remuneration shall depend to a considerable extent upon such factors as the species, size and yield of whales and not merely upon the number of the whales taken. No bonus or other remuneration shall be paid to the gunners or crews of whale catchers in respect of the taking of lactating whales.
23. Whales must be measured when at rest on deck or platform after the hauling out wire and grasping device have been released, by means of a tape-measure made of a non-stretching material. The zero end of the tape-measure shall be attached to a spike or stable device to be positioned on the deck or platform abreast of one end of the whale. Alternatively the spike may be stuck into the tail fluke abreast of the apex of the notch. The tape-measure shall be held taut in a straight line parallel to the deck and the whale's body, and other than in exceptional circumstances along the whale's back, and read abreast of the other end of the whale. The ends of the whale for measurement purposes shall be the tip of the upper jaw, or in sperm whales the most forward part of the head, and the apex of the notch between the tail flukes.

Measurements shall be logged to the nearest foot or 0.1 metre. That is to say, any whale between 75 feet 6 inches and 76 feet 6 inches shall be logged as 76 feet, and any whale between 76 feet 6 inches and 77 feet 6 inches shall be logged as 77 feet. Similarly, any whale between 10.15 metres and 10.25 metres shall be logged as 10.2 metres, and any whale between 10.25 metres and 10.35 metres shall be logged as 10.3 metres. The measurement of any whale which falls on an exact half foot or 0.05 metre shall be logged at the next half foot or 0.05 metre, e.g. 76 feet 6 inches precisely shall be logged as 77 feet and 10.25 metres precisely shall be logged as 10.3 metres.

#### VI. INFORMATION REQUIRED

24. (a) All whale catchers operating in conjunction with a factory ship shall report by radio to the factory ship:
- (1) the time when each whale is taken
  - (2) its species, and
  - (3) its marking effected pursuant to paragraph 20(b).
- (b) The information specified in sub-paragraph (a) of this paragraph shall be entered immediately by a factory ship in a permanent record which shall be available at all times for examination by the whaling inspectors; and in addition there shall be entered in such permanent record the following information as soon as it becomes available:
- (1) time of hauling up for treatment
  - (2) length, measured pursuant to paragraph 23
  - (3) sex
  - (4) if female, whether lactating
  - (5) length and sex of foetus, if present, and
  - (6) a full explanation of each infraction.
- (c) A record similar to that described in sub-paragraph (b) of this paragraph shall be maintained by land stations, and all of the information mentioned in the said sub-paragraph shall be entered therein as soon as available.
- (d) A record similar to that described in sub-paragraph (b) of this paragraph shall be maintained by "small-type whaling" operations conducted from shore or by pelagic fleets, and all of this information mentioned in the said sub-paragraph shall be entered therein as soon as available.
25. (a) All Contracting Governments shall report to the Commission for all whale catchers operating in conjunction with factory ships and land stations the following information:
- (1) methods used to kill each whale, other than a harpoon, and in particular compressed air;
  - (2) number of whales struck but lost.
- (b) A record similar to that described in sub-paragraph (a) of this paragraph shall be maintained by vessels engaged in "small-type whaling" operations and by native peoples taking species listed in paragraph 1, and all the information mentioned in the said sub-paragraph shall be entered therein as soon as available, and forwarded by Contracting Governments to the Commission.
26. (a) Notification shall be given in accordance with the provisions of Article VII of the Convention, within two days after the end of each calendar week, of data on the number of baleen whales

- by species taken in any waters south of 40° South Latitude by all factory ships or whale catchers attached thereto under the jurisdiction of each Contracting Government, provided that when the number of each of these species taken is deemed by the Secretary to the International Whaling Commission to have reached 85 per cent of whatever total catch limit is imposed by the Commission notification shall be given as aforesaid at the end of each day of data on the number of each of these species taken.
- (b) If it appears that the maximum catches of whales permitted by paragraph 11 may be reached before 7 April of any year, the Secretary to the International Whaling Commission shall determine, on the basis of the data provided, the date on which the maximum catch of each of these species shall be deemed to have been reached and shall notify the master of each factory ship and each Contracting Government of that date not less than four days in advance thereof. The taking or attempting to take baleen whales, so notified, by factory ships or whale catchers attached thereto shall be illegal in any waters south of 40° South Latitude after midnight of the date so determined.
- (c) Notification shall be given in accordance with the provisions of Article VII of the Convention of each factory ship intending to engage in whaling operations in any waters south of 40° South Latitude.
27. Notification shall be given in accordance with the provisions of Article VII of the Convention with regard to all factory ships and catcher ships of the following statistical information:
- (a) concerning the number of whales of each species taken, the number thereof lost, and the number treated at each factory ship or land station, and
- (b) as to the aggregate amounts of oil of each grade and quantities of meal, fertiliser (guano), and other products derived from them, together with
- (c) particulars with respect to each whale treated in the factory ship, land station or "small-type whaling" operations as to the date and approximate latitude and longitude of taking, the species and sex of the whale, its length and, if it contains a foetus, the length and sex, if ascertainable, of the foetus.
- The data referred to in (a) and (c) above shall be verified at the time of the tally and there shall also be notification to the Commission of any information which may be collected or obtained concerning the calving grounds and migration of whales.
28. (a) Notification shall be given in accordance with the provisions of Article VII of the Convention with regard to all factory ships and catcher ships of the following statistical information:
- (1) the name and gross tonnage of each factory ship,
- (2) for each catcher ship attached to a factory ship or land station:
- (i) the dates on which each is commissioned and ceases whaling for the season,
- (ii) the number of days on which each is at sea on the whaling grounds each season,
- (iii) the gross tonnage, horsepower, length and other characteristics of each; vessels used only as tow boats should be specified.
- (3) A list of the land stations which were in operation during the period concerned, and the number of miles searched per day by aircraft, if any.
- (b) The information required under paragraph (a)(2)(iii) should also be recorded together with the following information, in the log book format shown in Appendix A, and forwarded to the Commission:
- (1) where possible the time spent each day on different components of the catching operation,
- (2) any modifications of the measures in paragraphs (a)(2)(i)-(iii) or (b)(1) or data from other suitable indicators of fishing effort for "small-type whaling" operations.
29. (a) Where possible all factory ships and land stations shall collect from each whale taken and report on:
- (1) both ovaries or the combined weight of both testes,
- (2) at least one ear plug, or one tooth (preferably first mandibular).
- (b) Where possible similar collections to those described in sub-paragraph (a) of this paragraph shall be undertaken and reported by "small-type whaling" operations conducted from shore or by pelagic fleets.
- (c) All specimens collected under sub-paragraphs (a) and (b) shall be properly labelled with platform or other identification number of the whale and be appropriately preserved.
- (d) Contracting Governments shall arrange for the analysis as soon as possible of the tissue samples and specimens collected under sub-paragraphs (a) and (b) and report to the Commission on the results of such analyses.
30. A Contracting Government shall provide the Secretary to the International Whaling Commission with proposed scientific permits before they are issued and in sufficient time to allow the Scientific Committee to review and comment on them. The proposed permits should specify:
- (a) objectives of the research;
- (b) number, sex, size and stock of the animals to be taken;
- (c) opportunities for participation in the research by scientists of other nations; and
- (d) possible effect on conservation of stock.
- Proposed permits shall be reviewed and commented on by the Scientific Committee at Annual Meetings when possible. When permits would be granted prior to the next Annual Meeting, the Secretary shall send the proposed permits to members of the Scientific Committee by mail for their comment and review. Preliminary results of any research resulting from the permits should be made available at the next Annual Meeting of the Scientific Committee.
31. A Contracting Government shall transmit to the Commission copies of all its official laws and regulations relating to whales and whaling and changes in such laws and regulations.

**INTERNATIONAL CONVENTION FOR THE REGULATION OF WHALING, 1946**  
**SCHEDULE APPENDIX A**

TITLE PAGE  
(one logbook per catcher per season)

Catcher name..... Year built.....

Attached to expedition/land station .....

Season.....

Overall length..... Wooden/steel hull.....

Gross tonnage.....

Type of engine..... H.P. ....

Maximum speed..... Average searching speed.....

Asdic set, make and model no.....

Date of installation.....

Make and size of cannon.....

Type of first harpoon used..... Explosive/electric/non-explosive

Type of killer harpoon used.....

Length and type of forerunner.....

Type of whaleline.....

Height of barrel above sea level.....

Speedboat used, Yes/No

Name of Captain.....

Number of years experience.....

Name of gunner.....

Number of years experience.....

Number of crew.....

INTERNATIONAL CONVENTION FOR THE REGULATION OF WHALING, 1946

DAILY RECORD SHEET TABLE 1

Date ..... Catcher name ..... Sheet No. ....

