

Resolution 1994-1

RESOLUTION ON THE USE OF THE ELECTRIC LANCE AS A SECONDARY METHOD OF KILLING WHALES

The International Whaling Commission;

AWARE that Article V.1(f) of the International Convention for the Regulation of Whaling provides that the Commission may amend the Schedule to prohibit or specify the types of gear and apparatus to be used in whaling operations;

RECALLING that the 1980 Workshop on Humane Killing Techniques for Whales (IWC/33/15) recommended that "controlled studies be undertaken to determine the effect of electrocution" in order that electrical methods might be evaluated as a humane killing technique for whales;

RECALLING the discussion which took place during the 1992 Workshop on Whale Killing Methods convened by the Commission, and the resulting Resolution on Humane Killing, adopted by consensus, approving an 11 point action plan as the basis for advice to members of the IWC; and that point 4 of the action plan is to "review effectiveness of secondary methods with a view to reducing time to death";

NOTING the difficulties that have been identified in IWC discussions over a number of years over the effective application of the electric lance as a secondary method of killing whales; including the need for accurate placement of electrodes, and a frequent need for multiple applications;

CONCERNED that the conclusions of preliminary research made available to the 46th IWC annual meeting indicated the probable ineffectiveness of the electric lance as a secondary killing method in modern whaling activities; and that the electric lance was accordingly not a humane method of secondary killing;

NOTING that no further data have yet been made available to assess times to death achieved by the use of the electric lance;

WELCOMING the discussion at IWC 46 on the electric lance and, in particular, the willingness expressed by participants to provide and exchange relevant information over the period prior to the 1995 Workshop on Humane Killing;

Now therefore;

CALLS upon member governments that use the electric lance, or have conducted studies on its efficacy as a secondary killing method, to exchange relevant information over the period prior to the Workshop on Humane Killing so that a thorough review of this method can be conducted at that time, and decisions taken will be based on the best available information;

URGES member governments to submit all available information on the use of the electric lance as a secondary killing method to the Workshop on Humane Killing due to take place prior to the 47th annual meeting;

RECOMMENDS that acknowledged experts in matters relevant to discussion about the electric lance be invited to participate in the Workshop on Humane Killing; and determines to find means facilitating their involvement;

AGREES to consider, at its 47th annual meeting, in the light of the currently available information on the technique and its application, also the advice of the forthcoming Workshop on Humane Killing, recommending an alternative to the electric lance as a method of secondary killing;

CALLS upon member governments, in the meantime, to develop more satisfactory methods of killing whales which will lead to reduced times to death.

IWC Resolution 1994-2

RESOLUTION ON SMALL CETACEANS

The International Whaling Commission;

AWARE of continued concern about adverse impacts on stocks of small cetaceans and the need for cooperation to conserve and restore threatened and depleted stocks;

RECALLING Resolutions IWC/42/26, IWC/43/29 and IWC/44/25 which recommend providing information to and continuing the work of the Scientific Committee with respect to inadequately documented or severely threatened stocks;

WELCOMING the helpful information and contributions provided by certain Governments on some species of small cetaceans;

CONSCIOUS of the sovereign rights of coastal states, as set out in the United Nations Convention on the Law of the Sea, and without prejudice to the different views of Contracting Governments on the IWC's competence in relation to small cetaceans;

RECALLING that the 44th Annual Meeting set up a Working Group to Consider a Mechanism to Address Small Cetaceans in the Commission with a view to considering a consensual procedure for action on small cetaceans while respecting the differing views of Contracting Governments;

FURTHER RECALLING that Resolution IWC/45/29 referred to a mechanism for addressing small cetaceans in the IWC and identified topics on which to seek understanding for proceeding in these matters;

RECOGNISING that close contact and full participation from States in whose waters the relevant small cetaceans are found is a key element for the successful outcome of any efforts related to small cetaceans;

Now therefore the Commission:

COMMENDS the Scientific Committee for its work to date on identifying the problems facing small cetacean species and advising on ways in which those threats can be eliminated or minimised;

ALSO COMMENDS the Working Group to Consider a Mechanism to Address Small Cetaceans in the Commission for its confidence-building effort towards setting up a consensual procedure under which to operate in regard to small cetaceans;

FURTHER COMMENDS those Contracting Governments which have taken actions to conserve small cetaceans;

INVITES all Contracting Governments to cooperate fully in the provision to the Scientific Committee of available information on direct takes, incidental takes, population estimates and threats to small cetaceans from degradation of the marine environment;

