

**RESOLUTION ON IMPROVING THE
HUMANENESS OF ABORIGINAL
SUBSISTENCE WHALING**

Appendix 1. IWC Resolution 1997-1

The International Whaling Commission:

RECOGNISING the need to hunt whales by aboriginal people with a continuing traditional dependence on whaling to meet their nutritional, subsistence and cultural needs;

AWARE of the need to ensure that aboriginal subsistence whaling causes the least possible pain and distress to hunted whales;

NOW, THEREFORE, the Commission:

WELCOMES the steps taken so far by the aboriginal subsistence whalers of the United States of America, the Russian Federation and Greenland to improve the humaneness of whaling techniques in aboriginal subsistence hunts;

URGES them to do everything possible to reduce still further any unavoidable suffering caused to whales in such hunts;

REQUESTS the United States of America, the Russian Federation and Denmark to continue to inform the Commission on an annual basis of progress made in this matter, and to provide other information concerning the taking of whales under aboriginal subsistence quotas;

REQUESTS all Contracting Parties to provide appropriate technical assistance to improve the humaneness of aboriginal subsistence whaling;

AGREES to consider this issue at annual meetings of the Humane Killing Working Group;

REQUESTS the next Workshop on Whale Killing Methods to review the data received by the Commission on this matter.

Appendix 2. IWC Resolution 1997-2

RESOLUTION ON IMPROVED MONITORING OF WHALE PRODUCT STOCKPILES

RECOGNISING the progress in establishing reliable techniques for identifying the origin of whale meat and whale products, including the species and geographic stock of origin and individual identification of legally obtained and marketed whale products, through DNA testing and genetic analysis;

NOTING the recent accomplishments of Japan, Norway and the United States in the establishment of reference sets of 'type species' of cetacean DNA sequences for use in addressing the problems of unreported bycatch and illegal trade by determining the source species and geographic origin of such products and the development of market survey programmes utilising DNA testing by some member governments;

RECOGNISING that some whale products legally sold in the domestic markets of some countries are from sources (such as frozen stockpiles and fisheries bycatch) that are not systematically sampled, making it difficult for fisheries personnel to develop market survey programmes to determine the origin of whale meat sold commercially;

RECOGNISING FURTHER that CITES has called upon member nations to report on the status of stockpiles of whale meat, in order to facilitate the monitoring of illegal trade, and has invited all countries concerned to co-operate in determining the sources of whale meat in cases of smuggling or unknown identity;

NOW THEREFORE the International Whaling Commission:

ENCOURAGES all Contacting Governments to provide information to the IWC about the size of remaining stockpiles and the species of origin of meat remaining in stockpiles, and to collect and inventory skin or meat samples for DNA identification from all whales that enter into commerce, and to make the DNA database available to the IWC;

REQUESTS that the IWC Secretariat forward to the CITES Secretariat this Resolution and this year's reports of the Infractions Sub-committee and the Scientific Committee.

Appendix 3. IWC Resolution 1997-3

RESOLUTION ON NORTHEASTERN ATLANTIC MINKE WHALES

HAVING ESTABLISHED zero catch limits for commercial whaling in paragraph 10(e) of the Schedule;

CONCERNED that the Government of Norway, having lodged an objection to paragraph 10(e) of the Schedule, unilaterally authorised commercial whaling on minke whales beginning in 1993;

CONCERNED ALSO that Norway continues to allow commercial whaling and that it has increased its quotas, despite IWC Resolutions 1995-5 and 1996-5 calling on Norway to immediately halt all whaling activities under its jurisdiction;

RECALLING that the Commission decided in 1994 that the Revised Management Procedure should not be implemented until all aspects of the Revised Management Scheme are incorporated into the Schedule;

APPRECIATIVE that the Government of Norway has a policy against issuing licenses for the export of whale meat and products;

AWARE of attempts to smuggle products of the Norwegian hunt into the markets of other countries, which highlight the need to establish a transparent supervision and control scheme so that commercial harvests can be monitored through to the retail market;

NOTING the proposal by the Government of Norway to establish a DNA database of northeast Atlantic minke whales taken during its commercial hunt and the contribution such a data base could make to the IWC's monitoring efforts;

RECALLING that the Commission at its 47th Annual Meeting (IWC Resolution 1995-6) called on all governments with stockpiles of whale meat to report annually on the volume of such stockpiles, their domestic laws governing the possession and sale of whale meat, and all enforcement actions taken with respect to whale meat illegally obtained and/or sold; and