Searching: Time started (or resumed) searching .....  
 \*Time whales seen or reported to catcher .....  
 Whale species .....  
 Number seen and no. of groups .....  
 Position found .....  
 Name of catcher that found whales .....  
 Chasing: Time started chasing (or confirmed whales) .....  
 Time whale shot or chasing discontinued .....  
 Handling: Asdic used (Yes/No) .....  
 Time whale flagged or alongside for towing .....  
 Serial No. of catch .....  
 Towing: Time started picking up .....  
 Time finished picking up or started towing .....  
 Resting: Date and time delivered to factory .....  
 Time stopped (for drifting or resting) .....  
 Time finished drifting/resting .....  
 Time ceased operations .....  
 WEATHER CONDITIONS

Total searching time.....	Wind force and direction	Visibility
Total chasing time .....	Time	Sea state
A) with asdic .....	Time	Sea state
B) without asdic .....	Time	Sea state
Total handling time .....	Time	Sea state
Total towing time .....	Time	Sea state
Total resting time .....	Time	Sea state
Other time (e.g. bunkering, in port) .....	Time	Sea state

Whales Seen (No. and No. of schools)

Blue.....	Bryde's .....
Fin.....	Minke .....
Humpback.....	Sperm .....
Right.....	Others (specify) .....
Sei.....	.....
Signed.....	.....

\*Time whales reported to catcher means the time when the catcher is told of the position of a school and starts to move towards it to chase it.

SCHEDULE APPENDIX A

SCHOOLING REPORT

TABLE 2

To be completed by pelagic expedition or coastal station for each sperm whale school chased. A separate form to be used each day.

Name of expedition or coastal station .....

Date ..... Noon position of factory ship .....

Time School Found .....

Total Number of Whales in School .....

Number of Takeable Whales in School .....

Number of Whales Caught from School by each Catcher .....

Name of Catcher .....

Name of Catcher .....

Name of Catcher .....

Name of Catcher .....

Total Number Caught from School .....

Remarks:

Explanatory Notes

- A. Fill in one column for each school chased with number of whales caught by each catcher taking part in the chase; if catchers chase the school but do not catch from it, enter 0; for catchers in fleet which do not chase that school enter X.
- B. A school on this form means a group of whales which are sufficiently close together that a catcher having completed handling one whale can start chasing another whale almost immediately without spending time searching. A solitary whale should be entered as a school of 1 whale.
- C. A takeable whale is a whale of a size or kind which the catchers would take if possible. It does not necessarily include all whales above legal size, e.g. if catchers are concentrating on large whales only these would be counted as takeable.
- D. Information about catchers from other expeditions or companies operating on the same school should be recorded under Remarks.



**Rules of Procedure  
and  
Financial Regulations**

As amended by the Commission at the 64th Annual Meeting, July 2012

(amendments are shown in *bold italics*)

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## Rules of Procedure

### A. Representation

1. A Government party to the International Convention for the Regulation of Whaling, 1946 (hereafter referred to as the Convention) shall have the right to appoint one Commissioner and shall furnish the Secretary of the Commission with the name of its Commissioner and his/her designation and notify the Secretary promptly of any changes in the appointment. The Secretary shall inform other Commissioners of such appointment.
2. In addition to the Commissioner, each Contracting Government is invited to establish an additional means of communication between the Chair and Secretary of the Commission and that Government by designating an Alternate Commissioner or by creating a focal or contact point (which could be an e-mail address). The details shall be communicated to the Secretary through recognised diplomatic channels. Contact details of the Commissioner, Alternate Commissioner or the focal or contact point shall also be posted on the Commission's public web site.

### B. Meetings

1. The Commission shall hold a regular [ ] **Biennial** Meeting in such place as the Commission may determine. Any Contracting Government desiring to extend an invitation to the Commission to meet in that country shall give formal notice two years in advance. A formal offer should include:
  - (a) which meetings it covers, i.e. Scientific Committee, Commission sub-groups, [ ] **Biennial** Commission meeting;
  - (b) a proposed time window within which the meeting will take place; and
  - (c) a timetable for finalising details of the exact timing and location of the meeting.

Attendance by a majority of the members of the Commission shall constitute a quorum. Special Meetings of the Commission may be called at the direction of the Chair after consultation with the Contracting Governments and Commissioners.
2. Before the end of each [ ] **Biennial** Meeting, the Commission shall decide on: (1) the length of the **next [ ] Biennial** Commission Meeting and associated meetings [ ] and (2) which of the Commission's sub-groups need to meet.
3. **The Scientific Committee shall meet annually. Other committees and sub-committees shall meet biennially, prior to the meeting of the Commission. However, this does not preclude intersessional work by these committees and sub-groups from continuing.**
4. **The Bureau shall meet in those years in which the Commission does not meet, and shall otherwise meet as required to fulfil its functions in accordance with Rule M.9.**

### C. Observers

1. (a) Any Government not a party to the Convention or any intergovernmental organisation may be represented at meetings of the Commission by an observer or observers, if such non-party government or intergovernmental organisation has previously attended any meeting of the Commission, or if it submits its request in writing

to the Commission 60 days prior to the start of the meeting, or if the Commission issues an invitation to attend.

- (b) Any non-governmental organisation which expresses an interest in matters covered by the Convention, may be accredited as an observer. Requests for accreditation must be submitted in writing to the Commission 60 days prior to the start of the meeting and the Commission may issue an invitation with respect to such request. Such submissions shall include the standard application form for non-governmental organisations which will be provided by the Secretariat. These applications shall remain available for review by Contracting Governments.

Once a non-governmental organisation has been accredited through the application process above, it will remain accredited until the Commission decides otherwise.

Observers from each non-governmental organisation will be allowed seating in the meeting. However, seating limitations may require that the number of observers from each non-governmental organisation be limited. The Secretariat will notify accredited non-governmental organisations of any seating limitations in advance of the meeting.

- (c) The Commission shall levy a registration fee and determine rules of conduct, and may define other conditions for the attendance of observers accredited in accordance with Rule C.1.(a) and (b). The registration fee will [ ] **cover** attendance at the [ ] **Biennial Commission** Meeting to which it relates and any other meeting of the Commission or its subsidiary groups as provided in Rule C.2 in the interval before the next [ ] **Biennial Commission Meeting**.
2. Observers accredited in accordance with Rule C.1.(a) and (b) are admitted to all meetings of the Commission and the Technical Committee, and to any meetings of subsidiary groups of the Commission and the Technical Committee, except the Commissioners-only meetings, **meetings of the Bureau** and the meetings of the Finance and Administration Committee.

### D. Credentials

1. (a) The names of all representatives of member and non-member governments and observer organisations to any meeting of the Commission or committees, as specified in the Rules of Procedure of the Commission, Technical and Scientific Committees, shall be notified to the Secretary in writing before their participation and/or attendance at each meeting. For member governments, the notification shall indicate the Commissioner, his/her alternate(s) and advisers, and the head of the national delegation to the Scientific Committee and any alternate(s) as appropriate.

The written notification shall be made by governments or the heads of organisations as the case may be. In this context, 'governments' means the Head of State, the Head of Government, the Minister of Foreign Affairs (including: on behalf of the Minister of Foreign Affairs), the Minister



responsible for whaling or whale conservation (including: on behalf of this Minister), the Head of the Diplomatic Mission accredited to the seat of the Commission or to the host country of the meeting in question, or the Commissioner appointed under Rule A.1.

- (b) Credentials for a Commissioner appointed for the duration of a meeting must be issued as in D.1(a). Thereafter, until the end of the meeting in question, that Commissioner assumes all the powers of a Commissioner appointed under A.1., including that of issuing credentials for his/her delegation.
- (c) In the case of members of delegations who will attend the [ ] *Biennial* Commission Meeting and its associated meetings, the notification may be made *en bloc* by submitting a list of the members who will attend any of these meetings.
- (d) The Secretary, or his/her representative, shall report on the received notifications at the beginning of a meeting.
- (e) In case of any doubt as to the authenticity of notification or in case of apparent delay in their delivery, the Chair of the meeting shall convene an *ad hoc* group of no more than one representative from any Contracting Government present to decide upon the question of participation in the meeting.

#### E. Decision-making

A decision of the Commission taken at a meeting, whether by consensus or by vote, is not deemed adopted until the text has either been provided to all Members of the Commission, or presented to them by electronic means, and then approved by the Commission. The text will also be made simultaneously available to all other accredited participants. The text shall normally be distributed or presented in English and conveyed in the other working languages by oral interpretation. This rule applies both to decisions of the kinds specified in Rule J, and to other decisions of the Commission, except those relating only to the conduct of the current meeting. If the text of a proposed decision is amended, the revised text shall be distributed or presented in accordance with this rule. The authentic text of any such decision shall be the English version.

