

IWC/45

Appendix 1

RESOLUTION ON HUMANE KILLING

The International Whaling Commission;

RECALLING that at its 44th Annual Meeting, the Commission adopted a Resolution on Humane Killing which urged Contracting Parties to the IWC to continue to promote the development of humane killing methods; and accepted an 11 point action plan as the basis for advice to members of the IWC;

NOTING the progress that has been achieved in furtherance of these objectives in respect of the collection and analysis of data and the presentation of information to the Humane Killing Working Group;

CONSCIOUS that there is further data to be collected and further issues to be examined, as set out in the action plan;

RECOGNISING that the action plan encourages the further review of progress;

Now THEREFORE:

RESOLVES that the 1992 Workshop on Humane Killing Methods be reconvened to review and evaluate progress in all areas of the action plan; and that the results and recommendations of the Workshop be reported to the Humane Killing Working Group sufficiently prior to the 47th Annual Meeting, to allow consideration and preparation by the members for discussion; and

ENCOURAGES contracting parties to continue to progress the action plan.

Appendix 2

RESOLUTION ON PILOT WHALES

RECALLING that since its 38th Annual Meeting, concern about the methods and organisation of the Faroese pilot whale hunt have consistently been expressed by member governments;

RECALLING that the Danish and Faroese Governments have informed the Commission of improvements in the methods and organisation of the hunt;

ACKNOWLEDGING continuing concern about the humaneness of the pilot whale hunt and the Faroese Government's recognition of the need for an alternative to the gaff;

THE COMMISSION NOW

i) invites the Danish Government to encourage the Faroese Government to provide all additional information on the hunt to its 46th Annual Meeting and the Humane Killing Workshop preceding its 47th Annual Meeting;

ii) expresses its concerns about the adequacy of the implementation of existing Faroese legislation relevant to the pilot whale hunt.

Appendix 3

RESOLUTION ON JAPANESE COMMUNITY-BASED MINKE WHALING

WHEREAS since 1986, Japan has presented documentation on the localised and small-scale nature of community-based whaling in Japan, and the socio-economic and cultural importance of whalemeat production, distribution and consumption in four small coastal whaling communities;

WHEREAS community-based whaling in Japan has many characteristics in common with various aboriginal/subsistence whaling;

WHEREAS extensive anthropological research has demonstrated that the cessation of minke whaling in these communities has affected individuals economically, socially, spiritually and culturally, in a manner that threatens the vitality and viability of the communities;

WHEREAS the Commission has considered an action plan containing the essential elements required to manage a limited harvest of minke whales and distribution of the products for these four communities;

WHEREAS the Government of Japan is prepared to give formal assurances that the meat of minke whales to be taken within the framework of community-based whaling shall not become the object of any commercial distribution, but rather exclusively for subsistence purposes;

WHEREAS the report of the Scientific Committee allows the conclusion that a small take of minke whales from the North Pacific is not liable to endanger the stock in question;

WHEREAS the Commission at its 45th Annual Meeting has expressed its sympathy and understanding of the socio-economic and cultural needs of the four coastal whaling communities in Japan and the distress to these communities which has resulted from the cessation of minke whaling;

Now THEREFORE:

The International Whaling Commission, at its 45th Annual Meeting, RECOGNISES the socio-economic and cultural needs of the four small coastal whaling communities in Japan and the distress to these communities which has resulted from the cessation of minke whaling and,

RESOLVES to work expeditiously to alleviate the distress to these communities which has resulted from the cessation of minke whaling at its next Annual Meeting.

