

Appendix 1

42ND ANNUAL MEETING OF THE INTERNATIONAL WHALING COMMISSION

RESOLUTION ON NORWEGIAN PROPOSAL FOR SPECIAL PERMITS

WHEREAS the International Whaling Commission adopted in 1988 and 1989 Resolutions on the Norwegian Proposals for Special Permits (*Rep. int. Whal. Commn* 39: 30 and 40: 36);

WHEREAS the Commission has considered the Report of the Scientific Committee (IWC/42/4) concerning the research programmes to be conducted under Special Permits; and notes that the Scientific Committee this year confined its comments to new points raised, while referring the Commission to its detailed discussion on the Norwegian Special Permit proposal at its 41st Annual Meeting;

WHEREAS the Commission appreciates the effort by Norway in research on whales and investigation of their habitat which do not involve the taking of whales; and particularly appreciates the essential contribution to the Comprehensive Assessment provided by the sightings surveys conducted by Norway in 1989;

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 proposed take in 1990 described in SC/42/NHMi20 is to be limited to five whales, and, according to the Report of the Scientific Committee, is planned mainly to complete studies conducted in 1988-89;

Now, THEREFORE the Commission

CONSIDERS; taking into account the comments of the Scientific Committee (IWC/41/4 and IWC/42/4); that the proposed take of minke whales in the North Atlantic under the research programme described in SC/41/NHMi12 and SC/42/NHMi20 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 1990 under special permit, in the light of the above conclusions.

Appendix 2

42ND ANNUAL MEETING OF THE INTERNATIONAL WHALING COMMISSION

RESOLUTION ON SPECIAL PERMIT CATCHES BY JAPAN IN THE SOUTHERN HEMISPHERE

WHEREAS the Commission has considered the Report of the Scientific Committee IWC/42/4 concerning the results of the Japanese catches of minke whales in the Southern Hemisphere described in SC/42/SHMi28, the proposed catch in 1990/91 described in SC/42/SHMi9, and the responses in SC/42/SHMi9 of the Government of Japan to earlier criticisms of the research program arising in the Scientific Committee's reports (IWC/39/4; Report of Special Meeting Cambridge 1987, IWC/40/4 and IWC/41/4);

WHEREAS the Commission recognises the important contribution of the Government of Japan 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; and that the Government of Japan, through its various modifications to the original research programme, including those outlined in SC/42/SHMi9, has attempted to address the concerns expressed by the Scientific Committee in its reports;

NOTING that the Scientific Committee was not unanimous, it indicated in its report it could not identify changes in the programme which negate criticisms arising from the previous reports of the Scientific Committee;

WHEREAS the Commission takes cognisance 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/42/SHMi9 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 essential to the rational management of these stocks, though the research addresses some of the general research needs;

INVITES the Government of Japan to reconsider the proposed research under special permit in 1990/91 in the light of the above.

Appendix 3

42ND ANNUAL MEETING OF THE INTERNATIONAL WHALING COMMISSION

RESOLUTION ON SMALL CETACEANS

The International Whaling Commission:

- Concerned that certain stocks of small cetaceans are being severely reduced through directed exploitation and incidental catches in fishing operations;
- Noting that the International Conference on mortality of cetaceans in passive fishing nets and traps, which is to be held in La Jolla, California, from 20-25 October 1990, will provide valuable information on certain incidental takes;
- Recognising that there exists an urgent need for further international cooperation to ensure the conservation of small cetaceans;
- Aware that there exist differences in views between member states on the regulatory competence of the IWC with regard to small cetaceans, and noting that this resolution does not seek in any way to prejudice different members' positions;
- 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;
- Bearing in mind the resolution adopted at its 32nd Annual Meeting, entitled "Resolution concerning the extension of the International Whaling Commission's responsibilities for small cetaceans", and also believing that the Commission possesses the expertise necessary to undertake the practical work required in this area;

Now, therefore:

1. Requests the Scientific Committee to commence a process of drawing together all available relevant information on the present status of the stocks of small cetaceans which are subjected to significant directed and incidental takes, on the impact of those takes on the stocks, and providing an assessment of the present threats to the stocks concerned.
2. Requests the Scientific Committee to present to the 43rd Annual Meeting of the Commission a report on the work undertaken to date, at the same time providing such scientific advice as may be warranted;
3. Recommends that Contracting Governments cooperate by providing such information as may be available;
4. Agrees to present a report from the Commission on the work being carried out under the terms of this resolution to the United Nations Conference on Environment and Development in June 1992.

Appendix 4

RESOLUTION ON THE DIRECTED TAKE OF DALL'S PORPOISES

WHEREAS the Commission gratefully acknowledges the contribution made by the Government of Japan and the Japanese scientists in providing fishery and biological information on Dall's porpoise to the Scientific Committee;

WHEREAS the Scientific Committee is greatly concerned that the takes in the Japanese hand harpoon fishery for Dall's porpoises have increased sharply in recent years and concluded, both in 1989 and 1990, that the current takes in the harpoon fishery are not sustainable and that the catch should be reduced urgently at least to the pre-1986 levels, approximately 10,000 animals per year;

WHEREAS the Commission recognises that the Japanese Government's regulations for 1989 reduced the takes of Dall's porpoise to about 29,000 animals, a reduction of 28% compared with the 1988 takes, and notes its intention to take further measures to reduce the takes in 1990;

WHEREAS the Scientific Committee stated that the planned rate of reduction of the takes in 1990 by 15% of the 1989 catch is inadequate to prevent population decline if the population estimates are even roughly correct;

Now, THEREFORE, the Commission REQUESTS the Japanese Government to consider the advice from the Scientific Committee as a matter of urgency, and as soon as possible to reduce the takes to at least the levels before 1986, and that even further reductions be considered when planned new stock assessments are completed.