The Commission shall make every effort to reach its decisions by consensus. If all efforts to reach consensus have been exhausted and no agreement reached, the following Rules of Procedure shall apply:

1. Each Commissioner shall have the right to vote at Plenary Meetings of the Commission and in his/her absence his/her deputy or alternate shall have such right. Experts and advisers may address Plenary Meetings of the Commission but shall not be entitled to vote. They may vote at the meetings of any committee to which they have been appointed, provided that when such vote is taken, representatives of any Contracting Government shall only exercise one vote.
2. (a) The right to vote of representatives of any Contracting Government shall be suspended automatically when the annual payment of a Contracting Government including any interest due has not been received by the Commission by the earliest of these dates:
  - 3 months following the due date prescribed in Regulation E.2 of the Financial Regulations; or
  - the day before the first day of the next [ ] *Biennial* or Special Meeting of the Commission

if such a meeting is held within 3 months following the due date; or

- in the case of a vote by postal or other means, the date upon which votes must be received if this falls within 3 months following the due date.

This suspension of voting rights applies until payment is received by the Commission.

- (b) The Commissioner of a new Contracting Government shall not exercise the right to vote either at meetings or by postal or other means: (i) until 30 days after the date of adherence, although they may participate fully in discussions of the Commission; and (ii) unless the Commission has received the Government's financial contribution or part contribution for the year prescribed in Financial Regulation E.3., the day before the first day of the [ ] *Biennial* or Special Meeting concerned.
3. (a) Where a vote is taken on any matter before the Commission, a simple majority of those casting an affirmative or negative vote shall be decisive, except that a three-fourths majority of those casting an affirmative or negative vote shall be required for action in pursuance of Article V of the Convention.
- (b) Action in pursuance of Article V shall contain the text of the regulations proposed to amend the Schedule. A proposal that does not contain such regulatory text does not constitute an amendment to the Schedule and therefore requires only a simple majority vote. A proposal that does not contain such regulatory text to revise the Schedule but would commit the Commission to amend the Schedule in the future can neither be put to a vote nor adopted.
- (c) At meetings of committees appointed by the Commission, a simple majority of those casting an affirmative or negative vote shall also be decisive. The committee shall report to the Commission if the decision has been arrived at as a result of the vote.
- (d) Votes shall be taken by show of hands, or by roll call, as in the opinion of the Chair, appears to be most suitable. The election of the Chair, Vice-Chair, the appointment of the Secretary of the Commission, and the selection of IWC [ ] *Biennial* Meeting venues shall, upon request by a Commissioner, all proceed by secret ballot.
4. Between meetings of the Commission or in the case of emergency, a vote of the Commissioners may be taken by post, or other means of communication in which case the necessary simple, or where required three-fourths majority, shall be of the total number of Contracting Governments whose right to vote has not been suspended under paragraph 2.

#### F. Chair

1. The Chair of the Commission shall be elected from time to time from among the Commissioners and shall take office at the conclusion of the [ ] *Biennial* Meeting at which he/she is elected. The Chair shall serve for a period of [ ] *two* years and shall not be eligible for re-election as Chair until a further period of [ ] *two* years has elapsed. The Chair shall, however, remain in office until a successor is elected, *if he/she agrees to do so. The Chair is to serve the Commission, and as such, shall serve in an individual capacity and not represent the views of their Contracting Government, when acting as Chair.*

2. The duties of the Chair shall be:
  - (a) to preside at all meetings of the Commission *and Bureau*;
  - (b) to decide all questions of order raised at meetings of the Commission, subject to the right of any Commissioner to appeal against any ruling of the Chair.
  - (c) to call for votes and to announce the result of the vote to the Commission;
  - (d) to develop, with appropriate consultation, draft agenda for meetings of the Commission *and Bureau*.
    - (i) for  *Biennial* Meetings:
      - in consultation with the  *Bureau*, to develop a draft agenda based on decisions and recommendations made at the previous  *Biennial* Meeting for circulation to all Contracting Governments and Commissioners for review and comment not less than 100 days in advance of the meeting;
      - on the basis of comments and proposals received from Contracting Governments and Commissioners under d(i) above, to develop with the Secretary, an annotated provisional agenda for circulation to all Contracting Governments not less than 60 days in advance of the meeting;
    - (ii) for Special Meetings, the two-stage procedure described in (i) above will be followed whenever practicable, recognising that Rule of Procedure J.1 still applies with respect to any item of business involving amendment of the Schedule or recommendations under Article VI of the Convention.
  - (e) to sign, on behalf of the Commission, a report of the proceedings of each  *biennial* or other meeting of the Commission *and Bureau*, for transmission to Contracting Governments and others concerned as an authoritative record of what transpired;
  - (f) generally, to make such decisions and give such directions to the Secretary as will ensure, especially in the interval between the meetings of the Commission, that the business of the Commission is carried out efficiently and in accordance with its decision.

#### G. Vice-Chair

1. The Vice-Chair of the Commission shall be elected from time to time from among the Commissioners and shall preside at meetings of the Commission *and Bureau*, or between them, in the absence or in the event of the Chair being unable to act. He/she shall on those occasions exercise the powers and duties prescribed for the Chair. The Vice-Chair shall be elected for a period of  *two* years and shall not be eligible for re-election as Vice-Chair until a further period of  *two* years has elapsed. He/she shall, however, remain in office until a successor is elected, *if he/she agrees to do so. The Vice-Chair is to serve the Commission, and as such, shall serve in an individual capacity and not represent the views of their Contracting Government, when acting as Vice-Chair.*

#### H. Secretary

1. The Commission shall appoint a Secretary and shall designate staff positions to be filled through appointments made by the Secretary. The Commission

shall fix the terms of employment, rate of remuneration including tax assessment and superannuation and travelling expenses for the members of the Secretariat.

2. The Secretary is the executive officer of the Commission and shall:
  - (a) be responsible to the Commission for the control and supervision of the staff and management of its office and for the receipt and disbursement of all monies received by the Commission;
  - (b) make arrangements for all meetings of the Commission,  its committees and *the Bureau and* provide necessary secretarial assistance;
  - (c) prepare and submit to the Chair a draft of the Commission's budget for each *two* year *period* and shall subsequently submit the budget to all Contracting Governments and Commissioners as early as possible before the  *Biennial* Meeting;
  - (d) despatch by the most expeditious means available:
    - (i) a draft agenda for the  *Biennial* Commission Meeting to all Contracting Governments and Commissioners 100 days in advance of the meeting for comment and any additions with annotations they wish to propose;
    - (ii) an annotated provisional agenda to all Contracting Governments and Commissioners not less than 60 days in advance of the  *Biennial* Commission Meeting. Included in the annotations should be a brief description of each item, and in so far as possible, documentation relevant to agenda items should be referred to in the annotation and sent to member nations at the earliest possible date;
  - (e) receive, tabulate and publish notifications and other information required by the Convention in such form and manner as may be prescribed by the Commission;
  - (f) perform such other functions as may be assigned to him/her by the Commission or its Chair;
  - (g) where appropriate, provide copies or availability to a copy of reports of the Commission including reports of Observers under the International Observer Scheme, upon request after such reports have been considered by the Commission.
  - (h) maintain the Commission's public web site, which shall be continuously accessible to the extent possible subject to maintenance requirements and technical constraints.

#### I. Chair of Scientific Committee

1. The Chair of the Scientific Committee may attend meetings of the Commission and Technical Committee in an *ex officio* capacity without vote, at the invitation of the Chair of the Commission or Technical Committee respectively in order to represent the views of the Scientific Committee.

#### J. Schedule amendments, recommendations under Article VI and Resolutions

1. No item of business which involves amendment of the Schedule to the Convention, recommendations under Article VI of the Convention, or Resolutions of the Commission, shall be the subject of decisive action by the Commission unless the full draft text has been circulated to the Commissioners at least 60 days in advance of the meeting at which the matter is to be discussed.

2. Notwithstanding the advance notice requirements for draft Resolutions in Rule J.1, at the recommendation of the Chair in consultation with the *[ ] Bureau*, the Commission may decide to consider urgent draft Resolutions which arise after the 60 day deadline where there have been important developments that warrant action in the Commission. The full draft text of any such Resolution must be circulated to all Commissioners prior to the opening of the meeting at which the draft Resolution is to be considered.
3. Notwithstanding Rules J.1 and J.2, the Commission may adopt Resolutions on any matter that may arise during a meeting only when consensus is achieved.

#### **K. Financial**

1. The financial year of the Commission shall be from 1<sup>st</sup> September to 31<sup>st</sup> August.
2. Any request to Contracting Governments for financial contributions shall be accompanied by a statement of the Commission's expenditure for the appropriate year, actual or estimated.
3. Annual payments and other financial contributions by Contracting Governments shall be made payable to the Commission and shall be in pounds sterling.

