

**IWC Resolution 1995-1**

**RESOLUTION ON KILLING METHODS IN THE PILOT WHALE DRIVE HUNT**

RECALLING that at its 38th Annual Meeting the Commission adopted a proposal to urge the Danish Government to encourage the Faroese Government to make every effort to minimise the use of the gaff and spear, killing from boats and to further reduce the number of authorised bays so as to limit the hunt to those bays where pilot whales may be killed in a more humane manner in the Faroes pilot whale drive hunt;

NOTING that concern has been expressed about the welfare aspects of the hunt;

WELCOMING the ban subsequently introduced by the Government of the Faroe Islands on the use of the spear and the harpoon;

NOTING that the Government of the Faroe Islands has given information on the killing methods and performance in the drive hunt to the technical discussions in the 1992 and 1995 Workshops on whale killing methods;

NOW THEREFORE the Commission:

WELCOMES the action by the Government of the Faroe Islands in providing information to the 1995 Workshop on whale killing methods and, in particular, the information that the Government of the Faroe Islands is considering introducing alternatives to the gaff;

ENCOURAGES the Government of the Faroe Islands to continue its work in introducing alternatives to the gaff, monitoring the performance in the drive hunt and introducing training programmes in killing methods with a view to reducing times to death, and sharing information from the drive hunt with contracting governments and future technical Workshops on whale killing methods.

**IWC Resolution 1995 -2**

**RESOLUTION ON METHODS OF KILLING WHALES**

The International Whaling Commission,

AWARE that the International Convention for the Regulation of Whaling provides that the Commission may amend the provisions of the Schedule with a view to types and specifications of gear and apparatus and appliances which may be used in whaling operations (Article V.1(f));

RECALLING that at its 46th Annual Meeting the Commission agreed to reconvene the Workshop on Whale Killing Methods, and also adopted a Resolution on the Use of the Electric Lance as a Secondary Method of Killing Whales which noted difficulties with its application;

COMMENDING this year's Workshop on Whale Killing Methods for its work;

COMMENDING Contracting Governments for their co-operative attitude and for submitting relevant papers for discussion;

NOTING that information presented to the Workshop strongly suggests that the electric lance does not cause instantaneous insensibility; and also that alternative secondary killing methods are available;

NOW THEREFORE The Commission

AGREES that the Action Plan recommended by the Workshop provides a basis for further work on whale killing methods;

CALLS upon the Contracting Governments to examine all the data presented at the Workshop, together with any other information that may become available, on secondary killing methods;

RESOLVES to reconsider the question of introducing a Schedule amendment on the electric lance at its 1996 meeting with a view to reaching a decision;

URGES the Contracting Governments, in the meantime, to suspend the use of the electric lance as a method of killing whales.

### **Resolution 1995-3**

#### **RESOLUTION ON JAPANESE COMMUNITY-BASED WHALING**

WHEREAS the International Whaling Commission, at its 45th Annual Meeting adopted a Resolution (IWC/45/51) which recognised the socio-economic and cultural needs of the four community-based whaling communities in Japan and the ongoing distress to these communities which has resulted from the whaling moratorium,

WHEREAS the Resolution further instructed the Commission "to work expeditiously to alleviate the distress to these communities which has resulted from the cessation of minke whaling at its next Annual Meeting,"

WHEREAS the Action Plans tabled in the IWC's 45th and 46th Annual Meetings were rejected due to alleged commercial elements in the Japanese Community-based Whaling operations,

WHEREAS the Government of Japan tabled an improved Action Plan (IWC/47/SEST1) specifying administrative arrangements to remove commercial elements from Japanese Community-based whaling. This was an interim measure taken to alleviate profound social, cultural and dietary hardships caused by the imposition of the zero quota,

WHEREAS the Action Plan (IWC/47/26) incorporated further suggestions received from members of the Working Group on Socio-Economic Implication and Small-type Whaling at the 47th Annual Meeting of the IWC,

WHEREAS Japan requested an interim relief allocation of 50 minke whales at the 47th Annual Meeting which would be managed in accordance with the Action Plan (IWC/47/26),

WHEREAS Japan proposed a Schedule amendment to insert after Paragraph 13, a new paragraph as follows:

"Notwithstanding the provisions of paragraph 10, the taking of 50 minke whales from the Okhotsk Sea-West Pacific stock of the North Pacific in the 1995 season is permitted in order to alleviate the hardship in the Community-based Whaling communities,"