RECOMMENDS that efforts be made to continue to consider the problems facing small cetacean stocks, including reviewing developments on topics that have been addressed in the past, by

(a) engaging, with the assistance of the Secretary to the IWC, the coastal and range States concerned from the beginning in the current process of selecting stocks of small cetaceans for review;

(b) examining jointly with representatives from the coastal and range States concerned sound and reliable scientific data obtained in full cooperation with those States;

(c) assessing the condition of stocks jointly with representatives from the coastal and range States concerned;

(d) identifying any kind of assistance required by the coastal and range States concerned;

REQUESTS the Working Group to Consider a Mechanism to Address Small Cetaceans in the Commission to continue its efforts to address issues in a consensual manner, identifying problems in close liaison with the Small Cetaceans Sub-committee of the Scientific Committee, and to report to the Commission progress made at the 47th Annual Meeting;

REQUESTS the Scientific Committee to review its guidelines for the identification of stocks of small cetaceans for review at its future meetings, taking full account of the views of Contracting Governments expressed at the 46th Annual Meeting, and to present these, with any relevant explanatory information, to the Working Group to Consider a Mechanism to Address Small Cetaceans for consideration;

DECIDES to establish an IWC voluntary fund to allow for the participation from developing countries in future small cetaceans work and requests 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;

CALLS upon 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;

AGREES that there is much benefit in maintaining a cooperative dialogue with other intergovernmental organisations with responsibility for or expertise in relation to small cetaceans, in particular UNEP and the bodies created under the Bonn Convention.

IWC Resolution 1994-3

**RESOLUTION ON BIOSPHERE RESERVE OF THE UPPER GULF OF CALIFORNIA
AND THE COLORADO RIVER DELTA**

AWARE that the vaquita, which is endemic to the Upper Gulf of California, is endangered, and that the Scientific Committee reviewed the first quantitative estimate for this species and confirmed previous conclusions that it is very rare;

RECOGNISING therefore the need to ensure that the vaquita population is able to increase as rapidly as possible from its current low levels;

WELCOMING the decision of the Mexican Government to establish the Technical Committee for the Protection of the Vaquita and the Totoaba, which has worked to further the conservation of the ecosystem within which the vaquita resides and has developed a plan for its recovery;

AWARE of the vaquita's small population size and current evidence that indicates that incidental catches could cause its extinction;

RECOGNIZING that the Mexican Government should continue to monitor the fishing activity and incidental mortality of vaquita throughout the entire range of the species;

AWARE OF the decision by the Mexican Government to restrict fishing operations in the core area of the "Biosphere Reserve" and the immediate need to eliminate incidental catches of vaquita throughout the entire range of the species; and

CONSCIOUS of the sovereign rights of Mexico within its coastal waters and of the socio-economic challenges facing local communities affected by the ban on driftnetting in those waters;

NOW THEREFORE the Commission:

- (1) CONGRATULATES AND COMMENDS the Mexican Government for the establishment of the "Biosphere Reserve" in the Upper Gulf of California, established on June 10, 1993, by President Carlos Salinas de Gortari;
- (2) FURTHER COMMENDS Mexico for applying an ecosystem approach to conservation in declaring that the "Biosphere Reserve" includes the area's fragile habitat as well as marine and terrestrial species;
- (3) COMPLIMENTS Mexico for the successful efforts of the Technical Committee for the Protection of the Vaquita and the Totoaba, and for the information submitted on the National Research and Conservation activities during IWC 46;
- (4) INVITES the Mexican Government to develop expeditiously an overall management plan for the "Biosphere Reserve"; and
- (5) FURTHER INVITES IWC member nations to offer to the Mexican Government such technical, scientific, and financial assistance on mutually agreed terms to implement the management plan.

IWC Resolution 1994-4

RESOLUTION ON A REVIEW OF ABORIGINAL SUBSISTENCE MANAGEMENT PROCEDURES

WHEREAS at its 43rd, 44th, and 45th Annual Meetings the Commission discussed a standing request from the Scientific Committee for guidance on a review of the current management procedures for aboriginal subsistence whaling;

WHEREAS the Commission has not yet responded to the Scientific Committee's request;

WHEREAS the Scientific Committee has substantially completed its scientific work on a Revised Management Procedure for commercial whaling;

WHEREAS the approach taken in the Revised Management Procedure may be applicable to the development of a new management procedure for aboriginal subsistence whaling;

WHEREAS paragraph 13 of the Schedule currently contains a footnote that seeks the advice of the Scientific Committee on minimum stock levels below which whales should not be taken, even to meet aboriginal subsistence need;