#### **L. Offices**

1. The seat of the Commission shall be located in the United Kingdom.

#### **M. Committees**

1. The Commission shall establish a Scientific Committee, a Technical Committee and a Finance and Administration Committee. Commissioners shall notify their desire to be represented on the Scientific, Technical and Finance and Administration Committees 28 days prior to the meetings, and shall designate the approximate size of their delegations.
2. The Chair may constitute such *ad hoc* committees as may be necessary from time to time, with similar arrangements for notification of the numbers of participants as in paragraph 1 above where appropriate. Each committee shall elect its Chair. The Secretary shall furnish appropriate secretarial services to each committee.
3. Sub-committees and working groups may be designated by the Commission to consider technical issues as appropriate, and each will report to the Technical Committee or the plenary session of the Commission as the Commission may decide.
4. (a) The Scientific Committee shall review the current scientific and statistical information with respect to whales and whaling, shall review current scientific research programmes of Governments, other international organisations or of private organisations, shall review the scientific permits and scientific programmes for which Contracting Governments plan to issue scientific permits, shall consider such additional matters as may be referred to it by the Commission or by the Chair of the Commission, and shall submit reports and recommendations to the Commission.
- (b) Any ad hoc committee, sub-committee or working group established to provide scientific advice shall report to the Scientific Committee, which shall review the report of such committee, sub-committee or working group, and, as appropriate, make its own recommendations on the subject matter.

5. The report of the Scientific Committee should be completed and made available to all Commissioners and posted on the Commission's public web site by the opening date of the *[ ] Biennial* Commission Meeting or within 14 days of the conclusion of the Scientific Committee meeting, whichever is the sooner.
6. The Secretary shall be an *ex officio* member of the Scientific Committee without vote.
7. The Technical Committee shall, as directed by the Commission or the Chair of the Commission, prepare reports and make recommendations on:
  - (a) Management principles, categories, criteria and definitions, taking into account the recommendations of the Scientific Committee, as a means of helping the Commission to deal with management issues as they arise;
  - (b) technical and practical options for implementation of conservation measures based on Scientific Committee advice;
  - (c) the implementation of decisions taken by the Commission through resolutions and through Schedule provisions;
  - (d) Commission agenda items assigned to it;
  - (e) any other matters.
8. The Finance and Administration Committee shall advise the Commission on expenditure, budgets, scale of contributions, financial regulations, staff questions, and such other matters as the Commission may refer to it from time to time.

9. *[ ] The Commission shall establish a Bureau. It shall be comprised of the Chair of the Commission, the Vice-Chair of the Commission, the Chair of the Finance and Administration Committee, and four Commissioners representing a range of views and interests. Commissioners shall be appointed to the Bureau for a period of two years at Biennial Commission Meetings. In addition, the Commissioner of the host Government for the next meeting of the Commission will serve in an ex officio capacity for a period of two years. The Secretary will support Meetings of the Bureau.*

*The Chair of the Commission will serve as the Chair of the Bureau and may call upon Chairs of the Commission's sub-groups and committees to participate in Bureau discussions, as appropriate.*

*The Bureau will support the work of the Commission by providing advice to the Chair of the Commission and the Secretariat on work on-going under the Convention, especially at times when the Commission is not in session. To this end, the Bureau will:*

- *provide advice to the Chair and Secretariat on implementing Commission decisions;*
- *advise the Secretariat on administrative and financial matters between meetings of the Commission;*
- *assist in the preparation for meetings of the Commission and its sub-groups and committees;*
- *review progress of work of the committees and sub-groups;*
- *provide support to the Chair during meetings of the Commission, as may be requested by the Chair.*

*The Bureau's mandate is to assist with process management. It is not a decision-making forum and shall not deal with substantive or policy matters under the Convention. The Bureau may consider issues related to financial or administrative tasks within the scope of the Finance and Administration Committee, but only in the context of making recommendations to that Committee.*

#### N. Languages of the Commission

1. English shall be the official language of the Commission. English, French and Spanish shall be the working languages of the Commission. Commissioners may speak in any other language, if desired, it being understood that Commissioners doing so will provide their own interpreters. All official publications and communications of the Commission shall be in English. Agreed publications shall be available in English, French and Spanish<sup>1</sup>.

#### O. Records of Meetings

1. The proceedings of the meetings of the Commission, [ ] its committees *and the Bureau* shall be recorded in summary form.
2. The text of each Commission decision adopted at a meeting in accordance with Rule E, or by post, shall be placed on the Commission's public web site in all working languages within 14 days of the conclusion of the meeting or adoption of the decision by post.

#### P. Reports and communications

1. Commissioners should arrange for reports on the subject of whaling published in their own countries to be sent to the Commission for record purposes.
2. The Chair's Report of the most recent [ ] *Biennial Commission Meeting or Meeting of the Bureau* shall be posted on the Commission's public web site in English within two months of the end of the meeting and in the other working languages as soon as possible thereafter. It shall be published in the Annual Report of the year just completed.
3. All individual and circular communications from the Chair or Secretary to Contracting Governments shall be sent to both the Commissioner appointed under Rule A.1. and to his/her Alternate designated or to the focal or contact point created under Rule A.2. They should also be sent to all accredited intergovernmental observers. All circular communications from the Chair or Secretary to Contracting Governments shall be posted on the Commission's public web site on despatch, unless the Chair, after consulting with the [ ] *Bureau*, deems that a confidential communication is warranted (applicable only for staff issues, infraction cases and information provided by Contracting Governments with a request that it remain confidential),

in which case the communication should be sent to the Contracting Governments alone. A list of dates and subject titles of such confidential communications shall be presented to the next [ ] *Biennial Meeting or to the Bureau in years when the Commission does not meet.*

#### Q. Commission Documents

1. Reports of meetings of all committees, sub-committees and working groups of the Commission are confidential (i.e. reporting of discussions, conclusions and recommendations made during a meeting is prohibited) until the opening plenary session of the Commission meeting to which they are submitted, or in the case of intersessional meetings, until after they have been dispatched by the Secretary to Contracting Governments and Commissioners. This applies equally to member governments and observers. Such reports, with the exception of the report of the Finance and Administration Committee, shall be distributed to Commissioners, Contracting Governments and accredited observers at the same time. Procedures applying to the Scientific Committee are contained in its Rules of Procedure E.5.(a) and E.5.(b).
2. Any document submitted to the Commission for distribution to Commissioners, Contracting Governments or members of the Scientific Committee is considered to be in the public domain unless it is designated by the author or government submitting it to be restricted<sup>2</sup>. Such restriction is automatically lifted when the report of the meeting to which it is submitted becomes publicly available under 1. above.
3. Observers admitted under Rule of Procedure C.1.(a) and (b) may submit Opening Statements which will be included in the official documentation of the [ ] *Biennial* or other Meeting concerned. They shall be presented in the format and the quantities determined by the Secretariat for meeting documentation. The content of the Opening Statements shall be relevant to matters under consideration by the Commission, and shall be in the form of views and comments made to the Commission in general rather than directed to any individual or group of Contracting Governments.<sup>3</sup>
4. All meeting documents shall be included in the Commission's archives in the form in which they were considered at the meeting. All such documents dating from 2011 onwards, and also earlier years where feasible, shall be archived on the Commission's public web site in an accessible fashion by year and category of document.

#### R. Amendment of Rules

1. These Rules of Procedure and the Rules of Debate may be amended from time to time by a simple majority of the Commissioners voting, but the full draft text of any proposed amendment shall be circulated to the Commissioners at least 60 days in advance of the meeting at which the matter is to be discussed.

<sup>1</sup>As agreed at IWC/59 in Anchorage in 2007: i.e. simultaneous interpretation in French and Spanish in IWC Plenary and private meetings of Commissioners, and translation into French and Spanish of: (1) Resolutions and Schedule amendments; (2) the Chair's [ ] reports of [ ] *biennial meetings and meetings of the Bureau*; (3) Annotated Provisional Agendas; and (4) summaries of the Scientific Committee and working group reports. *Ann. Rep. Int. Whaling Comm. 2007: 56-57.*

<sup>2</sup>This does not prevent Contracting Governments from consulting as they see fit on such documents providing confidentiality is maintained as described in Rule of Procedure Q.1.

<sup>3</sup>[There is no intention that the Secretariat should conduct advance or *ex-ante* reviews of such statements.]

## Financial Regulations

### A. Applicability

1. These regulations shall govern the financial administration of the International Whaling Commission.
2. They shall become effective as from the date decided by the Commission and shall be read with and in addition to the Rules of Procedure. They may be amended in the same way as provided under Rule R.1 of the Rules of Procedure in respect of those Rules.
3. In case of doubt as to the interpretation and application of any of these regulations, the Chair is authorised to give a ruling.

### B. Financial Year

1. The financial year of the Commission shall be from 1<sup>st</sup> September to 31<sup>st</sup> August (Rules of Procedure, Rule K.1).