Appendix 4

RESOLUTION ON ADDRESSING SMALL CETACEANS IN THE IWC

The International Whaling Commission

- AWARE of continued concern about adverse impacts on some stocks of small cetaceans
- RECOGNISING the need for international cooperation to address problems relating to small cetaceans and to facilitate the conservation and restoration of depleted or threatened stocks
- CONSCIOUS of the sovereign rights of coastal states, as set out in the United Nations Convention on the Law of the Sea, and recalling also the provisions of Article 65 of that Convention, and the decisions taken by governments during the United Nations Conference on Environment and Development
- IN AN ATTEMPT to identify a framework under which small cetaceans issues can be addressed cooperatively in the IWC without prejudice to the views of member States on the regulatory competence of the IWC in this regard

Now THEREFORE

- DECIDES, with the objective of building confidence in the process, that future discussion should centre on:
 - (a) examination of the way in which the Small Cetaceans Sub-committee of the Scientific Committee identifies stocks for review
 - (b) mechanisms for encouraging and ensuring coastal State participation in small cetaceans research and review, including from non-member countries
 - (c) mechanisms for improving availability and reliability of data and information for the Small Cetaceans Sub-committee
 - (d) options for developing voluntary funding mechanisms to facilitate participation of coastal States on relevant small cetaceans matters
 - (e) examination of the roles of the IWC and international and regional organisations which, in the opinion of many member States, have a crucial role to play with respect to small cetaceans
- RESOLVES to hold a further meeting of the Small Cetaceans Working Group at IWC46 to continue the work identified in this Resolution

Appendix 5

RESOLUTION ON RESEARCH RELATED TO CONSERVATION OF LARGE BALEEN WHALES IN THE SOUTHERN OCEANS

RECALLING that Contracting Governments recognise the interest of nations of the world in conserving for future generations the great resources represented by whale stocks;

CONSIDERING that historic whaling resulted in over-fishing of one area after another and one whale stock after another to such a degree that it became essential to protect these whale stocks from further over-fishing;

AWARE that historic whaling severely depleted blue whale stocks to such a degree that further exploitation was prohibited by the IWC, and that in spite of that measure blue whale stocks remain at extremely low levels and show no significant evidence of immediate recovery;

RECOGNISING the importance of taking appropriate conservation measures for assisting depleted whale stocks, and especially stocks of the most severely depleted species such as the blue whale;

AWARE that the Scientific Committee conducted a preliminary review on the research proposal put forward by the Government of Japan;

AWARE further, the Scientific Committee supported the research proposal in principle and that it agreed that the proposal had merit and is directly relevant to the work of the Commission;

Now THEREFORE the Commission

ADOPTS the recommendation of the Scientific Committee to establish an intersessional steering group to identify objectives for research on Southern Hemisphere blue whales and financial implications.

DECIDES that the research programme for large baleen whales in the Southern Oceans should be afforded high priority in the Scientific Committee's activities next year.

DECIDES further to examine mechanisms to finance the implementation of this research programme.

Appendix 6

RESOLUTION ON A SANCTUARY IN THE SOUTHERN OCEAN

The International Whaling Commission

- AWARE that the International Convention for the Regulation of Whaling provides *inter alia* for the adoption of regulations fixing open and closed waters, including the designation of sanctuary areas;
- RECALLING France's proposal at IWC 44 that a sanctuary be designated in the waters of the Southern Ocean;
- CONSCIOUS of the views of member States as expressed in formal submissions as well as the work carried out at IWC 44 and 45;
- Recalling its Resolution on a sanctuary in the Southern Ocean and its resolution on the need for research on the environment and whale stocks in the Antarctic region, both adopted at IWC 44;

Now THEREFORE

- ENDORSES the concept of establishing a sanctuary in the Southern Ocean;
- RESOLVES to address outstanding legal, political, ecological, geographical, management, financial and global environmental issues relating to such a sanctuary;
- INVITES member States and other States concerned as well as relevant organisations active in the area to enhance their scientific and monitoring activities which are relevant to the purpose of the sanctuary;
- ACCEPTS the offer from the Government of Australia to host an intersessional open-ended working group of member states to address the above mentioned outstanding issues and to formulate recommendations with the view to enable the Commission to take a full decision on the sanctuary at IWC 46.