WHEREAS this proposal was not adopted by vote due to divergent views expressed by Member States,

WHEREAS the Action Plan (IWC/47/26) itself was commended by the Member States as a well-documented and useful tool to manage an interim relief allocation if the allocation is ever given to Japanese Community-based Whaling communities in future, and

WHEREAS Japan further revised the Action Plan (IWC/47/46), stipulating that the total quota of minke whales to be authorised under the Action Plan, if an interim relief allocation is ever given, would be decided in a future Annual Meeting,

NOW THEREFORE:

The International Whaling Commission, at its 47th Annual Meeting,

RECOGNISES the revised Action Plan (IWC/47/46) as constructive management elements in accordance with IWC regulations.

## **IWC Resolution 1995-4**

### **RESOLUTION ON SMALL CETACEANS**

WHEREAS there is no agreement on the competence of the Commission in the management of small cetaceans, and

WHEREAS, nevertheless, information on small cetaceans is supplied to the Scientific Committee by certain Member States with respect to the situation in those States, and

WHEREAS work on small cetaceans is done by the Scientific Committee, and

WHEREAS resolutions on small cetaceans are presented to the Commission, and

WHEREAS the governments of St Vincent and The Grenadines, St Lucia, Dominica and Grenada belong to the Organisation of Eastern Caribbean States, which administers laws regulating fisheries and related research in the territorial seas and Exclusive Economic Zones of its Member States, and

WHEREAS these laws prohibit fisheries research in these territorial seas and Exclusive Economic Zones without permission of the countries concerned, and

WHEREAS these Caribbean governments do not accept the competence of the Commission in the management of small cetaceans and related research, and

WHEREAS these governments may not therefore permit IWC research on small cetaceans in their territorial seas and Exclusive Economic Zones, and

WHEREAS these governments will not therefore accept resolutions of the Commission relative to small cetaceans in their territorial seas and Exclusive Economic Zones,

BE IT RESOLVED that the Commission note the position of the above-mentioned Caribbean countries with respect to IWC work on small cetaceans in their territorial seas and Exclusive Economic Zones, which their governments consider to be their sovereign right.

## **IWC Resolution 1995-5**

### **RESOLUTION ON NORTHEASTERN ATLANTIC MINKE WHALES**

WHEREAS the Commission established zero catch limits for commercial whaling in paragraph 10(e) of the Schedule;

AWARE that the Government of Norway, having lodged an objection to paragraph 10(e) of the Schedule, has unilaterally authorised commercial whaling on minke whales in this area in 1994 and in 1995, and that catches are currently underway;

REAFFIRMING the Commission's 1994 decision that, until all aspects of the Revised Management Scheme are incorporated into the Schedule, the Revised Management Procedure should not be implemented;

RECALLING that the Revised Management Procedure endorsed by the Commission at its 46th Annual Meeting requires valid abundance estimates for any whale species and areas to which it is applied;

NOTING the conclusions of the Scientific Committee at the 47th Annual Meeting (IWC/47/4):

- (1) The process followed by the Committee when accepting the abundance estimate at its 1992 meeting was not satisfactory. An important factor arising out of the experience of the last two years is that the Committee is developing procedures to minimise the likelihood that similar mistakes happen in the future.
- (2) The Committee does not consider the 1992 estimate valid.
- (3) The Committee is working extremely hard to produce an estimate for this area (both for the 1989 survey and for the survey to be undertaken this summer) and has made considerable progress towards this end on both theoretical and practical levels. The Committee has recommended a procedure and workplan that should allow it to provide an estimate of abundance for this stock at the next Annual Meeting (Annex M). This process implies considerable work by Committee members.
- (4) The Committee is determined to avoid its previous mistake of prematurely accepting an abundance estimate. It agrees that at this meeting it is not in a position to provide an estimate of abundance for this stock. It emphasises that nothing in its Report should be interpreted as implying any particular estimate or range.
- (5) The Committee had agreed in 1992 that should the Commission so wish, the RMP could be used to calculate catch limits for North Atlantic minke whales. In view of the lack of an abundance estimate for the Northeastern Atlantic, it believes this is no longer the case until an acceptable estimate is obtained.