### C. General Financial Arrangements

1. There shall be established a Research Fund and a General Fund, and a Voluntary Fund for Small Cetaceans.
  - (a) The Research Fund shall be credited with voluntary contributions and any such monies as the Commission may allocate for research and scientific investigation and charged with specific expenditure of this nature.
  - (b) The General Fund shall, subject to the establishment of any other funds that the Commission may determine, be credited or charged with all other income and expenditure.
  - (c) The details of the Voluntary Fund for Small Cetaceans are given in Appendix 1.  
The General Fund shall be credited or debited with the balance on the Commission's Income and Expenditure Account at the end of each financial year.
2. Subject to the restrictions and limitations of the following paragraphs, the Commission may accept funds from outside the regular contributions of Contracting Governments.
  - (a) The Commission may accept such funds to carry out programmes or activities decided upon by the Commission and/or to advance programmes and activities which are consistent with the objectives and provisions of the Convention.
  - (b) The Commission shall not accept external funds from any of the following:
    - (i) Sources that are known, through evidence available to the Commission, to have been involved in illegal activities, or activities contrary to the provisions of the Convention;
    - (ii) Individual companies directly involved in legal commercial whaling under the Convention;
    - (iii) Organisations which have deliberately brought the Commission into public disrepute.
3. Monies in any of the Funds that are not expected to be required for disbursement within a reasonable period may be invested in appropriate Government or similar loans by the Secretary in consultation with the Chair.
4. The Secretary shall:
  - (a) establish detailed financial procedures and accounting records as are necessary to ensure effective financial administration and control and the exercise of economy;

- (b) deposit and maintain the funds of the Commission in an account in the name of the Commission in a bank to be approved by the Chair;
- (c) cause all payments to be made on the basis of supporting vouchers and other documents which ensure that the services or goods have been received, and that payment has not previously been made;
- (d) designate the officers of the Secretariat who may receive monies, incur obligations and make payments on behalf of the Commission;
- (e) authorise the writing off of losses of cash, stores and other assets and submit a statement of such amounts written off to the Commission and the auditors with the annual accounts.

5. The accounts of the Commission shall be audited annually by a firm of qualified accountants selected by the Commission. The auditors shall certify that the financial statements are in accord with the books and records of the Commission, that the financial transactions reflected in them have been in accordance with the rules and regulations and that the monies on deposit and in hand have been verified. The most recent audited financial statements and the audit report shall be submitted to the [ ] *Biennial Meeting or to the Bureau in years when the Commission does not meet* and posted on the Commission's public website by the opening of the [ ] *Biennial Meeting or Meeting of the Bureau*.

### D. Yearly Statements

1. At each [ ] *Biennial Meeting*, there shall be laid before the Commission two financial statements:
  - (a) a provisional statement dealing with the actual and estimated expenditure and income in respect of the current financial year;
  - (b) the budget estimate of expenditure and income for the ensuing *two year period* including the estimated amount of the individual annual payment to be requested of each Contracting Government *for each of the ensuing two years*.
  - (c) *in years when no Biennial Commission Meeting is held the provisional statement for the current financial year identified in regulation D.1.(a) shall be laid before the Meeting of the Bureau.*
  - (d) *in years when no biennial Commission Meeting is held the Bureau shall review the second half of the two year budget.*

Expenditure and income shall be shown under appropriate sub-heads accompanied by such explanations as the Commission may determine.
2. The two financial statements identified in Regulation D.1 shall be despatched by the most expeditious means available to each Contracting Government and each Commissioner not less than 60 days in advance of the [ ] *Biennial Commission Meeting*. They shall require the Commission's approval after having been referred to the Finance and Administration Committee for consideration and recommendations. A copy of the final accounts shall be sent to all Contracting Governments after they have been audited.  
*In years when the Commission does not meet, the provisional financial statement for the current year shall*

*be made available to each Contracting Government and each Commissioner not less than 60 days in advance of the Meeting of the Bureau.*

3. Supplementary estimates may be submitted to the Commission, as and when may be deemed necessary, in a form consistent with the Annual Estimates. Any supplementary estimate shall require the approval of the Commission after being referred to the Finance and Administration Committee for consideration and recommendation.

#### **E. Contributions**

1. As soon as the Commission has approved the budget for any year, the Secretary shall send a copy thereof to each Contracting Government (in compliance with Rules of Procedure, Rule K.2), and shall request it to remit its annual payment.
2. Payment shall be in pounds sterling, drafts being made payable to the International Whaling Commission and shall be payable within 90 days of the said request from the Secretary or by the following 28 February, the "due date" whichever is the later. It shall be open to any Contracting Government to postpone the payment of any increased portion of the amount which shall be payable in full by the following 31 August, which then becomes the "due date". Payment shall be by bank transfer from an account belonging to the Contracting Government or to a state institution of that Government.
3. New Contracting Governments whose adherence to the Convention becomes effective during the first six months of any financial year shall be liable to pay the full amount of the annual payment for that year, but only half that amount if their adherence falls within the second half of the financial year. The due date for the first payment by new Contracting Governments shall be defined as 6 months from the date of adherence to the Convention or before the first day of any [ ] Meeting of the Commission *or Bureau* in which it participates, whichever is the earlier.  
Subsequent annual payments shall be paid in accordance with Financial Regulation E.2.
4. The Secretary shall report at each [ ] *Biennial Meeting and Meeting of the Bureau* the position as regards the collection of annual payments. *The report shall also be sent to all Commissioners including those who are not members of the Bureau before the beginning of the Meeting of the Bureau in the years when the Commission does not meet.*
5. For the purpose of application of Rule of Procedure E.2, payments of membership dues shall only count as having been received by the Commission when the funds have been credited to the Commission's account unless the payment has been made and the Commission is satisfied that the delay in receipt is due to circumstances beyond the control of the Contracting Government.

#### **F. Arrears of Contributions**

1. If a Contracting Government's annual payments have not been received by the Commission within [ ] 24 months of the due date referred to under Regulation E.2 compound interest shall be added on the anniversary of that day and each subsequent anniversary thereafter at the rate of 2% above the base rate quoted by the Commission's bankers on the day. The interest, calculated to the nearest pound, shall be payable in respect of complete years and continue to be payable in respect of any outstanding balance until such time as the amount in arrears, including interest, is settled in full.

2. If a Contracting Government's annual payments, including any interest due<sup>1</sup>, have not been received by the Commission by the earliest of these dates:
  - 3 months following the due date; or
  - the day before the first day of the next [ ] *Biennial or Special Meeting of the Commission or Meeting of the Bureau* if such a meeting is held within 3 months following the due date; or,
  - in the case of a vote by postal or other means, the date upon which votes must be received if this falls within 3 months following the due date,
 the right to vote of the Contracting Government concerned shall be suspended as provided under Rule E.2 of the Rules of Procedure.
3. Any interest paid by a Contracting Government to the Commission in respect of late annual payments shall be credited to the General Fund.
4. Any payment to the Commission by a Contracting Government in arrears with annual payments shall be used to pay off debts to the Commission, including interest due, in the order in which they were incurred.
5. If a Contracting Government's annual payments, including any interest due, have not been received by the Commission in respect of a period of 3 financial years;
  - (a) no further annual contribution will be charged;
  - (b) interest will continue to be applied annually in accordance with Financial Regulation F.1.;
  - (c) the provisions of this Regulation apply to the Contracting Government for as long as the provisions of Financial Regulations F.1. and F.2. remain in effect for that Government;
  - (d) the Contracting Government concerned will be entitled to attend meetings on payment of a fee per delegate at the same level as Non-Member Government observers;
  - (e) the provisions of this Regulation and of Financial Regulations F.1. and F.2. will cease to have effect for a Contracting Government if it makes a payment of 2 years outstanding contributions and provides an undertaking to pay the balance of arrears and the interest within a further 2 years;
  - (f) interest applied to arrears in accordance with this Regulation will accrue indefinitely except that, if a Government withdraws from the Convention, no further charges shall accrue after the date upon which the withdrawal takes effect.
6. Unless the Commission decides otherwise, a Government which adheres to the Convention without having paid to the Commission any financial obligations incurred prior to its adherence shall, with effect from the date of adherence, be subject to all the penalties prescribed by the Rules of Procedure and Financial Regulations relating to arrears of financial contributions and interest thereon. The penalties shall remain in force until the arrears, including any newly-charged interest, have been paid in full.

<sup>1</sup>A short-term concession of up to 500 pounds sterling will be given to any Contracting Government to take account of remittances sent to cover annual payments, including any interest due, that fall short of the balance owing by up to that amount. This concession is to allow for variations in bank charges and exchange rate that might otherwise reduce the value of the remittance to a lower value than intended in pounds sterling and so leave a Contracting Government with a balance of annual payments, including any interest due outstanding. This short term concession will enable a Contracting Government to maintain its right to vote. Any Contracting Government with a balance outstanding above 500 pounds sterling will not be entitled to the short-term concession and its right to vote shall be suspended. The shortfall of up to 500 pounds sterling allowed by the concession shall then be carried forward to the next financial year as part of the balance of annual payments, including any interest due to the Commission.