Appendix 7

RESOLUTION ON SPECIAL PERMIT CATCHES BY JAPAN IN THE SOUTHERN HEMISPHERE

WHEREAS the Commission has considered the Report of the Scientific Committee IWC/44/4 concerning the results of the Japanese catches on minke whales in the Southern Hemisphere described in SC/45/SHBa11, 12, 13, 14 and 15, the proposed catch in 1992/93 described in SC/44/SHB14, and the responses of the Government of Japan to earlier criticisms of the research programme arising in the Scientific Committee's reports (IWC/39/4; Report of Special Meeting, Cambridge 1987; IWC/40/4, IWC/41/4, IWC/42/4, IWC/43/4 and IWC/44/4);

WHEREAS the Commission has encouraged Contracting Governments to base their research programmes to the maximum extent possible on non-lethal methods (*Rep. int. Whal. Commn* 40: 70) and the Government of Japan has made important contributions to the development of non-lethal whale population assessment methods especially through sightings surveys conducted under the IWC/IDCR programme of Southern Hemisphere Minke Whale Assessment Cruises;

WHEREAS the Government of Japan, through its various modifications to the original research programme, including those outlined in SC/45/SHBa10 has attempted to address the concerns expressed by the Scientific Committee in its earlier reports;

WHEREAS the Commission takes cognizance of Article VIII of the International Convention for the Regulation of Whaling, under which the granting by any Contracting Government to its nationals of a Special Permit authorising the killing, taking, or treatment of whales for purposes of scientific research remains the responsibility of each Contracting Government, exercising its sovereign rights in respect of maritime areas under its jurisdiction and freedom of the high seas;

Now, THEREFORE, the Commission

CONSIDERS; taking into account the comments of the Scientific Committee; that the proposed take of minke whales in the Southern Hemisphere described in SC/44/SHB14 does not fully satisfy the criteria specified in both the 1986 Resolution on Special Permits for Scientific Research and the 1987 Resolution on Scientific Research Programmes in that the proposed research is not structured so as to contribute information presently required for the management of whaling in these areas on this species, though it addresses certain research needs;

INVITES the Government of Japan to reconsider the proposed research under special permit in 1993/94 in the light of the above.

Appendix 8

RESOLUTION ON NORWEGIAN PROPOSAL FOR SPECIAL PERMITS

WHEREAS the Commission takes cognizance of Article VIII of the International Convention for the Regulation of Whaling, under which the granting by any Contracting Government to its nationals of a Special Permit authorising the killing, taking, or treatment of whales for purposes of scientific research remains the responsibility of each Contracting Government, exercising its sovereign rights in respect of maritime areas under its jurisdiction and freedom of the high seas;

WHEREAS the Commission notes the past efforts by Norway in research on whales and investigation of their habitat which do not involve the taking of whales;

Now, THEREFORE, the Commission

CONSIDERS; taking into account the comments of the Scientific Committee (IWC/45/4); that the proposed take of 382 minke whales in the North Atlantic in 1992-94 under the research programme described in SC/44/NHB18 and SC/45/NA5 does not satisfy all the criteria specified in both the 1986 Resolution on Special Permits for Scientific Research and the 1987 Resolution on Scientific Research Programmes, particularly in that the proposed research is not adequately structured so as to contribute to or materially facilitate the completion of the Comprehensive Assessment; neither has it been established that the proposed research addresses critically important research needs.

INVITES the Government of Norway to reconsider the proposed take of minke whales in 1993 and 1994 under special permit, in the light of the above conclusions.

Appendix 9

IWC RESOLUTION ON WHALEWATCHING

WHEREAS the International Convention on the Regulation of Whaling includes provisions for the Commission to "encourage, recommend, or if necessary, organise studies and investigations relating to whales and whaling," and to "study, appraise, and disseminate information concerning methods of maintaining and increasing the populations of whale stocks," (Article IV.1), and also empowers the Commission to "take into consideration the interests of the consumers of whale products and the whaling industry" in providing for the "conservation, development and optimum utilisation of the whale resources" (Article V.2).