NOTING that the Government of Norway has declined to submit a report as called for in IWC Resolution 1995-6 and 1996-5;

NOW THEREFORE THE COMMISSION:

REAFFIRMS its view that commercial whaling should not take place while paragraph 10(e) of the Schedule remains in force;

REGRETS the unilateral setting of quotas for commercial whaling;

CALLS AGAIN on the Government of Norway, in the exercise of its sovereign rights, to:

- reconsider its objection to paragraph 10(e) of the Schedule;
- halt immediately all whaling activities under its jurisdiction;
- maintain its policy against the export of whale meat and products;
- report to the Commission on the subjects requested in IWC Resolution 1995-6; and
- make the DNA data base available to the IWC.

Appendix 4. IWC Resolution 1997-4

RESOLUTION ON CETACEAN BYCATCH REPORTING AND BYCATCH REDUCTION

RECALLING that the Commission agreed that one of the remaining elements of RMS to be completed consists of 'arrangements to ensure that total catches over time are within limits set under the RMS' (IWC Resolution 1996-6);

CONSIDERING that bycatches can substantially contribute to the total catches over time and therefore need to be recorded;

NOTING that not all Contracting Parties are submitting Annual Progress Reports to the Scientific Committee, and that some reports that are submitted do not include bycatch statistics;

AWARE that at its 49th Annual Meeting, the Commission received valuable information on the bycatch of many species of cetaceans by members of the Commission;

NOW THEREFORE the Commission;

CALLS upon all Contracting Parties to improve their monitoring and reporting of all cetaceans, especially large whales, taken incidentally in all fishing operations, and to report those incidental catches to the 50th Annual Meeting of the IWC and at all future meetings;

URGES all Contracting Parties to exchange information about bycatch reduction efforts and release of live cetaceans.

Appendix 5. IWC Resolution 1997-5

RESOLUTION ON SPECIAL PERMIT CATCHES IN THE SOUTHERN OCEAN BY JAPAN

WHEREAS Article VIII of the Convention provides for the issuing by Contracting Governments of a special permit for scientific research;

WHEREAS paragraph 7(b) of the Schedule establishes a sanctuary in the Southern Ocean;

WHEREAS the Commission requested Contracting Parties to refrain from issuing special permits for research involving the killing of whales within the Southern Ocean Sanctuary, and expressed deep concern at Japan's continuing lethal research within the Southern Ocean Sanctuary; and recommended that scientific research involving the killing of cetaceans should only be permitted where critically important research needs are addressed which cannot be answered by analysing existing data and/or use of non-lethal techniques; furthermore requested the Government of Japan to reconsider and restructure its research programmes so that the research objectives are achieved by non-lethal means (*IWC Resolutions 1995-8, 1995-9 and 1996-7*);

WHEREAS the Government of Japan nevertheless continues to issue special permits involving the killing of cetaceans and the number of whales killed each year under special permit in the Southern Ocean, after a substantial increase in 1995/96, has remained at that increased level of 440 minke whales;

WHEREAS the Scientific Committee this year undertook a comprehensive review of the Japanese research programme (JARPA) in the Southern Ocean, which is reported in SC/49/Rep1;

WHEREAS the Scientific Committee notes (IWC/49/4) that the results of the JARPA programme are not required for management;

WHEREAS the Scientific Committee also notes that these results have the potential to improve management in some ways; and that the results of analyses of JARPA data could thus be used to increase catch limits of minke whales in the Southern Hemisphere without increasing the depletion risk indicated by the RMP-trials for these minke whales;

NOW THEREFORE THE COMMISSION

AFFIRMS that the JARPA programme does not address critically important research needs for the management of whaling in the Southern Ocean;

REAFFIRMS that Contracting Governments should refrain from issuing special permits for research involving the killing of cetaceans in sanctuaries;

REITERATES ITS DEEP CONCERN at Japan's continuing scientific programme involving the taking of whales in the Southern Ocean Sanctuary;

STRONGLY URGES that the Government of Japan, in the exercise of its sovereign rights, refrain from issuing any further special permit for the take of any whales, particularly in the Southern Ocean Sanctuary;

INSTRUCTS the Scientific Committee not to consider Southern Hemisphere minke whales in the context of implementation of the RMP unless advised to do so by the Commission.