### Appendix 1

#### VOLUNTARY FUND FOR SMALL CETACEANS

##### *Purpose*

The Commission decided at its 46<sup>th</sup> Annual Meeting in 1994 to establish an IWC voluntary fund to allow for the participation from developing countries in future small cetacean work and requested the Secretary to make arrangements for the creation of such a fund whereby contributions in cash and in kind can be registered and utilised by the Commission.

##### *Contributions*

The Commission has called on Contracting Governments and non-contracting Governments, intergovernmental organisations and other entities as appropriate, in particular those most interested in scientific research on small cetaceans, to contribute to the IWC voluntary fund for small cetaceans.

Acceptance of contributions from entities other than Governments will be subject to the Commission's procedures for voluntary contributions. Where funds or support in kind are to be made available through the Voluntary Fund, the donation will be registered and administered by the Secretariat in accordance with Commission procedures.

The Secretariat will notify all members of the Commission on receipt of such voluntary contributions.

Where expenditure is incurred using these voluntary funds the Secretariat will inform the donors of their utilisation.

##### *Distribution of Funds*

1. Recognising that there are differences of view on the legal competence of the Commission in relation to small cetaceans, but aware of the need to promote the development of increased participation by developing countries, the following primary forms of disbursement will be supported in accordance with the purpose of the Voluntary Fund:
  - (a) provision of support for attendance of invited participants at meetings of the Scientific Committee;
  - (b) provision of support for research in areas, species or populations or research methodology in small cetacean work identified as of direct interest or priority in the advice provided by the Scientific Committee to the Commission;
  - (c) other small cetacean work in developing countries that may be identified from time to time by the Commission and in consultation with intergovernmental agencies as requiring, or likely to benefit from support through the Fund.
2. Where expenditure is proposed in support of invited participants, the following will apply:
  - (a) invited participants will be selected through consultation between the Chair of the Scientific Committee, the Convenor of the appropriate sub-committee and the Secretary;
  - (b) the government of the country where the scientists work will be advised of the invitation and asked if it can provide financial support.
3. Where expenditure involves research activity, the following will apply:
  - (a) the normal procedures for review of proposals and recommendations by the Scientific Committee will be followed;
  - (b) appropriate procedures for reporting of progress and outcomes will be applied and the work reviewed;
  - (c) the Secretariat shall solicit the involvement, as appropriate, of governments in the regions where the research activity is undertaken.

## Rules of Debate

### A. Right to Speak

1. The Chair shall call upon speakers in the order in which they signify their desire to speak.
2. A Commissioner or Observer may speak only if called upon by the Chair, who may call a speaker to order if his/her remarks are not relevant to the subject under discussion.
3. A speaker shall not be interrupted except on a point of order. He/she may, however, with the permission of the Chair, give way during his/her speech to allow any other Commissioner to request elucidation on a particular point in that speech.
4. The Chair of a committee or working group may be accorded precedence for the purpose of explaining the conclusion arrived at by his/her committee or group.

### B. Submission of Motions

1. Proposals and amendments shall normally be introduced in writing in the working language of the meeting and shall be submitted to the Secretariat which shall circulate copies to all delegations in the session. As a general rule, no proposal shall be discussed at any plenary session unless copies of it have been circulated to all delegations normally no later than 6pm, or earlier if so determined by the Chair in consultation with the Commissioners, on the day preceding the plenary session. The presiding officer may, however, permit the discussion and consideration of amendments, or motions, as to procedure, even though such amendments, or motions have not been circulated previously.

### C. Procedural Motions

1. During the discussion of any matter, a Commissioner may rise to a point of order, and the point of order shall be immediately decided by the Chair in accordance with these Rules of Procedure. A Commissioner may appeal against any ruling of the Chair. The appeal shall be immediately put to the vote and the question voted upon shall be stated as: Shall the decision of the Chair be overturned? The Chair's ruling shall stand unless a majority of the Commissioners present and voting otherwise decide. A Commissioner rising to a point of order may not speak on the substance of the matter under discussion.
2. The following motions shall have precedence in the following order over all other proposals or motions before the Commission:
  - (a) to adjourn the session;
  - (b) to adjourn the debate on the particular subject or question under discussion;
  - (c) to close the debate on the particular subject or question under discussion.
3. Notwithstanding anything in these Rules, the Chair may suspend the meeting for a brief period at any time in order to allow informal discussions aimed at reaching consensus consistent with Rule E of the Rules of Procedure.

### D. Arrangements for Debate

1. The Commission may, in a proposal by the Chair or by a Commissioner, limit the time to be allowed to each

speaker and the number of times the members of a delegation may speak on any question. When the debate is subject to such limits, and a speaker has spoken for his allotted time, the Chair shall call him/her to order without delay.

2. During the course of a debate the Chair may announce the list of speakers, and with the consent of the Commission, declare the list closed. The Chair may, however, accord the right of reply to any Commissioner if a speech delivered after he/she has declared the list closed makes this desirable.
3. During the discussion of any matter, a Commissioner may move the adjournment of the debate on the particular subject or question under discussion. In addition to the proposer of the motion, a Commissioner may speak in favour of, and two Commissioners may speak against the motion, after which the motion shall immediately be put to the vote. The Chair may limit the time to be allowed to speakers under this rule.
4. A Commissioner may at any time move the closure of the debate on the particular subject or question under discussion, whether or not any other Commissioner has signified the wish to speak. Permission to speak on the motion for the closure of the debate shall be accorded only to two Commissioners wishing to speak against the motion, after which the motion shall immediately be put to the vote. The Chair may limit the time to be allowed to speakers under this rule.

### E. Procedure for Voting on Motions and Amendments

1. A Commissioner may move that parts of a proposal or of an amendment shall be voted on separately. If objection is made to the request of such division, the motion for division shall be voted upon. Permission to speak on the motion for division shall be accorded only to two Commissioners wishing to speak in favour of, and two Commissioners wishing to speak against, the motion. If the motion for division is carried, those parts of the proposal or amendments which are subsequently approved shall be put to the vote as a whole. If all operative parts of the proposal or of the amendment have been rejected, the proposal or the amendment shall be considered to have been rejected as a whole.
2. When the amendment is moved to a proposal, the amendment shall be voted on first. When two or more amendments are moved to a proposal, the Commission shall first vote on the last amendment moved and then on the next to last, and so on until all amendments have been put to the vote. When, however, the adoption of one amendment necessarily implies the rejection of another amendment, the latter amendment shall not be put to the vote. If one or more amendments are adopted, the amended proposal shall then be voted upon. A motion is considered an amendment to a proposal if it merely adds to, deletes from or revises part of that proposal.
3. If two or more proposals relate to the same question, the Commission shall, unless it otherwise decides, vote on the proposals in the order in which they have been submitted. The Commission may, after voting on a proposal, decide whether to vote on the next proposal.



## Rules of Procedure of the Technical Committee

### A. Participation

1. Membership shall consist of those member nations that elect to be represented on the Technical Committee. Delegations shall consist of Commissioners, or their nominees, who may be accompanied by technical experts.
2. The Secretary of the Commission or a deputy shall be an *ex officio* non-voting member of the Committee.
3. Observers may attend Committee meetings in accordance with the Rules of the Commission.

### B. Organisation

1. Normally the Vice-Chair of the Commission is the Chair of the Technical Committee. Otherwise the Chair shall be elected from among the members of the Committee.
2. A provisional agenda for the Technical Committee and each sub-committee and working group shall be prepared by the Technical Committee Chair with the assistance of the Secretary. After agreement by the Chair of the Commission they shall be distributed to Commissioners 30 days in advance of the *[ ] Biennial Meeting*.

### C. Meetings

1. The *[ ] Meeting of the Technical Committee* shall be held between the Scientific Committee and Commission meetings with reasonable overlap of meetings as appropriate to agenda requirements. Special meetings may be held as agreed by the Commission or the Chair of the Commission.
2. Rules of conduct for observers shall conform with rules established by the Commission for meetings of all committees and plenary sessions.

### D. Reports

1. Reports and recommendations shall, as far as possible, be developed on the basis of consensus. However, if a consensus is not achievable, the committee, sub-committee or working group shall report the different views expressed. The Chair or any national delegation may request a vote on any issue. Resulting recommendations shall be based on a simple majority of those nations casting an affirmative or negative vote.
2. Documents on which recommendations are based should be available on demand immediately following each committee, sub-committee or working group meeting.
3. Technical papers produced for the Commission may be reviewed by the Committee for publication by the Commission.