RECALLING that in 1983 and 1984 the Commission considered a Report on the Non-Consumptive Utilisation of Cetacean Resources which dealt with aspects of whalewatching and in 1990 adopted a resolution on redirecting research towards no-lethal methods, encouraging Contracting Governments to base their research programmes to the maximum extent possible on non-lethal research methods (1991 IWC Report, Appendix 5);

RECOGNISING that whalewatching is an expanding tourist industry which contributes significantly to the economies of a number of contracting parties, and in particular that about 4 million people worldwide in 1991 went on commercial whalewatching trips generating total global revenues estimated at over £185 million (\$300m);

RECOGNISING also the contribution which whalewatching makes to education and to furthering scientific knowledge, including knowledge which could assist the IWC;

DESIRING to encourage the further development of whalewatching as a sustainable use of cetacean resources;

Now, THEREFORE, the Commission

- (a) INVITES Contracting Governments to undertake a preliminary assessment of the extent, and economic and scientific value, of whalewatching activities in their respective countries, and to submit a report thereon to the Commission by 31 January 1994 which includes a description of any current regulations affecting whalewatching;
- (b) REQUESTS the Secretariat to prepare a consolidated report about whalewatching, including estimates of its economic and scientific value and potential, for consideration at the 46th Meeting of the Commission, via the working group at (c) below;
- (c) ESTABLISHES a working group to consider whalewatching, and in particular the report thereon by the Secretariat, prior to the 46th Meeting of the Commission, and to make recommendations to the Commission at that Meeting.

Appendix 10

RESOLUTION ON THE DIRECTED TAKE OF STRIPED DOLPHINS

WHEREAS the Commission gratefully acknowledges the contributions made by the Government of Japan and Japanese scientists in providing fishery and biological information on striped dolphins to the Scientific Committee in recent years;

WHEREAS the Scientific Committee noted the lack of firm information on stock structure of striped dolphins in Japanese waters and encouraged age determination and genetic analyses be carried out;

WHEREAS the Commission notes the significance of the striped dolphin catches in the Japanese drive fishery;

WHEREAS the mean annual catches of striped dolphins in the drive fisheries have declined from 7,558 in the 1960s, to 6,295 in the 1970s, to 4,070 in the 1980s, to about 835 in the early 1990s;

WHEREAS the Scientific Committee was particularly concerned at the increase in the hand harpoon fishery catch from 1991 to 1992;

WHEREAS the Scientific Committee has expressed concern since the mid 1970s that takes of striped dolphins in the drive fishery have sharply declined over the years and concluded in 1981 that this has been caused by the over-exploitation of the coastal population of striped dolphins;

WHEREAS the Scientific Committee reiterated its concern of last year that the population cannot support continued exploitation at the current level and its longstanding concern regarding the status of the striped dolphin taken in the coastal waters of Japan;

WHEREAS the Scientific Committee repeated last year's recommendation regarding an interim halt;

WHEREAS the Commission is aware of the differences in views among member states on the regulatory competence of the International Whaling Commission with regard to small cetaceans, and noting that this resolution does not does in any way to prejudice different members positions;

Now, THEREFORE, the Commission INVITES the Japanese Government:

1. to consider the advice from the Scientific Committee including research needs as a matter of urgency;
2. to take appropriate action as soon as possible that will allow recovery of the population;
3. to consider appropriate action regarding other species of small cetaceans taken in the drive fishery individually and on a scientific basis;
4. to report on progress made to the 46th meeting of the IWC.