Appendix 6. IWC Resolution 1997-6

RESOLUTION ON SPECIAL PERMIT CATCHES IN THE NORTH PACIFIC BY JAPAN

WHEREAS Article VIII of the Convention provides for the issuing by Contracting Governments of a special permit for scientific research;

WHEREAS the Commission requested Japan to refrain from issuing a special permit to take minke whales in the North Pacific; and recommended that scientific research intended to assist the comprehensive assessment of whale stocks and the implementation of the Revised Management Procedure shall be undertaken by non-lethal means; and recommended that scientific research involving the killing of cetaceans should only be permitted where critically important research needs are addressed which cannot be answered by analysing existing data and/or use of non-lethal techniques; furthermore requested the Government of Japan to reconsider and restructure its research programmes so that the research objectives are achieved by non-lethal means (*IWC Resolutions 1995-9 and 1996-7*);

WHEREAS the Government of Japan nevertheless continues to issue a special permit involving the killing of minke whales in the North Pacific;

NOW THEREFORE THE COMMISSION

AFFIRMS that the proposal for a special permit in the North Pacific does not address critically important issues which cannot be answered by the analysis of existing data and/or use of non-lethal techniques as established under IWC Resolution 1995-9;

REITERATES ITS REQUEST that the Government of Japan, in the exercise of its sovereign rights, refrain from issuing any further special permit for the take of minke whales in the North Pacific;

REITERATES ITS REQUEST that the Government of Japan reconsider and restructure its research programmes so that research objectives are achieved by the use of non-lethal techniques.

Appendix 7. IWC Resolution 1997-7

RESOLUTION ON ENVIRONMENTAL CHANGE AND CETACEANS

RECALLING that at its 44th Annual Meeting, the Commission adopted a Resolution establishing a regular agenda item in the Scientific Committee to address the impact of environmental change on whale stocks;

RECALLING that at its 45th Annual Meeting, the Commission adopted a Resolution recommending that the Scientific Committee gives 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;

NOTING that at its 46th Annual Meeting, the Commission adopted a Resolution endorsing the plans of the Scientific Committee to pursue studies of environmental changes and their impacts on cetaceans, and identified priority areas that needed to be addressed in this context.

AWARE that the IWC has organised two special workshops, one on the effects of chemical pollution on cetaceans (Bergen, 1995) and the second on the effects of climate change on cetaceans (Hawaii, 1996) to this end;

NOTING that at its 48th Annual Meeting the Commission adopted a Resolution welcoming and endorsing the establishment by the Scientific Committee of its Standing Working Group on Environmental Concerns (SWGEC), to facilitate examination of the effect of environmental change on cetaceans, and directed the Scientific Committee, through its Standing Working Group to consider and act on the specific recommendations of the two IWC Workshops and other items identified as requiring additional examination, in order to develop non-lethal research programmes that will allow assessment of the impact of environmental change on cetaceans;

NOTING the allocation of funds, as proposed by the Scientific Committee and adopted by the Commission at its 49th Annual Meeting, for the

1997/1998 budget to support planning of such research;

NOW THEREFORE THE COMMISSION:

WELCOMES the first report of the Standing Working Group on Environmental Concerns;

WELCOMES and ENDORSES the recommendations of the two intersessional meetings of the SWGEC, in Texel on pollution (SC/49/Rep 6) and La Jolla on climate change (SC/49/Rep 5) calling for long-term, collaborative, multidisciplinary, multinational research, and funding from the Commission to facilitate these activities;

NOTES that the SWGEC identified eight topics of particular importance to its work including: climate/environmental change, ozone depletion and UV-B radiation, chemical pollution, impact of noise, physical and biological habitat degradation, effects of fisheries, Arctic issues, disease and mortality events;

ENCOURAGES Contracting Governments to continue to provide available information on environmental changes as identified above and their known or potential ecological effects on cetaceans through annual Progress Reports and attendance of experts at meetings of the Scientific Committee;

RECOMMENDS that the Chairman of the Scientific Committee invites participants with necessary expertise in the field of environmental change to attend annual meetings of the Scientific Committee and contribute to its discussions on this topic;

ENDORSES the report of the Scientific Committee on environmental concerns, and directs it through the SWGEC to implement the recommendations of the Texel and La Jolla reports;

URGES the Scientific Committee to produce detailed scientific proposals for future work on environmental concerns on a multi-annual basis;

DIRECTS the Scientific Committee, through the SWGEC, to provide regular up-dates to the Commission on environmental matters that affect cetaceans and, in particular, those that relate to non-natural mortalities relevant to implementation simulation trials or future RMP catch limit calculations or that require the action of the

Commission within future five year periods of validity of catch limit calculations;

ENCOURAGES Contracting Governments to carry out relevant non-lethal research within domestic

and collaborative multinational and multi-disciplinary programmes and also to provide new and additional funds to support the work of the Scientific Committee and SWGEC in this regard.

