

**IWC Resolution 1996-1**

**RESOLUTION TO RESOLVE THE DISTRESS OF THE JAPANESE SMALL-TYPE COASTAL WHALING  
AS COMMUNITY-BASED WHALING**

WHEREAS four small coastal communities in Japan have traditionally depended upon whaling for their cultural, social, dietary and economic needs;

WHEREAS these communities have traditionally engaged in small-type whaling for the Okhotsk Sea - West Pacific Stock of minke whales which are estimated by the IWC Scientific Committee to number at least 25,000 animals;

WHEREAS the adverse impacts of the commercial whaling moratorium have been thoroughly documented since 1986 by international sociologists, anthropologists and economists and acknowledged by the IWC;

WHEREAS the IWC has firmly resolved in Resolution IWC/45/51 (*Rep. Int. Whal. Commn 44:31*) to work expeditiously to relieve the distress of the four small coastal communities;

WHEREAS small-type coastal whaling has many characteristics in common with aboriginal/ subsistence whaling and shares the similar traditional, social religious and cultural aspects;

WHEREAS small-type whaling communities and the Government of Japan have worked diligently for three years to draw up an Action Plan, which

would manage the harvest and distribution of all minke whale products from the interim relief allocation of 50 minke whales requested by the Government of Japan;

WHEREAS the IWC recognised the revised Action Plan (IWC/47/46) as "constructive management elements in accordance with IWC regulations" in the IWC Resolution 1995-3;

WHEREAS the concerns were again expressed about commercial aspects in the community-based whaling as is written in IWC/47/46 at the Technical Committee of the 48th IWC meeting;

NOW THEREFORE, be it resolved to:

1. ADDRESS outstanding issue of commercial aspects found in the community-based whaling as described in IWC/47/46; and
2. CONVENE a Workshop on the community-based whaling in the four small coastal communities in Japan to review and identify commercial aspects and socio-economic and cultural needs; the results and recommendations of the Workshop be reported to an intersessional Working Group to be held prior to the 49th Annual Meeting.

## IWC Resolution 1996-2

### RESOLUTION ON WHALEWATCHING

The International Whaling Commission:

RECALLING the resolutions adopted at its 45th and 46th Annual Meetings establishing, *inter alia*, a Working Group to keep under review developments relating to all aspects of whalewatching relevant to the Commission's responsibilities;

WISHING to encourage the development of whalewatching as a sustainable, non-lethal use of cetacean resources;

ACKNOWLEDGING that the development and control of whalewatching is a matter for the coastal states involved;

RECOGNISING the need for precautionary measures to ensure that the continuing development and expected expansion of whalewatching activities do not adversely affect cetacean populations, individual animals, or their environment, or significantly increase the risk to the survival or ecological functioning of such populations;

ACKNOWLEDGING the importance of the contribution which whalewatching makes to education, economic and social development of the wider community, and the advancement of scientific knowledge through well designed research and monitoring programmes;

CONSCIOUS that any guidance which the Commission provides on this matter should be based on the best available scientific information;

RECOGNISING that any guidance on the conduct of whalewatching operations which the Commission may issue may require updating from time to time to reflect advances in scientific knowledge;

APPRECIATING the work of the Scientific Committee in proposing objectives for the management of whalewatching, and general principles to guide the development of whalewatching rules;

NOW, THEREFORE, the Commission

CONSIDERS that the IWC has a continuing part to play in monitoring and providing guidance on the sustainable development of whalewatching;

HAVING ADOPTED the Scientific Committee's recommendations on the general principles for the management of whalewatching (IWC/48/4) recommends that these should be drawn to the attention of coastal states, and encourages such states to take account of these principles in formulating national rules;

ENDORSES the priorities for further work which the Scientific Committee has proposed;

ENCOURAGES countries to provide to the Scientific Committee information on whalewatching activities and the assessment of impacts on cetaceans and their environments;

CONSIDERS that the educational, economic and social development aspects of whalewatching should be further discussed at the 49th Annual Meeting.