Appendix 11

RESOLUTION ON HARBOUR PORPOISE IN THE NORTH ATLANTIC AND THE BALTIC SEA

RECALLING that at the Commission's 42nd, 43rd and 44th Annual Meetings, the Scientific Committee recommended as high priority that in the North Atlantic, by-catch mortality of harbour porpoise should be reduced, and further recommended that research be conducted to determine abundance, stock identity, by-catch levels, and pollutant levels;

RECOGNISING that considerable research has been initiated by member and non-member countries to address some of these needs, including in different regions, abundance, distribution, ecological requirements, vital rates, movements, stock identity, and by-catch mortality levels;

RECOGNISING that these studies need to be continued and additional research undertaken to provide a sound basis for understanding the status of the stocks of harbour porpoise throughout the North Atlantic and Baltic Sea in the face of continuing by-catch and other threats;

RECOGNISING the relevance of the Agreement on the Conservation of Small Cetaceans of the Baltic and North Seas (ASCOBANS) for the protection of harbour porpoise;

The Commission RECOMMENDS:

- (1) That Range States take action to meet the Scientific Committee's request for the collection and analysis of additional data on population distribution and abundance, stock identities, pollutant levels, and by-catch mortality level;
- (2) That Range States give high priority to reducing by-catches of harbour porpoise;
- (3) That Range States report to the 46th Annual Meeting of the Commission on their progress in implementing the above recommendations.
- (4) That information about the harbour porpoise be exchanged with the Interim Secretariat of the Agreement on the Conservation of Small Cetaceans of the Baltic and North Seas.

Appendix 12

RESOLUTION ON RESEARCH ON THE ENVIRONMENT AND WHALE STOCKS

RECALLING that at its 31st Annual Meeting, the Commission adopted a Resolution on the Preservation of the Habitat of Whales and the Marine Environment which resolved that member governments of the IWC should take every possible measure to ensure that the degradation of the marine environment resulting in damage to whale populations and subsequent harm to affected peoples does not occur;

RECALLING that at its 32nd Annual Meeting, the Commission noted the serious threat to whale stocks caused by increasing levels of heavy metals, PCBs and other organochlorides in cetaceans and called upon members of the Commission to provide relevant data to the Scientific Committee;

RECALLING that at its 32nd Annual Meeting, the Commission set zero catch limits for the killing for commercial purposes of whales from all stocks for the 1986 coastal and 1985/86 pelagic seasons and thereafter subject to review based on the best scientific advice;

CONCERNED that since 1982, scientific evidence has emerged regarding detrimental changes in the marine environment which may threaten whale stocks;

RECALLING that at its 37th Annual Meeting the Scientific Committee noted that there was a need for studies to assess the effects of pollutants on cetaceans;

RECALLING that at its 44th Annual Meeting the Commission adopted a resolution on the need for research on the environment and whale stocks which established a regular agenda item in the Scientific Committee to address the impact of environmental changes upon whale stocks;

RECALLING that at its 44th Annual Meeting, the Commission adopted a resolution which recognised the importance of the precautionary principle, endorsed by UNCED (Principle 15 of the Rio Declaration and Agenda 21, Chapter 17) and numerous other international agreements, in the face of inadequate scientific data and of the need to improve our understanding of the effects of global environmental change on marine ecosystems;

NOTING that at its 45th Annual Meeting the Scientific Committee agreed that the impact of environmental changes on whale stocks is relevant to the long term management and conservation of whales in all areas;

NOTING further that the Scientific Committee draws to the attention of the Commission that addressing the impact of such change on whale stocks will require expertise not presently found within the Scientific Committee and that governments may wish to take this into account when deciding on their nominations to the Committee;

NOTING that the Scientific Committee's Report of the 45th Annual Meeting of the Commission identified the relevant areas for study, including climate change and pollution, and recognised the need for a mechanism for data collection and analyses;

THE COMMISSION DECIDES

1. that the Scientific Committee should give priority to research on the effects of environmental changes on cetaceans in order to provide the best scientific advice for the Commission to determine appropriate response strategies to these new challenges;
2. that to this end a special workshop be convened under the auspices of the Commission before the 47th Annual Meeting;

3. to accept the recommendation in the Scientific Committee's report to its 45th Annual Meeting that the Secretariat contact other relevant international organisations to obtain information for presentation to the Scientific Committee and the special workshop;
4. that Contracting Governments provide available relevant information to the Scientific Committee and contribute to the workshop;
5. that the Scientific Committee and Contracting Governments consider inviting participants to the 46th Meeting of the IWC with expertise in addressing the impact of such environmental changes and the impact of such changes on cetaceans.