WHEREAS paragraph 13 of the Schedule lists three principles by which the Commission is to balance aboriginal subsistence need and protection of whale stocks;

WHEREAS the Commission accepted at its 34th Annual Meeting three broad management objectives for aboriginal subsistence whaling recommended by the 1982 *ad hoc* Technical Committee Working Group on Management Principles and Guidelines for Subsistence Catches of Whales by Indigenous (Aboriginal) Peoples;

THE COMMISSION RESOLVES that:

- (1) The Scientific Committee should investigate potential management regimes for aboriginal subsistence whaling, including regimes based on the approach taken in the Revised Management Procedure and utilising simulation trials where appropriate.
- (2) The review conducted by the Scientific Committee should be based on the principles listed in sub-paragraph 13(a) of the Schedule, and shall also consider the footnote to that sub-paragraph, taking account of any recent developments in conservation theory.
- (3) The objectives of any potential regime shall continue to be those accepted by the Commission at the 34th Annual Meeting, 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.
- (4) Highest priority shall be accorded to the objective of ensuring that the risk of extinction to individual stocks are not seriously increased by subsistence whaling.

IWC Resolution 1994-5

RESOLUTION ON THE REVISED MANAGEMENT SCHEME

WHEREAS the International Convention for the Regulation of Whaling recognises the interests of the nations of the world in safeguarding for future generations the great natural resources of the whale stocks;

WHEREAS the provisions of Schedule paragraphs 10(a) to 10(c) proved to be deficient in several important respects as a framework for the management of whale stocks;

WHEREAS the Commission as a consequence of these deficiencies adopted paragraph 10(e) of the Schedule establishing a moratorium on commercial whaling and committed itself to the undertaking of a comprehensive assessment of the effects of its decision;

WHEREAS the Commission, having considered the advice of the Scientific Committee at its 44th Annual Meeting adopted a Resolution (*Rep. int. Whal. Commn* 43: 40) which: (i) accepted Annex H, Draft Specification for the Calculation of Catch Limits in a Revised Management Procedure for Baleen Whales (*Rep. int. Whal. Commn* 43: 146-52); (ii) reaffirmed its agreement regarding the conditions for any future implementation of the Revised Management Scheme; and (iii) noted the additional steps required to complete the Revised Management Scheme;

WHEREAS the Scientific Committee has reviewed and subsequently revised the Draft Specification for the Calculation of Catch Limits in a Revised Management Procedure, resulting in substantial improvements in clarity, and the finalised version is available as Annex H, (*Rep. int. Whal. Commn* 44:145-52);

WHEREAS the Scientific Committee has provided its advice on minimum standards for data (*Rep. int. Whal. Commn* 44:44-7) and guidelines for conducting surveys and analysing the data (Annex J, *Rep. int. Whal. Commn* 44:168-74), as well as providing full documentation of the program implementing the Catch Limit Algorithm underlying the Revised Management Procedure (*Rep. int. Whal. Commn* 44:44 and Annexes H and I, *Rep. int. Whal. Commn* 44:145-67);

WHEREAS the Scientific Committee has now provided its advice regarding the data which are required for monitoring whale stocks subject to management within the framework of the Revised Management Scheme (Annex O, IWC/46/4);

WHEREAS the Scientific Committee and the Commission have considered the findings and recommendations of the Report of the NMFS Review of the IWC Revised Management Procedure for Commercial Whaling (IWC/46/24);

WHEREAS the Commission has been informed of the significant under-reporting of whale catches by the Union of Soviet Socialist Republics, including substantial numbers of blue, humpback and right whales;

WHEREAS the Commission at its 45th Annual Meeting adopted a Resolution on research on the environment and whale stocks which calls for the convening of a special Scientific Committee workshop to consider 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;

NOW THEREFORE the Commission:

(1) EXPRESSES its appreciation for the work of the Scientific Committee in completing the Revised Management Procedure, its specification and documentation, and consideration of associated scientific issues;

(2) WELCOMES the full documentation of the program which implements the Catch Limit Algorithm underlying the Revised Management Procedure;

(3) ACCEPTS that the specification of the Revised Management Procedure given in Annex H, *Rep. int. Whal. Commn* 44:145-52, including its attached annotations as amended by Annex N (IWC/46/4) and Annex I, (*Rep. int. Whal. Commn* 44:153-67), completes the main scientific component in the development of a Revised Management Scheme for commercial baleen whaling;