**IWC Resolution 1996-3**

**RESOLUTION ON IMPROVING MECHANISM TO RESTRICT TRADE AND PREVENT ILLEGAL TRADE IN WHALE MEAT**

RECALLING the Resolutions passed by the IWC in 1995 (IWC Res. 1995-6) and 1994 (IWC Res. 1994-7) and at the Ninth Meeting of the Conference of the Parties to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) (Res. Conf, 9.12) on illegal trade in whale meat;

WELCOMING the continuing co-operation between the IWC and CITES to address the problem of illegal trade in whale meat;

ACKNOWLEDGING the current listing of great whale species in Appendix I of the CITES Convention, pursuant to and in recognition of the establishment of zero quotas for commercial whaling agreed by the Contracting Governments to the IWC and other decisions of the IWC, relating to the status of stocks of great whale species;

NOTING that the United States of America, in co-operation with other countries, is developing a reference set of "type-species" of DNA sequences for use with other countries in addressing the problem of illegal trade by determining the geographic origin of such products;

RECALLING that, at its Annual Meeting in 1994, the Commission resolved that meat and products from research whaling should be "utilised entirely for domestic consumption";

NOTING that IWC Resolution 1995-6 called upon countries to report to the IWC at its 48th Annual

Meeting and annually, thereafter, on the volume of stockpiles of whale meat;

NOW THEREFORE the International Whaling Commission:

COMMENDS the Government of Norway for its ban on exports of whale meat and blubber and urges its maintenance and full enforcement;

COMMENDS the Government of Japan for the enforcement actions taken with respect to illegal whale meat shipments confiscated in September 1995 and April 1996;

CALLS ON all Contracting Governments or other entities to report to the 49th Annual Meeting of the IWC, and annually thereafter on the status of any stockpiles of whale meat, and status of domestic laws governing the possession and sale of whale meat, and on domestic enforcement actions taken with respect to whale meat illegally obtained or sold;

URGES all governments to continue to support IWC recommendations and CITES obligations through increased controls to prevent any further illegal whale meat trade activities and to take appropriate action against offenders;

DIRECTS the IWC Secretariat to 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 1996-4

### RESOLUTION ON SMALL CETACEANS

The International Whaling Commission;

CONCERNED that the conservation and status of certain stocks of small cetaceans continue to be depleted through, *inter alia*, targeted kills, incidental catches in fishing operations, and habitat degradation;

RECOGNISING the continuing urgent need for co-operation to conserve and restore depleted stocks of small cetaceans;

RECALLING that;

Resolutions IWC/42/26, IWC/43/29 and IWC/44/25 recommend the provision of information to and the continuation of the work of the Scientific Committee in respect of inadequately documented or severely threatened stocks;

Resolutions IWC/42/31, IWC/44/33 and IWC/45/45 recommend the reduction of directed takes of Dall's porpoise and striped dolphins and other appropriate action to allow recovery of the population of these species;

Resolution IWC/44/34 recommended that range states continue efforts to determine stock size and removal rates for belugas and narwhals;

Resolution IWC/45/39 recommended the collection of data on harbour porpoise stock identity, bycatches and pollutant levels and invited range states to reduce bycatches;

Resolution IWC/46/63 invited the Mexican Government to develop expeditiously an overall management plan for the Biosphere Reserve set up primarily to protect the Vaquita; and further invited IWC member nations to offer the Mexican Government technical, scientific and financial assistance to implement the management plan;

NOTING that although the Baiji is accorded legal protection in the People's Republic of China, it is

threatened by incidental capture, habitat degradation and pollution;

WELCOMING the helpful information and contributions provided by certain contracting parties and range states on specific small cetacean species, particularly those referred to by the Scientific Committee;

NOW THEREFORE the Commission:

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

CONGRATULATES those range states and Contracting Governments which have taken appropriate action;

CONGRATULATES the Mexican Government on its introduction of a management plan for the Biosphere Reserve of the Upper Gulf of California and the Colorado River Delta, and for its recovery strategy for the Vaquita;

CONGRATULATES the Government of the People's Republic of China on its conservation measures to date and invites Contracting Governments to provide appropriate technical, scientific and financial assistance to the People's Republic of China, if requested, to assist in furthering its conservation programme for the Baiji.

RECOMMENDS that the Scientific Committee continues to consider the problems facing small cetacean stocks, including reviewing developments on topics that were a subject of previous reports; and

REMINDS all Contracting Governments of the above recommendations adopted by the Commission to take appropriate action, inviting them to note the recommendations of the Scientific Committee and provide further information to its 49th Annual Meeting.