# Rules of Procedure of the Scientific Committee

## TERMS OF REFERENCE

The Scientific Committee, established in accordance with the Commission's Rule of Procedure M.1, has the general terms of reference defined in Rule of Procedure M.4.

In this regard, the DUTIES of the Scientific Committee, can be seen as a progression from the scientific investigation of whales and their environment, leading to assessment of the status of the whale stocks and the impact of catches upon them, and then to provision of management advice on the regulation of whaling. This can be defined in the following terms for the Scientific Committee to:

- Encourage, recommend, or if necessary, organise studies and investigations related to whales and whaling [Convention Article IV.1(a)]
- Collect and analyse statistical information concerning the current condition and trend of whale stocks and the effects of whaling activities on them [Article IV.1 (b)]
- Study, appraise, and disseminate information concerning methods of maintaining and increasing the population of whale stocks [Article IV.1 (c)]
- Provide scientific findings on which amendments to the Schedule shall be based to carry out the objectives of the Convention and to provide for the conservation, development and optimum utilization of the whale resources [Article V.2 (a) and (b)]
- Publish reports of its activities and findings [Article IV.2]

In addition, specific FUNCTIONS of the Scientific Committee are to:

- Receive, review and comment on Special Permits issued for scientific research [Article VIII.3 and Schedule paragraph 30]
- Review research programmes of Contracting Governments and other bodies [Rule of Procedure M.4]

SPECIFIC TOPICS of current concern to the Commission include:

- Comprehensive Assessment of whale stocks [*Rep. int. Whal. Commn* 34:30]
- Implementation of the Revised Management Procedure [*Rep. int. Whal. Commn* 45:43]
- Assessment of stocks subject to aboriginal subsistence whaling [Schedule paragraph 13(b)]
- Development of the Aboriginal Subsistence Whaling Management Procedure [*Rep. int. Whal. Commn* 45:42-3]
- Effects of environmental change on cetaceans [*Rep. int. Whal. Commn* 43:39-40; 44:35; 45:49]
- Scientific aspects of whale sanctuaries [*Rep. int. Whal. Commn* 33:21-2; 45:63]
- Scientific aspects of small cetaceans [*Rep. int. Whal. Commn* 41:48; 42:48; 43:51; 45:41]
- Scientific aspects of whalewatching [*Rep. int. Whal. Commn* 45:49-50]

## A. Membership and Observers

1. The Scientific Committee shall be composed of scientists nominated by the Commissioner of each Contracting Government which indicates that it wishes to be represented on that Committee. Commissioners shall identify the head of delegation and any alternate(s) when making nominations to the Scientific Committee. The Secretary of the Commission and relevant members of the Secretariat shall be *ex-officio* non-voting members of the Scientific Committee.
2. The Scientific Committee recognises that representatives of Inter-Governmental Organisations with particular relevance to the work of the Scientific Committee may also participate as non-voting members, subject to the agreement of the Chair of the Committee acting according to such policy as the Commission may decide.
3. Further to paragraph 2 above the World Conservation Union (IUCN) shall have similar status in the Scientific Committee.
4. Non-member governments may be represented by observers at meetings of the Scientific Committee, subject to the arrangements given in Rule C.1(a) of the Commission's Rules of Procedure.
5. Any non-governmental organisation sending an accredited observer to a meeting of the Commission may nominate a scientifically qualified observer to be present at meetings of the Scientific Committee. Any such nomination must reach the Secretary not less than 60 days before the start of the meeting in question and must specify the scientific qualifications and relevant experience of the nominee. The Chair of the Scientific Committee shall decide upon the acceptability of any nomination but may reject it only after consultation with the Chair and Vice-Chair of the Commission. Observers admitted under this rule shall not participate in discussions but the papers and documents of the Scientific Committee shall be made available to them at the same time as to members of the Committee.
6. The Chair of the Committee, acting according to such policy as the Commission or the Scientific Committee may decide, may invite qualified scientists not nominated by a Commissioner to participate by invitation or otherwise in committee meetings as non-voting contributors. They may present and discuss documents and papers for consideration by the Scientific Committee, participate on sub-committees, and they shall receive all Committee documents and papers.
  - (a) Convenors will submit suggestions for Invited Participants (including the period of time they would like them to attend) to the Chair (copied to the Secretariat) not less than four months before the meeting in question. The Convenors will base their suggestions on the priorities and initial agenda identified by the Committee and Commission at the previous meeting. The Chair may also consider offers from suitably qualified scientists to contribute to priority items on the Committee's agenda if they submit such an offer to the Secretariat not less than four months before the meeting in question, providing information on the contribution they believe that they can make. Within two weeks of this, the Chair, in consultation with the Convenors and Secretariat, will develop a list of invitees.
  - (b) The Secretary will then promptly issue a letter of invitation to those potential Invited Participants suggested by the Chair and Convenors. That letter will state that there may be financial support available, although invitees will be encouraged to find their own support. Invitees who wish to be considered for travel and subsistence will be asked to submit an estimated airfare (incl. travel to and from the airport) to the Secretariat, within 2 weeks. Under certain circumstances (e.g. the absence of a potential participant from their institute), the Secretariat will determine the likely airfare.

At the same time as (b) a letter will be sent to the government of the country where the scientist is domiciled for the primary purpose of enquiring whether that Government would be prepared to pay for the scientist's participation. If it is, the scientist is no longer an Invited Participant but becomes a national delegate.

- (c) At least three months before the meeting, the Secretariat will supply the Chair with a list of participants and the estimated expenditure for each, based on (1) the estimated airfare, (2) the period of time the Chair has indicated the IP should be present and (3) a daily subsistence rate based on the actual cost of the hotel deemed most suitable by the Secretary and Chair<sup>1</sup>, plus an appropriate daily allowance.

At the same time as (c) a provisional list of the proposed Invited Participants will be circulated to Commissioners, with a final list attached to the Report of the Scientific Committee.

- (d) The Chair will review the estimated total cost for all suggested participants against the money available in the Commission's budget. Should there be insufficient funds, the Chair, in consultation with the Secretariat and Convenors where necessary, will decide on the basis of the identified priorities, which participants should be offered financial support and the period of the meeting for which that support will be provided. Invited Participants without IWC support, and those not supported for the full period, may attend the remainder of the meeting at their own expense.
- (e) At least two months before the meeting, the Secretary will send out formal confirmation of the invitations to all the selected scientists, in accordance with the Commission's Guidelines, indicating where appropriate that financial support will be given and the nature of that support.
- (f) In exceptional circumstances, the Chair, in consultation with the Convenors and Secretariat, may waive the above time restrictions.
- (g) The letter of invitation to Invited Participants will include the following ideas:  
Under the Committee's Rules of Procedure, Invited Participants may present and discuss papers, and participate in meetings (including those of subgroups). They are entitled to receive all Committee documents and papers. They may participate fully in discussions pertaining to their area of expertise. However, discussions of Scientific Committee procedures and policies are in principle limited to Committee members nominated by member governments. Such issues will be identified by the Chair of the Committee during discussions. Invited Participants are also urged to use their discretion as regards their involvement in the formulation of potentially controversial recommendations to the Commission; the Chair may at his/her discretion rule them out of order.
- (h) After an Invited Participant has his/her participation confirmed through the procedures set up above, a Contracting Government may grant this person

national delegate status, thereby entitling him/her to full participation in Committee proceedings, without prejudice to funding arrangements previously agreed upon to support the attendance of the scientist in question.

7. A small number of interested local scientists may be permitted to observe at meetings of the Scientific Committee on application to, and at the discretion of, the Chair. Such scientists should be connected with the local Universities, other scientific institutions or organisations, and should provide the Chair with a note of their scientific qualifications and relevant experience at the time of their application.

#### **B. Agenda**

1. The initial agenda for the Committee meeting of the following year shall be developed by the Committee prior to adjournment each year. The agenda should identify, as far as possible, key issues to be discussed at the next meeting and specific papers on issues should be requested by the Committee as appropriate.
2. The provisional agenda for the Committee meeting shall be circulated for comment 60 days prior to the Annual Meeting of the Committee. Comments will normally be considered for incorporation into the draft agenda presented to the opening plenary only if received by the Chair 21 days prior to the beginning of the Annual Meeting.

#### **C. Organisation**

1. The Scientific Committee shall include standing sub-committees and working groups by area or species, or other subject, and a standing sub-committee on small cetaceans. The Committee shall decide at each meeting on sub-committees for the coming year.
2. The sub-committees and working groups shall prepare the basic documents on the identification, status and trends of stocks, including biological parameters, and related matters as necessary, for the early consideration of the full Committee.
3. The sub-committees, except for the sub-committee on small cetaceans, shall concentrate their efforts on stocks of large cetaceans, particularly those which are currently exploited or for which exploitation is under consideration, or for which there is concern over their status, but they may examine matters relevant to all cetaceans where appropriate.
4. The Chair may appoint other sub-committees as appropriate.
5. The Committee shall elect from among its members a Chair and Vice-Chair who will normally serve for a period of three years. They shall take office at the conclusion of the annual meeting at which they are elected. The Vice-Chair shall act for the Chair in his/her absence.