Appendix 5

42ND ANNUAL MEETING OF THE INTERNATIONAL WHALING COMMISSION

RESOLUTION ON REDIRECTING RESEARCH TOWARDS NON-LETHAL METHODS

WHEREAS the purpose of the International Whaling Convention is to provide for the proper conservation of whale stocks and thus make possible the orderly development of the whaling industry,

WHEREAS the killing, taking and treating of whales should only be undertaken in a manner consistent with the principles and in accordance with the provisions of the Convention

WHEREAS the Commission takes cognisance of Article VIII of the International Convention for the Regulation of Whaling;

WHEREAS Paragraph 30 of the Schedule specifies requirements relating to the issuance of special permits;

NOTING that the Commission has recommended that the duration of special permits issued by Contracting Governments should be strictly limited to the need for completion of the proposed research, and that they should take into account whether the objectives of the research are not practically and scientifically feasible through non-lethal research techniques;

Now, THEREFORE the Commission

COMMENDS those Contracting Governments making valuable contributions to knowledge on whales through non-lethal research programmes,

ENCOURAGES Contracting Governments to base their research programmes to the maximum extent possible, on non-lethal research methods, and INVITES them to include, in reports on their research programmes, special reference to measures taken to achieve this objective.

Appendix 6

42ND ANNUAL MEETING OF THE INTERNATIONAL WHALING COMMISSION

RESOLUTION IN SUPPORT OF THE UNITED NATIONS GENERAL ASSEMBLY INITIATIVE REGARDING LARGE-SCALE PELAGIC DRIFTNET FISHING AND ITS IMPACT ON THE LIVING MARINE RESOURCES OF THE WORLD'S OCEANS AND SEAS

WHEREAS the purpose of the International Convention on the Regulation of Whaling 1946 is to provide for the proper conservation of whale stocks and thus make possible the orderly development of the whaling industry and the Convention recognises *inter alia* the interest of the nations of the world in safeguarding the great resources represented by the whale stocks; and

WHEREAS the Commission is empowered by Article VI of the Convention to make recommendations to any or all Contracting Governments on any matters which relate to whales or whaling and to the objectives and purposes of the Convention; and

WHEREAS more than one thousand fishing vessels use large-scale pelagic driftnets in the Pacific Ocean, Atlantic Ocean, the Indian Ocean and in other areas of the high seas including important habitats for cetaceans encompassing feeding and breeding grounds and migratory pathways;

WHEREAS members of the international community have taken steps to reduce their large-scale pelagic driftnet fishing in some regions in response to regional environmental and resource management concerns; and

WHEREAS the Commission's Scientific Committee is co-sponsoring an international symposium and workshop, entitled "Mortality of Cetaceans in Passive Fishing Nets and Traps," in October 1990; and

WHEREAS members of the United Nations General Assembly, in Resolution 44/225 on large-scale pelagic driftnet fishing and its impact on the living marine resources of the world's oceans and seas, adopted by consensus on 22 December 1989, expressed their concern that living marine resources, including marine mammals, can become entangled in large-scale pelagic driftnets and as a result of such entanglement are often either injured or killed;

WHEREAS Resolution 44/225 calls on members of the international community to cooperate to carry out its various provisions, including measures (specified in paragraphs 2, 3 and 4) designed to ensure the appropriate conservation of living marine resources; and

WHEREAS Resolution 44/225 requests urgent study of large-scale pelagic driftnet fishing and its impact on the living marine resources and to report their views to the Secretary-General as requested by the Under Secretary General of the United Nations in his letter to the International Whaling Commission of 22 March 1990; and

WHEREAS in 1989 and 1990 the Commission's Scientific Committee noted new information on the incidental taking of cetaceans.

NOW THEREFORE THE COMMISSION, recognising the importance of Resolution 44/225 to its work

Endorses Resolution 44/225.

Requests that the Secretary forward this resolution promptly to the United Nations Secretary-General, attaching the reports of the Scientific Committee (documents IWC/42/4 and IWC/41/4), for consideration in his report to the 45th session of the General Assembly, drawing attention to the fact that the concerns of the Scientific Committee were such that it had conceived and planned the October 1990 Symposium and Workshop, and that the Secretary forward for information the report of the October 1990 Symposium and Workshop as soon as available, bearing in mind the recommendations in paragraph 3 of Resolution 44/225 that all interested members of the international community, by 30 June 1991, review the best available scientific data on the impact of large-scale pelagic driftnet fishing and agree upon further co-operative regulation and monitoring measures, as needed.

Appendix 7

International Convention for the Regulation of Whaling, 1946 Amendments to the Schedule

(changes in bold type)

1. Revise paragraphs 11 and 12, and Tables 1, 2 and 3, by substitution of the dates **1990/91** pelagic season, **1991** coastal season, **1991** season, or **1991** as appropriate.
2. Amend paragraph 13(b)(4) by substitution of the dates **1990/91** and **1992/93**.