## IWC Resolution 1996-5

### RESOLUTION ON NORTHEAST ATLANTIC MINKE WHALES

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

RECALLING 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;

NOTING 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 RMP 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) that the 1992 abundance estimate was not valid and that the RMP could not be used to calculate catch limits for North Atlantic minke whales without an acceptable estimate;

RECALLING that the Commission at its 47th Annual Meeting (IWC Res. 1995-5) called on the Government of Norway to reconsider its objection to paragraph 10(e) of the Schedule, and to halt immediately all whaling activities under its jurisdiction;

AWARE that the Government of Norway allowed continuation of the commercial hunt in 1995 after the 47th Annual Meeting, and that the Government of Norway authorised a commercial hunt beginning in May of 1996, before the Scientific Committee had met to consider an abundance estimate for the stock;

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

AWARE, however, of recent reports of attempts to smuggle products of the Norwegian harvest into the markets of other countries, which highlight the need to establish a supervision and control scheme so that commercial harvests can be monitored through the end of the marketing process;

FURTHER RECALLING that the Commission at its 47th Annual Meeting (IWC Res. 1995-6), in a Resolution on improving mechanisms to prevent illegal trade in whale meat, called on all governments with stockpiles of whale meat to report to the 48th Annual Meeting, and annually thereafter, 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;

NOTING that the Government of Norway has declined to submit a report as called for in IWC Res.1995-6;

NOW THEREFORE THE COMMISSION:

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

REGRETS the unilateral setting of quotas for commercial whaling, especially when no valid abundance estimate is agreed;

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;
- maintain its policy against the export of whale meat and products as long as the Commission maintains paragraph 10(e) of the Schedule;
- immediately submit a report to the Commission on the subjects requested in IWC Res. 1995-6.

## IWC Resolution 1996-6

### RESOLUTION OF PROVISIONS FOR COMPLETING THE REVISED MANAGEMENT SCHEME

Whereas the Commission is developing a Revised Management Scheme for commercial baleen whaling and has adopted a Resolution (IWC Res. 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 in the same Resolution the Commission has noted 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 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; and
- (iv) incorporation into the Schedule of the specification of the Revised Management Procedure and the other elements of the Revised Management Scheme;

Whereas the Commission adopted IWC Resolution 1995-7 which *inter alia* has requested that the Scientific Committee 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* 44:168-74) to improve arrangements for the design and conduct of surveys and the validation and analysis of resulting data;

NOW THEREFORE the Commission

AGREES to accept as a component of the RMS the revised Requirements and Guidelines for Conducting

Surveys and Analysing Data within the Revised Management Scheme given in Annex K to IWC/48/4, which were developed in response to IWC Resolution 1995-7;

REAFFIRMS its agreement in IWC Resolution 1995-7 that abundance estimates which are not endorsed by the Scientific Committee will not be used in implementation of the Revised Management Procedure;

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

AGREES that, with a view to completing work expeditiously on the remaining elements of the Revised Management Scheme, the Working Groups on (1) Supervision and Control and on (2) Abundance Surveys and Implementation of the Revised Management Scheme be combined into a single Working Group on completion of remaining elements of the Revised Management Scheme, which include as specified in IWC Resolution 1994-5;

- (i) an effective inspection and observation scheme;
- (ii) arrangements to ensure that total catches over time are within the limits set under the Revised Management Scheme; and
- (iii) incorporation into the Schedule the specification of the Revised Management Procedure and all other elements of the Revised Management Scheme; and

FURTHER AGREES to consult with the Scientific Committee on the elaboration of arrangements to ensure that total catches over time are within the limits set under the Revised Management Scheme.

## IWC Resolution 1996-7

### RESOLUTION ON SPECIAL PERMIT CATCHES 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;

RECALLING IWC Resolution 1995-8 in which the Commission considered that research in the Southern Ocean Sanctuary should be undertaken using non-lethal means and requested Contracting Parties to refrain from issuing special permits for research involving the killing of cetaceans in such sanctuaries;

FURTHER RECALLING IWC Resolution 1995-9 on Whaling under Special Permit which establishes criteria against which the Scientific Committee should assess and provide advice on special permit research programmes and recommends that Contracting Governments refrain from issuing or revoke any permits that do not satisfy the criteria so specified;

NOTING nevertheless that the Government of Japan continues to issue special permits involving the killing of cetaceans and that the number of whales killed under special permit has increased substantially to 440 Southern Hemisphere minke whales and 100 North Pacific minke whales in the 1995-96 season;

NOTING FURTHER that the Government of Japan proposes as part of its 1996-97 research programme to

issue special permits to take up to 440 Southern Hemisphere minke whales and 100 North Pacific minke whales;

NOTING ALSO that the JARPA programme is to be reviewed by the Scientific Committee;

NOW THEREFORE the Commission:

CONSIDERS that neither proposal for special permit has been found to meet the criteria for such permits established under IWC Resolution 1995-9;

REAFFIRMS that Contracting Governments should refrain from issuing special permits for research involving the killing of cetaceans in sanctuaries and expresses its deep concern at Japan's continuing proposal to conduct lethal research within the Southern Ocean Sanctuary;

REQUESTS that the Government of Japan, in the exercise of its sovereign rights, refrain from issuing a special permit for the take of Southern Hemisphere minke whales, particularly in the Southern Ocean Sanctuary and refrain also from issuing a special permit to take minke whales in the North Pacific;

FURTHER REQUESTS that the Government of Japan reconsider and restructures its research programmes so that research objectives are achieved by the use of non-lethal means.