The election process shall be undertaken by the heads of national delegations who shall consult widely before nominating candidates<sup>2</sup>. The Vice-Chair will become Chair at the end of his/her term (unless he/she declines), and a new Vice-Chair will then be elected. If the Vice-Chair declines to become Chair, then a new Chair must also be elected. If the election of the Chair or Vice-Chair is not by consensus, a vote shall be conducted by

<sup>1</sup>[Invited participants who choose to stay at a cheaper hotel will receive the actual rate for their hotel plus the same daily allowance.]

<sup>2</sup>The Commission's Rule of Procedure on voting rights (rule E.2) also applies to the Scientific Committee.

the Secretary and verified by the current Chair. A simple majority shall be decisive. In cases where a vote is tied, the Chair shall have the casting vote. If requested by a head of delegation, the vote shall proceed by secret ballot. In these circumstances, the results shall only be reported in terms of which nominee received the most votes, and the vote counts shall not be reported or retained.

#### D. Meetings

1. Meetings of the Scientific Committee as used in these rules include all meetings of subgroups of the Committee, e.g. sub-committees, working groups, workshops, etc.
2. The Scientific Committee shall meet prior to the [ / ] *Biennial Meeting of the Commission or in years when the Commission does not meet, the Scientific Committee shall meet prior to the meeting of the Bureau.* Special meetings of the Scientific Committee or its subgroups may be held as agreed by the Commission or the Chair of the Commission.
3. The Scientific Committee will organise its work in accordance with a schedule determined by the Chair with the advice of a group comprising sub-committee/working group chairs and relevant members of the Secretariat.

#### E. Scientific Papers and Documents

The following documents and papers will be considered by the Scientific Committee for discussion and inclusion in its report to the Commission:

1. Progress Reports. Each nation having information on the biology of cetaceans, cetacean research, the taking of cetaceans, or other matters it deems appropriate should prepare a brief progress report following in the format agreed by the Committee.
2. Special Reports. The Committee may request special reports as necessary on matters to be considered by the Committee for the following year.
3. Sub-committee Reports. Reports of the sub-committees or working groups shall be included as annexes to the Report to the Commission. Recommendations contained therein shall be subject to modification by the full Committee before inclusion in its Report.
4. Scientific and Working Papers.
  - (a) Any scientist may submit a scientific paper for consideration by the Committee. The format and submission procedure shall be in accordance with guidelines established by the Secretariat with the concurrence of the Committee. Papers published elsewhere may be distributed to Committee members for information as relevant to specific topics under consideration.
  - (b) Scientific papers will be considered for discussion and inclusion in the papers of the Committee only if the paper is received by the Secretariat on or by the first day of the annual Committee meeting, intersessional meeting or any sub-group. Exceptions to this rule can be granted by the Chair of the Committee where there are exceptional extenuating circumstances.
  - (c) Working papers will be distributed for discussion only if prior permission is given by the Chair of the committee or relevant sub-group. They will be archived only if they are appended to the meeting report.
- (d) The Scientific Committee may receive and consider unpublished scientific documents from non-members of the Committee (including observers) and may invite them to introduce their documents at a meeting of the Committee provided that they are received under the same conditions (with regard to timing etc.) that apply to members.
5. Publication of Scientific Papers and Reports.
  - (a) Scientific papers and reports considered by the Committee that are not already published shall be included in the Commission's archives in the form in which they were considered by the Committee or its sub-committees. Papers submitted to meetings shall be available on request at the same time as the report of the meeting concerned (see (b) below).
  - (b) Scientific Committee shall be distributed to *all Commissioners in accordance with the Commission's Rule of Procedure M.5. [ / ]*

Reports of intersessional Workshops or Special Committee Meetings are confidential until they have been dispatched by the Secretary to the full Committee, Commissioners and Contracting Governments.

Reports of intersessional Steering Groups or Sub-committees are confidential until they have been discussed by the Scientific Committee, normally at an Annual Meeting.

In this context, 'confidential' means that reporting of discussions, conclusions and recommendations is prohibited. This applies equally to Scientific Committee members, invited participants and observers. Reports shall be distributed to Commissioners, Contracting Governments and accredited observers at the same time.

The Scientific Committee should identify the category of any intersessional meetings at the time they are recommended.
  - (c) Scientific papers and reports (revised as necessary) may be considered for publication by the Commission. Papers shall be subject to peer review before publication. Papers submitted shall follow the Guidelines for Authors published by the Commission.

#### F. Review of Scientific Permits

1. When proposed scientific permits are sent to the Secretariat before they are issued by national governments the Scientific Committee shall review the scientific aspects of the proposed research at its annual meeting, or during a special meeting called for that purpose and comment on them to the Commission.
2. The review process shall take into account guidelines issued by the Commission.
3. The proposed permits and supporting documents should include specifics as to the objectives of the research, number, sex, size, and stock of the animals to be taken, opportunities for participation in the research by scientists of other nations, and the possible effect on conservation of the stock resulting from granting the permits.
4. Preliminary results of any research resulting from the permits should be made available for the next meeting of the Scientific Committee as part of the national progress report or as a special report, paper or series of papers.

**G. Financial Support for Research Proposals**

1. The Scientific Committee shall identify research needs.
2. It shall consider unsolicited research proposals seeking financial support from the Commission to address these needs. A sub-committee shall be established to review and rank research proposals received 4 months in advance of the Annual Meeting and shall make recommendations to the full Committee.
3. The Scientific Committee shall recommend in priority order those research proposals for Commission financial support as it judges best meet its objectives.

**H. Availability of data**

The Scientific Committee shall work with the Secretariat to ensure that catch and scientific data that the Commission holds are archived and accessible using modern computer data handling techniques. Access to such data shall be subject to the following rules.

1. Information identified in Section VI of the Schedule that shall be notified or forwarded to the IWC or other body designated under Article VII of the Convention.

This information is available on request through the Secretariat to any interested persons with a legitimate claim relative to the aims and purposes of the Convention<sup>3</sup>.

2. Information and reports provided where possible under Section VI of the Schedule.

When such information is forwarded to the IWC a covering letter should make it clear that the information or report is being made available, and it should identify the pertinent Schedule paragraph under which the information or report is being submitted.

Information made available to the IWC under this provision is accessible to accredited persons as defined under 4. below, and additionally to other interested persons subject to the agreement of the government submitting the information or report.

Such information already held by the Commission is not regarded as having been forwarded until such clarification of its status is received from the government concerned.

3. Information neither required nor requested under the Schedule but which has been or might be made available to the Commission on a voluntary basis.

This information is of a substantially different status from the previous two types. It can be further divided into two categories:

- (a) Information collected under International Schemes.
  - (i) Data from the IWC sponsored projects.
  - (ii) Data from the International Marking Scheme.

- (iii) Data obtained from international collaborative activities which are offered by the sponsors and accepted as contributions to the Comprehensive Assessment, or proposed by the Scientific Committee itself.

Information collected as the result of IWC sponsored activities and/or on a collaborative basis with other organisations, governments, institutions or individuals is available within those contributing bodies either immediately, or, after mutual agreement between the IWC and the relevant body/person, after a suitable time interval to allow 'first use' rights to the primary contributors.

- (b) Information collected under national programmes, or other than in (a).

Information in this category is likely to be provided by governments under special conditions and would hence be subject to some degree of restriction of access. This information can only be held under the following conditions:

- (i) A minimum level of access should be that such data could be used by accredited persons during the Scientific Committee meetings using validated techniques or methods agreed by the Scientific Committee. After the meeting, at the request of the Scientific Committee, such data could be accessed by the Secretariat for use with previously specified techniques or validated programs. Information thus made available to accredited persons should not be passed on to third parties but governments might be asked to consider making such records more widely available or accessible.
- (ii) The restrictions should be specified at the time the information is provided and these should be the only restrictions.
- (iii) Restrictions on access should not discriminate amongst accredited persons.
- (iv) All information held should be documented (i.e. described) so that accredited persons know what is held, along with stated restrictions on the access to it and the procedures needed to obtain permission for access.

4. Accredited persons are those scientists defined under sections A.1, 2, 3 and 6 of the Rules of Procedure of the Scientific Committee. Invited participants are also considered as 'accredited' during the intersessional period following the meeting which they attend.

<sup>3</sup>[The Government of Norway notes that for reasons of domestic legislation it is only able to agree that data it provides under this paragraph are made available to accredited persons.]