(4) NOTES that this specification should not be modified, reconfigured or adjusted unless expressly instructed by the Commission;

(5) ENDORSES the 'Guidelines for Conducting Surveys and Analysing Data within the Revised Management Scheme' given in Annex J, (*Rep. int. Whal. Commn*) 44:168-74, subject to any revision arising from the completion of outstanding work specified in Annex P and Annex H of IWC/46/4;

(6) FURTHER ENDORSES the 'Guidelines for data collection and analysis under the Revised Management Scheme other than those required as direct input to the Catch Limit Algorithm' given in Annex O (IWC/46/4);

(7) NOTES the Scientific Committee's agreement that all points raised by Committee meeting documents which dealt with concerns arising from the NMFS review of the Revised Management Procedure had been adequately addressed;

(8) ASKS that the Secretary, with the assistance of the Scientific Committee, thoroughly investigate past catch data and that the Scientific Committee evaluate implications of these findings during the implementation simulation trials for each relevant species/area;

(9) NOTES that the additional steps required to complete the Revised Management Scheme include agreement on:

- (i) an effective inspection and observation scheme which fully addresses *inter alia* the issues of under-reporting and mis-reporting of catches;
- (ii) further elaboration of the 'Guidelines for conducting vessel surveys and analysing data within the Revised Management Scheme' given in Annex J, (*Rep. int. Whal. Commn* 44:168-74), as endorsed by the Commission, to ensure adequate levels of international collaboration in the survey design, conduct and analysis;
- (iii) arrangements to ensure that the total catches over time are within the limits set under the Revised Management Scheme;
- (iv) incorporation into the Schedule of the specification of the Revised Management Procedure and the other elements of the Revised Management Scheme;

(10) While NOTING the advice of the Scientific Committee that there would be little advantage in modifying the Catch Limit Algorithm further to account for environmental change, CONSIDERS that results emanating from the Scientific Committee's planned workshops on chemical pollution and climate change may nevertheless have an impact on other elements of the RMS and the Comprehensive Assessment;

(11) AGREES that the Revised Management Scheme shall be structured so that:

- (i) commercial whaling shall only be permitted for populations in areas and seasons for which catch limits are in force;
- (ii) these catch limits shall have been calculated by the Scientific Committee in accordance with the Revised Management Procedure, and forwarded to and approved by the Commission in conformity with all provisions of the Revised Management Scheme; and
- (iii) commercial catch limits for all other populations in all areas and seasons shall be zero;

(12) REAFFIRMS that until all aspects of the Revised Management Scheme are incorporated into the Schedule the Revised Management Procedure should not be implemented; and

(13) CONFIRMS that nothing in this Resolution shall be deemed to authorise or give any form of approval to any activity that is contrary to the moratorium on commercial whaling (contained in paragraph 10(e) of the Schedule) or any sanctuary established in accordance with the International Convention for the Regulation of Whaling.

IWC Resolution 1994-6

RESOLUTION ON THE UNRELIABILITY OF PAST WHALING DATA

AWARE that concerns have been raised for many years about under reporting of commercial whale catches;

NOTING the importance of having complete historical catch data available for the proper implementation of the RMP;

NOTING that earlier this year a Russian Federation official published a report which stated that past whaling statistics submitted by the former Union of Soviet Socialist Republics were unreliable in many aspects; and

NOTING that the Russian Federation has made available to the Scientific Committee in 1994 previously unreported data on past Soviet whaling operations in the Southern Hemisphere;

NOW THEREFORE the Commission:

- (1) CONGRATULATES AND COMMENDS the Government of the Russian Federation for its efforts to locate original catch records from past Soviet whaling activities and to provide these records to the IWC;
- (2) URGES the Government of the Russian Federation to continue its efforts to secure and provide to the IWC any additional original catch and positional data from past Soviet catches as may be available and authorises the Secretariat to provide necessary assistance from voluntary funds for this project;
- (3) INVITES any other IWC Contracting Governments to examine data on their past whaling operations for inaccuracies or falsification, and to provide any revised data to the Commission.