WELCOMING the intention of the Government of Norway to collaborate with the other Contracting Governments in the Commission in resolving the outstanding issues on abundance estimation for minke whales in the Northeastern Atlantic;

REAFFIRMING that the Commission shall continue to proceed constructively towards the completion of the RMS;

NOW THEREFORE THE COMMISSION;

NOTES that the Scientific Committee has unanimously agreed that there is currently no valid abundance estimate for minke whales in the Northeastern Atlantic (IWC/47/4);

AFFIRMS its view that, notwithstanding the objections that have been entered, commercial whaling should not be taking place while paragraph 10(e) of the Schedule remains in force;

Accordingly, CALLS 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.

## IWC Resolution 1995-6

### RESOLUTION ON IMPROVING MECHANISMS TO PREVENT ILLEGAL TRADE IN WHALE MEAT

RECALLING the Resolutions passed in 1994 at the IWC meeting (IWC Res. 1994-7) and at the Ninth Conference of the Parties to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) (Conf. 9.12) on the prevention of illegal trade in whale meat;

WELCOMING the cooperation between the IWC and CITES to address the concern that any illegal trade in whale meat undermines the effectiveness of both the IWC and CITES;

NOTING that, as a follow-on to the 1994 CITES and IWC Resolutions, some interested countries attended an informal meeting on control of trade in whale products, hosted by Japan in April 1995;

ACKNOWLEDGING that the 1986 IWC commercial moratorium and the strict CITES mechanisms to control international trade in whale meat and products do not prevent countries from selling whale meat in domestic markets from legitimate sources (such as whale meat imported prior to the CITES listing date, whale meat obtained from stockpiles in existence before the IWC moratorium, or from research whaling) and that such internal trade makes illegal commerce in whale meat more difficult to control;

RECOGNISING that countries have the right, subject to their obligations under international agreements, to control the domestic distribution and sale of whale meat obtained in accordance with their own laws;

NOTING that, at its Annual Meeting in 1994, the Commission resolved that the products of research whaling should be "utilised entirely for domestic consumption";

WELCOMING steps that some governments have taken to examine the use of techniques such as DNA analysis to identify by species the origin of whale meat on domestic markets;

NOW THEREFORE the International Whaling Commission:

CALLS FOR all governments or other entities with a history of whaling to determine whether they have any remaining stockpiles of whale meat;

CALLS FOR all governments or other entities with stockpiles of whale meat to report to the 48th Annual Meeting of the Commission and annually thereafter on:

- the volume of such stockpiles;
- domestic laws governing the possession and sale of whale meat, including *inter alia* provisions to identify the existence and sale of whale meat from stockpiles or other legitimate sources;
- all enforcement actions taken with respect to whale meat illegally obtained and/or sold;

URGES any government or other entity with a stockpile of whale meat, taken domestically prior to the 1986 moratorium on commercial whaling or imported any time before or after that date, to encourage:

- better monitoring of stockpiled meat (such as by establishing a registration system in which all stockpiled whale meat is registered and all sales are reported on a timely basis); and
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- its disposal domestically in the near future;

ENCOURAGES governments or other entities to develop mechanisms using DNA or isozyme analysis to randomly sample and identify whale meat in their market places by species and FURTHER to prohibit the sale of meat from all whales that could not have been taken nor acquired in accordance with ICRW and CITES provisions; and

REQUESTS that the IWC Secretariat forward to the CITES Secretariat this Resolution, the report of the Infractions Sub-Committee, and submissions from governments and other entities in response to this Resolution.

**IWC Resolution 1995-7**

**RESOLUTION ON SURVEYS INTENDED TO PROVIDE ABUNDANCE ESTIMATES FOR THE IMPLEMENTATION OF 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 the future generations the great natural resources of the whale stocks;

WHEREAS the Commission is developing a Revised Management Scheme for commercial whaling and has adopted a Resolution (IWC 1994-5) accepting that the specification of the Revised Management Procedure given in Annex H (*Rep. int. Whal. Commn* 44:145-52) completed the main scientific component in the Scheme;

WHEREAS the Commission has also in the same Resolution endorsed guidelines for conducting surveys and analysing data (*Rep. int. Whal. Commn* 44:168-174), subject to further elaboration of the guidelines to ensure adequate levels of international collaboration in survey design, conduct and analysis and subject to any revision arising from completion of outstanding work specified in Annex P and Annex H of IWC/46/4;

NOW THEREFORE the Commission

AGREES to consider in a Working Group that:

- 1) all surveys planned after the adoption of this Resolution and analyses of data from new or past surveys intended to provide estimates of abundance for use in the Catch Limit Algorithm of the Revised Management Procedure shall be conducted under the oversight of the IWC Scientific Committee;
- 2) surveys planned after the adoption of this Resolution and analyses of data from new or past surveys, that do not fulfil this requirement, or that do not in the view of the Scientific Committee adequately follow the "Guidelines for Conducting Surveys and Analysing Data within the Revised Management Scheme" given in Annex J (*Rep. int. Whal. Commn* 44:168-174) as endorsed by the Commission, and any amendments or elaborations of these Guidelines agreed by the Scientific Committee and endorsed by the Commission, shall not be used in the implementation of the RMP.