## IWC Resolution 1996-8

### RESOLUTION ON ENVIRONMENTAL CHANGE AND CETACEANS

NOTING that in 1993 the Commission stated that the Scientific Committee "should give priority to research on the effects of climate change on cetaceans in order to provide the best scientific advice for the Commission to determine appropriate response strategies to these new challenges";

NOTING that the Scientific Committee in 1994 identified priority areas that needed to be addressed in this context;

NOTING that the IWC has sponsored two special workshops, one on the effects of chemical pollution on cetaceans and the second on the effects of climate change on cetaceans;

AWARE that the Workshop on Chemical Pollution and Cetaceans concluded that there are sufficient data on the adverse effects of pollutants on the health of other marine mammals and terrestrial species to warrant concern for cetaceans;

AWARE also that the Workshop on Climate Change and Cetaceans concluded that the available evidence on the effects of such change is sufficient to warrant some general concerns for cetaceans;

NOTING also that the Scientific Committee endorsed the recommendations of the two special workshops and that both workshops strongly recommended that the Commission and the Scientific Committee consider ways to facilitate the development and execution of research within the context of a multidisciplinary, multilateral focused programme;

NOTING the precautionary principle enunciated in the Declaration of the United Nations Conference on Environment and Development in Rio;

NOTING that assessment of the effects of climate change on cetaceans cannot be achieved by the IWC alone, and that it will require the development and fostering of a range of co-operative and collaborative approaches;

NOTING that the Scientific Committee has recommended a series of actions to facilitate the

development of collaborative research, including the formation of joint CCAMLR-IWC and GLOBEC-IWC working groups and establishment of improved collaboration with SCAR, IPCC, the AEPS and a range of other programmes and organisations and the inclusion of cetacean research components as appropriate in other research programmes;

NOTING the general objectives set out by the Scientific Committee and the approaches identified in the context of evaluation of climate change on cetaceans and the two broad approaches that it has identified;

NOW THEREFORE THE COMMISSION:

WELCOMES AND ENDORSES the establishment by the Scientific Committee of its Standing Working Group to facilitate examination of the effects of environmental change on cetaceans;

ENDORSES the objectives and research avenues identified by the Scientific Committee in this context;

REQUESTS the Scientific Committee to increase collaboration and co-operation with governmental, regional and other international organisations working on related issues, including CCAMLR, SCAR, GLOBEC, IPCC, IOC, and appropriate Arctic programmes.

ENDORSES the recommendation of the Scientific Committee that the Standing Working Group consult intersessionally, including if appropriate, through an intersessional meeting of the Standing Working Group;

DIRECTS the Scientific Committee, through its Standing Working Group, to consider and, as appropriate act on the specific recommendations of the two IWC Workshops and the other items identified as requiring additional examination, including: the impact of noise; anthropogenic environmental degradation; and the direct and indirect effect of fisheries; in order to develop non-lethal research programmes that will allow assessment of the impact of environmental change on cetaceans.

## **IWC Resolution 1996-9**

### **RESOLUTION ON CANADIAN WHALING**

WHEREAS the International Whaling Commission (IWC) Scientific Committee "remains very concerned about the status and small size of the Davis Strait and Hudson Bay stocks of bowhead whales," which are "conservatively estimated at 450 whales";

WHEREAS Canada withdrew from the IWC in 1982, stating that it "no longer has any direct interest in the whaling industry or in the related activities of the IWC" (Official Canadian Press Statement, June 26, 1981);

WHEREAS the Nunavut Land Claims Agreement in Canada contains a clause that would allow the taking of at least one bowhead whale from the area of the Davis Strait and Hudson Bay stocks;

WHEREAS the Government of Canada has accepted a recommendation from the Nunavut Wildlife Management Board that a license request be issued this year, although a license has not yet been issued;

NOW THEREFORE THE COMMISSION:

- CONCERNED about whaling not conducted in accordance with the International Convention for the Regulation of Whaling (1946);
- EXPRESSES particular concern over the possible whaling on the Davis Strait and Hudson Bay stock of bowhead whales;
- ENCOURAGES the Government of Canada to:
  - reconsider any outstanding permits it has issued;
  - rejoin the IWC if it continues to have a direct interest in whaling;
  - refrain from issuing further permits, unless it obtains IWC approval for its whaling activities.