IWC Resolution 1994-7

RESOLUTION ON INTERNATIONAL TRADE IN WHALE MEAT AND PRODUCTS

WHEREAS it is the purpose of the 1946 International Convention for the Regulation of Whaling (ICRW) to provide for the effective conservation and management of whale stocks through a coherent system of international regulation;

WHEREAS the International Whaling Commission is the universally recognised competent international organisation responsible for the management of whales and whaling;

WHEREAS the Commission's Resolution at its 31st Annual Meeting (*Rep. int. Whal. Commn* 30: 38), and prior Resolutions, declared that member States should not import whale products from non-member countries;

WHEREAS at a Special Meeting in Tokyo in 1978, the Commission recognised that, to reinforce adherence to IWC regulations, it is desirable to use each international opportunity to ban trade in those species and stocks of whales that receive total protection from commercial whaling;

WHEREAS at the Special Meeting, the Commission requested the Second Meeting of the Conference of the Parties to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) to take all possible measures to support the IWC ban on commercial whaling for certain species and stocks of whales, as provided in the Schedule to the ICRW;

WHEREAS at the Special Meeting, the Commission resolved that each Contracting Government take all appropriate measures to prevent the import of any whale or whale product taken or processed under the jurisdiction of any non-IWC member countries;

WHEREAS in 1979, CITES recognised that the meat and other products of protected stocks of whales are subject to international trade that cannot be controlled effectively by the IWC alone;

WHEREAS in 1979, the Second Meeting of the Conference of the Parties recommended that CITES Parties agree not to issue for primarily commercial purposes any import or export permit, or certificate for introduction from the sea, for any specimen of a species or stock protected from commercial whaling by the ICRW;

WHEREAS at its Annual Meeting in 1982, the Commission set catch limits for the killing for commercial purposes of whales from all stocks for the 1985 coastal and the 1985-86 pelagic seasons at zero, which catch limits remain in effect under paragraph 10(e) of the ICRW Schedule;

WHEREAS under CITES there is a prohibition on commercial trade, including introduction from the sea, in all stocks of whales for which the IWC has set zero catch limits;

WHEREAS at its Annual Meeting in 1986, the Commission resolved that the products of research whaling should be used "primarily for local consumption";

WHEREAS the Commission is concerned by reports of the discovery of whale products appearing for sale in, or en route to, importing countries, from no plausible legitimate source;

WHEREAS the Commission in 1993 sought information on possible illegal whaling activities by non-member governments, and is concerned to prevent such activities and the trade in whale products derived from such activities;

NOW THEREFORE the International Whaling Commission:

(1) CALLS UPON all IWC members to enforce strictly their existing international obligations under the ICRW, including fully complying with the moratorium on commercial whaling declared in paragraph 10(e) of the Schedule, and under CITES, relating to the control of international trade in whale products.

(2) REAFFIRMS the need for Contracting Governments fully to observe earlier IWC resolutions addressing trade questions, particularly resolutions prohibiting the import of any whale or whale product taken or processed under the jurisdiction of any non-IWC member countries;

(3) OBSERVES that any commercial international trade in whale products obtained from research whaling or fisheries bycatch makes illegal commerce more difficult to detect, and undermines the effectiveness of the IWC's conservation program;

(4) CONSIDERS THEREFORE that meat and products from research whaling should be utilised entirely for domestic consumption; and

(5) INVITES each Contracting Government to report to the Infractions Sub-committee at every Annual Meeting:

(a) information on whale meat and products available on its domestic market, and the specific source of those items (i.e., commercial whaling, research whaling, fisheries bycatch);

(b) any shipments of whale meat and products intercepted in international commerce, especially those involving their nationals or interests, and what measures the Government has taken in response; and

(c) any other developments relevant to trade in whale meat or products (e.g., new laws or regulations).

**The Norfolk Island intersessional meeting of the Working Group on a Sanctuary in the Southern Ocean
recommended to the Commission that:**