Appendix 8. IWC Resolution 1997-8

RESOLUTION ON SMALL CETACEANS

RECALLING IWC Resolution 1996-4 which acknowledged the progress which had been made in identifying threats to particular populations of small cetaceans, welcomed the measures which had been taken to conserve them, and recommended that scientific work to identify and analyse such threats should continue;

CONCERNED, despite the progress which has been made about the impact of direct and incidental catches on certain populations of small cetaceans;

WISHING to encourage and continue scientific work to identify and analyse such threats, and practical measures to address them;

APPRECIATING the data on small cetacean bycatches which a number of Parties have already provided;

NOW THEREFORE the Commission:

ENDORSES the Scientific Committee's recommendations on the need for further research into, in particular, the impact of bycatches on, and the distribution and stock structure of small cetaceans;

REQUESTS all Parties to take appropriate steps to address the Scientific Committee's concerns about the impact of bycatches and directed takes on small cetaceans;

CONGRATULATES the Japanese Fisheries Agency on the institution of species-specific domestic catch limits for striped dolphins and welcomes the research which it has undertaken to determine whether a separate coastal stock of this species exists;

CONGRATULATES the Government of Mexico for convening the first meeting of an International Committee for the Recovery of the Vaquita in January 1997, and its continuing efforts to protect this species;

WELCOMES the further work which the Scientific Committee has done to develop criteria for assessing the population status of harbour porpoises to assist in assessing whether such populations may be threatened by mortality due to fisheries bycatches;

URGES Parties to undertake relevant research and to continue to provide information on directed and incidental catches of small cetaceans to assist the Scientific Committee in assessing the status of, and threats to, small cetacean populations.

Appendix 9. IWC Resolution 1997-9

RESOLUTION ON THE NEED FOR AN ADMINISTRATIVE REVIEW

RECALLING that the Secretariat was established to service the IWC in its implementation of the 1946 International Convention for the Regulation of Whaling; and has operated for nearly fifty years during which time it has only undergone one review of its administrative systems;

CONSIDERING that, while IWC's administrative systems are adequate, they should be reviewed on a regular basis to ensure they are brought into line with modern management practices;

NOW THEREFORE the Commission:

AGREES to authorise an external review of the IWC's administration systems to be completed in 1998, in time for consideration by the Commission at IWC 51, with a budget of no more than £50,000;

REQUESTS that the "Advisory Committee" consider the following Terms of Reference as a basis for this review:

The Consultant would review and recommend ways in which both the efficiency and effectiveness of the IWC administration can be further developed, in particular on:

- (i) *the structure, duration, focus and frequency of the annual IWC and intersessional meetings to determine whether they could be better focused;*
- (ii) *the Secretariat's activities and financial resources, to determine what types of strategic and financial planning are required;*
- (iii) *the Secretariat's communications systems and the issue of languages used in the Commission;*
- (iv) *the Secretariat's information exchange and publication management systems;*
- (v) *the management of the Secretariat's human resources and performance indicators; and*
- (vi) *the IWC's relationship with member states.*

REQUESTS that the Advisory Committee select and appoint an external consultant to undertake such a review and to report back to IWC 51 on its findings for consideration by the Commission.

Appendix 10. IWC Resolution 1997-10

RESOLUTION FOR THE ESTABLISHMENT OF AN ADVISORY COMMITTEE TO THE SECRETARIAT AND COMMISSION

RECALLING previous discussions held amongst Commissioners on the need to establish an Advisory Committee to the Secretariat in dealing with significant administrative issues;

NOTING that such an Advisory Committee already functions on an informal basis;

DESIRING to formalise this arrangement;

NOW THEREFORE the Commission:

DECIDES to establish an Advisory Committee whose role would be one of support and not to make policy decisions nor to micro-manage the Secretariat's work;

AGREES that this Committee should comprise the Chairman, Vice Chairman, the Secretary and two

Commissioners to broadly represent the interests within the IWC forum. The appointment of the Commissioners will be for two years on alternative years;

NOTES that the Advisory Committee will work with the Commission to develop guidelines for a review to be undertaken of the IWC's administrative systems;

NOTES the proposed role of the Advisory Committee in the selection and appointment of an external consultant to undertake the administrative review and in finalising the Terms of Reference for this review;

ACKNOWLEDGES that the Advisory Committee will report back on the findings of the review to IWC 51, for consideration by the Commission.