Appendix 13

RESOLUTION ON THE PRESERVATION OF THE MARINE ENVIRONMENT

The International Whaling Commission,

HAVING REGARD to the 1946 International Convention for the Regulation of Whaling;

NOTING the results of the United Nations Conference on Environment and Development, in particular Agenda 21 adopted by the Conference;

RECALLING the commitments of States set out in Agenda 21 and in other international agreements to the conservation and sustainable use of marine living resources on the high seas and under national jurisdiction;

NOTING, however, the increasing evidence of degradation of the marine environment which threatens whales and other marine living resources and makes more difficult the attainment of the objectives of the International Convention for the Regulation of Whaling;

NOTING, in particular, that many of the polluting substances from land-based sources are of particular concern to the marine environment since they exhibit at the same time toxicity, persistence and bioaccumulation in the food chain;

RECALLING the commitment of States, set out in Agenda 21, to prevent, reduce and control degradation of the marine environment in accordance with their policies, priorities and resources, so as to maintain and improve its life-support and productive capacities, and to assist developing countries;

CALLS on Contracting Governments, nationally and in appropriate international fora, to take all practicable measures to remove existing threats to the marine environment and adopt policies for the prevention, reduction and control of degradation of the marine environment, including, in particular, means to eliminate the emission or discharge of organohalogen compounds that threaten to accumulate to dangerous levels in the marine environment.

2. Rules of conduct for observers shall conform with rules established by the Commission for meetings of all committees and plenary sessions.

Appendix 18

RESOLUTION ON WHALING ACTIVITIES BY NON-MEMBER STATES

The International Whaling Commission,

BEARING IN MIND the purpose of the 1946 International Convention for the Regulation of Whaling, for establishment of a coherent system of international regulation of whaling;

BEARING IN MIND relevant rules of international law, as reflected in the 1982 United Nations Convention on the Law of the Sea (UNCLOS), in particular Article 65, which stipulates that States shall "co-operate with a view to the conservation of marine mammals and in the case of cetaceans shall in particular work through the appropriate international organisations for their conservation, management and study;"

NOTING that the International Whaling Commission is the universally recognised competent international organization in the sense of Article 65 of UNCLOS;

RECALLING that Chapter 17 of Agenda Item 21 of the United Nations Conference on Environment and Development recognised the responsibility of the International Whaling Commission for the conservation and management of whale stocks and the regulation of whaling;

CONSIDERING that regulations adopted by the Commission should be taken into account by all States in their activities related to whales;

AWARE that the Scientific Committee has reviewed documentation reporting on whaling by non-member States;

CONCERNED that whaling operations by non-member States may diminish the effectiveness of the conservation program adopted by the International Whaling Commission;

NOTING that the activities of whaling vessels of non-member countries should not hinder the purposes of the Commission;

RECALLING the Commission's Resolution IWC/30/Appendix 9, and prior resolutions, declaring that member States should not import whale products from non-member States;

BELIEVING that the problem of whaling by non-member States should be the object of special study by the Commission, including an examination of the reasons for non accession of non-member states involved in whaling;

1. INVITES non-member States involved in or planning whaling activities to consider as promptly as possible their accession to the 1946 International Convention for the Regulation of Whaling;
2. ENCOURAGE the Secretary to investigate the reasons for non-member countries to remain outside the International Whaling Commission;
3. REQUESTS the member States to submit to the Secretary, at the earliest date possible, information at their disposal on whaling activities by non-member States, together with comments and proposals;
4. REQUESTS the Secretary to collect from all sources any data on actual or planned whaling activities by non-member States and to make that information available to the Commission;
5. AGREES to consider the information made available under a new agenda item at the 46th Annual Meeting.