1. it reinforces the cooperation and coordination with the Antarctic Treaty System, in particular, the Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR); the United Nations Environment Programme (UNEP) and other relevant international organisations;
2. bearing in mind their special responsibility, as recognised by the United Nations Convention on the Law of the Sea (UNCLOS) provisions, the States that may have maritime areas under their jurisdiction within the boundaries which may be decided for a sanctuary, take for these areas the appropriate measures in conformity with the provisions relating to a sanctuary;
3. the IWC Scientific Committee (SC) continues to provide the Commission with precisely requested scientific advice on issues related to a sanctuary in the Southern Ocean;
4. it notes that existing international instruments do not form any irreconcilable legal impediment to the designation of a whale sanctuary in the Southern Ocean;
5. the establishment of a sanctuary in the Southern Ocean requires commonly-agreed objectives. Such a sanctuary, if established, could provide an opportunity to members of the IWC to promote further research activities in the Southern Ocean and, with the advice of the Scientific Committee, stimulate co-ordination thereon with other relevant international organisations on the following issues:
 - a) linkages between a sanctuary and the need for the scientific research in it, in particular the type of research needed, who will undertake it and the level of expenses to be met;
 - b) to monitor and compare the management of whale stocks to which an RMS may be applied with a situation where no whale catch would occur;
6. recognising the need for broader understanding of environmental changes in the Southern Ocean which may have emerged since the implementation of the moratorium and which have yet to be assessed by the Commission, the Commission re-visits the Resolution of the 44th Annual Meeting, passed by consensus, on the need for further research on environmental threats affecting whale stocks in the Antarctic marine ecosystem (*Rep. int. Whal. Commn* 43: 39-40). Member states should commence exchange of research, on-going or completed, on environmental changes in the Southern Ocean and the Commission should seek financial support from those contracting governments able to contribute funds for the coordination of such research. UNEP should be encouraged to continue exploring with the IWC appropriate funding and research coordination mechanisms. Furthermore, the Commission should apply the precautionary principle in discussions regarding a Southern Ocean Sanctuary and act in a risk-averse manner in future decisions concerning the management of whales therein;
7. in the light of a number of specific ecological issues requiring clarification, the SC continues to study and gives guidance to the Commission concerning, *inter alia*, the following:
 - a) areas of specific whale activity, e.g. feeding and breeding grounds and the length of stay in any area;
 - b) north-south migrations between feeding and breeding areas;
 - c) east-west migrations for information on the possibility of significant movements between major ocean basins and populations;
 - d) species interaction including inter-species competition;

- e) global environmental and abiotic factors affecting whales in the Southern Ocean;
- 8. if it were to adopt a sanctuary which includes waters under coastal states jurisdiction, it ensures that the sovereign rights and all other rights of the coastal states as recognised in UNCLOS will be respected in such a sanctuary;
- 9. it further examines options for the geographical boundaries of a sanctuary in the Southern Ocean;
- 10. bearing in mind the special legal and political status of Antarctica, it closely cooperates with the Antarctic Treaty System as regards a sanctuary in the Southern Ocean;
- 11. it reaches common understandings, *inter alia*, on the following issues:
 - a) the necessity and level of any additional resources for meeting the costs of management, monitoring and surveillance requirements in a sanctuary;
 - b) financial options for providing any such resources;
- 12. it considers the possibility of convening a legal panel on matters related to a sanctuary;
- 13. it re-examines the status of its participation in the Marine Mammal Action Plan developed jointly by UNEP and FAO;
- 14. it welcomes the willingness of the Russian Federation in response to a request by the Working Group to submit to the Secretariat of the IWC updated statistical data on the USSR's whale catches;
- 15. it notes that there are no irreconcilable objections to establishing a sanctuary in conformity with Article V of the 1946 Convention among the members of the Working Group, and that a sanctuary can be created by the Commission if its members so decide.

IWC Resolution 1994-8

RESOLUTION ON SCIENTIFIC PERMITS

RECALLING that the Scientific Committee is charged with the task of reviewing the performance of scientific research programmes;

NOTING that the research programme to clarify the stock structure of minke whales in the northwestern Pacific (SC/46/NP1) has been reviewed by the Scientific Committee;

NOTING FURTHER that the full Scientific Committee agreed that all relevant guidelines concerning the proposal, its objectives and research cooperation have been met and that some questions were raised whether the methodology of the programmes was in accordance with the relevant guidelines (IWC/46/4);

NOW THEREFORE,

The Commission ENDORSES the review of the Scientific Committee of the research programme to clarify the stock structure of minke whales in the northwestern Pacific.

IWC Resolution 1994-9

**RESOLUTION ON SPECIAL PERMIT CATCHES BY JAPAN
IN THE NORTH PACIFIC**

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*);

WHEREAS the Commission recognises the past efforts by Japan in research on whales in the North Pacific, which do not involve the taking of whales;

WHEREAS the Commission has considered the Report of the Scientific Committee IWC/46/4 concerning the proposed catch of minke whales described in SC/46/NP1;

WHEREAS the Commission acknowledges that the Scientific Committee has agreed that the objectives of the research proposal directly address questions of scientific interest; and at the same time the Commission notes that these questions could also be addressed by non-lethal methods using biopsy sampling and DNA-analyses;

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 in the Report of the Scientific Committee (IWC/46/4); that the proposed kill of minke whales in the North Pacific described in SC/46/NP1 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;

RECOMMENDS the Government of Japan to restructure its research programme concerning minke whales in the North Pacific in such a manner that the research interests are adequately addressed with non-lethal methods.