REQUESTS the Scientific Committee:

- to prepare, as appropriate further revisions to the "Guidelines for Conducting Surveys and Analysing data within the Revised Management Scheme" given in Annex J (*Rep. int. Whal. Commn* 44:168-174) to improve arrangements for the design and conduct of surveys and the validation and analysis of resulting data;
- to advise the Commission whether the plans for each survey, and analyses of data from surveys, are in accord with the revised guidelines;
- to report estimates of abundance derived from each survey to the Commission, including major revisions of estimates from past surveys, and at the same time to advise whether or not it endorses those estimates as being suitable for use in implementation of the RMP;
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AGREES that abundance estimates which are not endorsed by the Scientific Committee should not be used in implementation of the RMP.

FURTHER AGREES that, to ensure adequate IWC oversight, Contracting Governments should nominate qualified scientists to the Scientific Committee for placement on vessels to participate in surveys and to report to the Scientific Committee on their conduct. The scientists in question shall be of a nationality different from that of the contracting party or parties carrying out a survey, and shall be acceptable to the Contracting Government that conducts the research.

**IWC Resolution 1995-8**

**RESOLUTION ON WHALING UNDER SPECIAL PERMIT IN SANCTUARIES**

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

WHEREAS the Commission has established, in paragraphs 7a and 7b of the Schedule, sanctuaries in the Indian and Southern Oceans in which commercial whaling is prohibited;

WHEREAS Article VIII of the Convention provides that Contracting Governments may grant to any of their nationals a special permit authorising those nationals to kill, take and treat whales for purposes of scientific research, and that such killing, taking and treating of whales shall be exempt from the operation of the Convention;

WHEREAS Contracting Governments should nevertheless respect fully the wish of the Commission to ensure the conservation of whales in sanctuaries designated by the Commission;

NOW THEREFORE the Commission:

CONSIDERS that Contracting Governments should undertake, and collaborate in, the conduct of a programme of research in the Southern Ocean Sanctuary using non-lethal methods and, in the exercise of their sovereign rights, refrain from issuing Special Permits for research involving the killing of cetaceans in such sanctuaries.

## **IWC Resolution 1995-9**

### **RESOLUTION ON WHALING UNDER SPECIAL PERMIT**

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

WHEREAS the Commission adopted in paragraph 10(e) of the Schedule to the Convention zero catch limits on commercial whaling because of concern about over-exploitation of whale stocks;

WHEREAS Article VIII of the Convention provides that any Contracting Government may grant to any of its nationals a special permit authorising that national to kill, take and treat whales for purposes of scientific research, and that such killing, taking and treating of whales in accordance with the provisions of this Article shall be exempt from the operation of the Convention;

WHEREAS Contracting Governments, in exercising their rights under Article VIII, should nevertheless respect fully the Commission's arrangements to conserve whales and ensure that the killing, taking and treating of whales for scientific research is only undertaken in a manner consistent with the provisions and principles of the Convention;

WHEREAS the Commission is developing a Revised Management Scheme for commercial whaling and has adopted a Resolution (IWC 1994-5) accepting that the specification of the Revised Management Procedure given in Annex H (*Rep. int. Whal. Commn* 44:145-52) completed the main scientific component in the Scheme;

WHEREAS with the development of modern scientific techniques it is not necessary to kill whales to obtain the information that is needed for initial implementation of the Revised Management Procedure for a particular whale stock;

NOW THEREFORE the Commission:

#### **RECOMMENDS**

-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;

-that scientific research involving the killing of cetaceans should only be permitted in exceptional circumstances where the questions address critically important issues which cannot be answered by the analysis of existing data and/or use of non-lethal research techniques;

REQUESTS the Scientific Committee, with respect to all Special Permit research programmes:

-to undertake a comprehensive review of all existing programmes notified to it and report its views on whether such programmes remain justifiable in the light of the recommendations above and, in particular, on whether any lethal scientific research substantially contributes to answering critically important questions which cannot be answered by other means;

-to consider all new programmes submitted to it in the light of the above recommendations;

-to undertake annual reviews of all programmes and to undertake more intensive reviews of all long-term programmes at five year intervals;

-to structure its reviews of programmes to:

identify the relationship between programme objectives and research needs previously identified by Scientific Committee;

evaluate the likelihood of the programme meeting its objectives by providing reliable answers to the questions posed;

identify, where a proposal specifies lethal methods, non-lethal methods and alternative sources of data which might be used in meeting the research objectives;

AGREES, should a continuing or proposed special permit research programme not, in the view of the Commission, satisfy the criteria specified in this Resolution to so notify the Contracting Government concerned;

RECOMMENDS that Contracting Governments, in providing the Secretary with proposed special permits and in submitting reports on research programmes to the Scientific Committee for review, specify how each proposed special permit or programme satisfies the above recommendations;

REQUESTS each Contracting Government to ensure that all scientific information and data available to it with respect to whales and whaling, including results of research conducted pursuant to Articles IV and VIII of the Convention, are submitted promptly to the Scientific Committee for review, analysis and consideration;

RECOMMENDS that Contracting Governments, in the exercise of their sovereign rights, refrain from issuing or revoke, permits to its nationals that the Commission, taking into account the comments of its Scientific Committee, considers do not satisfy the criteria specified above and therefore are not consistent with the Commission's conservation policy;

RECOMMENDS that, if whales are killed under the provisions of Article VIII of the Convention, this should be done in a manner consistent with the provisions of Section III of the Schedule;

AGREES that this Resolution replaces the Resolutions adopted in 1986 and 1987 on Special Permit whaling (*Rep. int. Whal. Commn 37:25 and 38:27*).

## **IWC Resolution 1995-10**

### **RESOLUTION ON THE ENVIRONMENT AND WHALE STOCKS**

RECALLING that at its 46th Annual Meeting, the Commission adopted a Resolution (IWC Resolution 1994-13) endorsing the plans of the Scientific Committee to pursue study of environmental changes and their impacts on cetaceans, including the convening of 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, to be convened before the 48th Annual Meeting, and accepting the recommendation in the Scientific Committee report that the focus of the workshops on 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 to incorporate such knowledge into conservation and management programmes for cetaceans;

NOTING that the Special Workshop on Chemical Pollution and Cetaceans was duly held in Bergen, Norway in March 1995, and that it made a series of recommendations which have been considered by the Scientific Committee (Report of the Scientific Committee, IWC/47/4 - Section 6.1);

NOTING the belief of the Workshop that a considerable amount of fundamental research is needed before it will be possible to address adequately the question of chemical pollutants on all cetaceans, and that such research should be undertaken by means of a multidisciplinary, multinational focused programme concentrating on those species/areas where there is most chance of success, notably the three species identified by the Workshop as being most suitable as indicator species;

NOW THEREFORE THE COMMISSION

WELCOMES the information and data received from Contracting Governments, relevant international organisations, scientists and other experts on pollutants in the marine environment and their effects on cetacean populations presented at the Bergen Workshop;

COMMENDS the comprehensive and thorough review carried out by the Workshop and represented by its report;

NOTES the recommendations of the Workshop summarised in Table 2 of the Workshop Report (SC/47/Rep2);

DIRECTS the Secretariat to consult with Contracting Governments and the Scientific Committee over ways to facilitate the development and execution of the research programme recommended by the Workshop and to report its conclusions to the Commission at its next Annual Meeting;

AGREES that cooperation between the IWC and other bodies working on related issues (e.g. ICES, IOC, UNEP and OSPARCOM) is essential and DIRECTS the Secretariat to draw up a list of such related bodies and ensure that copies of the report are sent to them with a request for comments and a standing request for future information as and when it becomes available;

URGES Contracting Governments to ensure that the availability of the report is made known to relevant institutions in their countries;

ENCOURAGES Contracting Governments to continue to cooperate in providing information on the potential effects both direct and indirect of pollutants on cetaceans as these become known by forwarding them to the Secretariat;

URGES Contracting Governments to send scientists with relevant expertise to the IWC Workshop on the effects of climate change on cetaceans.