INVITES the Government of JAPAN to reconsider the proposed research take of minke whales in the North Pacific under special permit in 1994 in the light of the above;

IWC Resolution 1994-10

**RESOLUTION ON SPECIAL PERMIT CATCHES BY JAPAN
IN THE SOUTHERN HEMISPHERE**

WHEREAS the Commission has considered the Report of the Scientific Committee IWC/46/4 concerning the results of the Japanese catches of minke whales in the Southern Hemisphere described in SC/46/SH11, 12, 13, 14, 15, 20 and O24, the proposed catch in 1994/95 described in SC/42/SH16, 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 and 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 assessments methods, especially 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/46/SH16 has attempted to address the concerns expressed by the Scientific Committee in its earlier reports;

WHEREAS Japan has not provided any information which adequately addresses the concerns expressed in the Scientific Committee on the ability to estimate the age specific mortality of Southern Hemisphere minke whales;

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 kill of minke whales in the Southern Hemisphere described in SC/46/SH16 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 for this species, though it addresses certain research interests;

RECALLS that each of its previous resolutions on the catches under Special Permit under this research programme, which have expressed similar conclusions, has not produced the required restructuring of the scientific research programme;

INVITES the Government of Japan to reconsider the proposed research take of minke whales under special permit in 1994/95 in the light of the above;

RECOMMENDS the Government of Japan to restructure its research programme concerning minke whales in the Southern Hemisphere in such a manner that the research interests can be adequately addressed with non-lethal methods.

IWC Resolution 1994-11

RESOLUTION ON SPECIAL PERMIT CATCHES BY NORWAY

WHEREAS the Commission adopted a Resolution on a Norwegian proposal for special permits in 1993, inviting the Government of Norway to reconsider its proposed take of minke whales in 1993 and 1994 under special permit (*Rep.int.Whal.Commn 44, Appendix 8*);

WHEREAS the Commission has considered the Report of the Scientific Committee IWC/46/4 concerning the results of the Norwegian catches of minke whales in the North Atlantic described in SC/46/NA2 and 3, and the proposed catch in 1994 described in SC/46/NA3;

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

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 (IWC/45/4 and IWC/46/4); that the proposed kill of minke whales in the North Atlantic described in SC/46/NA3 and SC/46/NA5 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 for this species;

REITERATES its invitation to the Government of Norway to reconsider the proposed research take of minke whales under special permit in 1994 in the light of the above;

WELCOMES the decision of the Government of Norway not to issue special permits in 1995 and expresses its strong hope that it will be possible for Norway to continue its research programme through non-lethal methods;

IWC Resolution 1994-12

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

WHEREAS the Commission passed a Resolution on Research Related to Conservation of Large Baleen Whales in the Southern Oceans at the 45th Annual Meeting requesting the Scientific Committee to provide an outline of objectives, methodologies, chances of success and short and long term financial implications;

NOTING that an intersessional meeting of the Steering Group on such research based on the above mentioned Resolution was held in Tokyo last October, and reported to the Scientific Committee so as to facilitate its work, including suggestions for possible objectives and a possible sequence of work;

NOTING public concern regarding the status of the populations of large baleen whales, especially after the under-reporting of whale catches by former Soviet whaling fleets in the Southern Hemisphere; and

RECOGNISING the increasing concerns of the need for research on the effects on environmental changes on whale resources by Resolution passed at the 45th Annual Meeting of the Commission;

NOTING that Japan plans a sighting survey cruise for blue and Bryde's whales in the waters of the Solomon Islands in September and October 1994;

NOW THEREFORE THE COMMISSION

APPROVES the objectives and sequence of work suggested by the Steering Group in 1994 and discussed by the Scientific Committee at the 46th Annual Meeting in so far as they do not require lethal methods;

REQUESTS the Chairman of the Scientific Committee in collaboration with the Secretary of the Commission to establish an intersessional correspondence group to clarify and initiate the preparatory work on the research items identified in Annex L of IWC/46/4;

REQUESTING that group to meet as a Steering Committee prior to next year's meeting of the Scientific Committee as may be deemed necessary to consolidate their work;

FURTHER REQUESTS that the group consider among other items:

(a) the practical and financial implication of using passive, towed acoustic arrays to expand the search path width for sighting surveys of blue, pygmy blue and other whales;

(b) ways in which work can commence on developing shipboard identification methods to separate true from pygmy blue whales;

(c) the practical and financial implications of using satellite tracking to locate feeding and breeding grounds for blue whales and compile a summary of relevant applications and development work.

REQUESTS the Scientific Committee to prepare a discussion paper of these topics for presentation to the Commission at its 47th Annual Meeting with the objective of gaining Commission approval and financial support for research programme implementation in 1995/96;

AGREES that the Secretariat shall allocate no more than £10,000 in the 1994/95 budget for the work of the intersessional working group; and

ENCOURAGES all Contracting Governments to structure their own national research projects related to this subject so as to contribute to any approved research programme.

IWC Resolution 1994-13

RESOLUTION ON RESEARCH ON THE ENVIRONMENT AND WHALE STOCKS

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 45th Annual Meeting, the Commission adopted a Resolution recommending the Scientific Committee give priority to research on the effects of environmental changes on cetaceans in order to provide the best scientific advice to the Commission to determine appropriate response strategies to these new challenges;

FURTHER RECALLING that at its 45th Annual Meeting, the Commission reiterated its concern for the impact of pollutants in the marine environment by adopting a Resolution on the Preservation of the Marine Environment;

WELCOMING the information and data received from Contracting Governments, relevant international organisations, scientists and other experts, on changes in the marine environment and their effects on whale populations, that was presented to the Scientific Committee in 1994;

NOTING FURTHER that the Scientific Committee focused on several factors on environmental changes to be considered in the context of cetaceans including (1) global warming; (2) ozone depletion; (3) pollution; (4) direct (international and incidental mortality) and indirect (ecological ramifications) effects of fisheries; and (5) noise; and

NOTING TOO that the Scientific Committee agreed all these factors warrant consideration and that there should be two workshops, one on pollution, to be convened before the 47th Annual Meeting and a second on the effects of global warming and ozone depletion before the 48th Annual Meeting, with further consideration of other factors occurring at least initially in the context of Annual Meetings;

NOTING ALSO that the Scientific Committee at the 46th Annual Meeting concluded that it should focus its attention on addressing the questions of environmental influences in their own right and not merely in the context of catch limits;

THE COMMISSION DECIDES

(1) to endorse the plans of the Scientific Committee to pursue study on environmental changes and their impacts on cetaceans;

(2) to encourage Contracting Governments to continue to cooperate in providing available information on environmental changes as identified above and their known or potential ecological effects on cetaceans to the workshops;

(3) to reaffirm that Contracting Governments should encourage participation of individuals with relevant expertise on the factors identified above, in the Special Workshop and at the Scientific Committee; and

(4) to accept the recommendation in the Scientific Committee report that the focus of the workshop on the effects of environmental changes on cetaceans should be to identify research activities that might enable the eventual prediction of the effects of factors both direct and indirect on cetaceans and incorporate such knowledge into conservation and management programmes for cetaceans.

IWC Resolution 1994-14

RESOLUTION ON WHALEWATCHING

The International Whaling Commission

RECALLING its Resolution adopted by consensus at the 45th Annual Meeting inviting Contracting Governments to report on the extent and value of whalewatching activities; requesting the Secretariat to prepare a report; and establishing a Working Group to make recommendations to its 46th Annual Meeting;

GRATEFUL for the returns made by contracting parties and the work of the Secretariat in compiling a report from them;

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

ACKNOWLEDGING, however, that the regulation of whalewatching activities is a matter for the responsible coastal state, rather than for the Commission;

RECOGNISING, nevertheless, that the Commission can provide advice to member and non-member governments on the regulation of whalewatching and on the collection of useful data from whalewatching operations;

NOTING the useful and productive discussions which took place at the Working Group prior to the 46th Annual Meeting, and the recommendations made by that Group to the Commission;

Now therefore

- (1) REQUESTS all contracting parties who have not yet submitted the information requested by the Commission on whalewatching operations in their territories to report this information to the Commission;
- (2) REQUESTS the Scientific Committee to provide the advice sought by the Working Group
- (3) REQUESTS Contracting Governments to submit additional relevant information to the Scientific Committee to assist in their deliberations, and where necessary to send appropriate experts to the Committee in this regard;
- (4) REQUESTS the Working Group to take account of the Scientific Committee's advice to prepare a framework for future guidelines, which could be considered by coastal states developing regulatory frameworks for whalewatching, and to make an interim report to the 47th Annual Meeting with a view to finalising recommendations for such guidelines for adoption at a subsequent meeting.
- (5) ALSO REQUESTS the Working Group to keep under review developments relating to all aspects of whalewatching, under the Commission's responsibilities.