

Annual Report of the International Whaling Commission 2004
56th Annual Meeting, 2004

Resolution 2004-1

RESOLUTION ON WESTERN NORTH PACIFIC GRAY WHALE

CONCERNED that the IUCN listed the western gray whale as “critically endangered” in 2000 because of its geographic and genetic isolation combined with the small population size of about 100;

FURTHER CONCERNED that the Scientific Committee has noted that only 23 reproductive females are known;

NOTING that the Scientific Committee in 2004 strongly agreed that the evidence that this population is in serious danger of extinction is compelling;

RECALLING that in 2001 the Commission passed a Resolution (Resolution 2001-3) calling on range states and others to actively pursue all practicable solutions to eliminate anthropogenic mortality in the western North Pacific gray whale stock and to minimise anthropogenic disturbances in the migration corridor and on their breeding and feeding grounds;

DEEPLY CONCERNED by the report of the 2004 Scientific Committee that states that the recovery and growth of the population appear to be hindered by a variety of biological difficulties and that the onset of oil and gas development programs is of particular concern with regard to the survival of this population;

NOTING the management recommendations of the 2004 Scientific Committee that as a matter of absolute urgency measures are taken to protect this population and its habitat off Sakhalin Island;

NOTING that although there already was independent scientific advice, there is, nevertheless, a continued need for expert and independent scientific advice on the effects that oil and gas development projects might have on the western North Pacific gray whale stock.

NOTING that in recent years significant resources and effort in studying the western North Pacific gray whale stock near Sakhalin Island, and that in view of the uncertainty over the possible negative impacts on the population and its habitat by current oil and gas activities, this kind of research and monitoring must be continued in greater detail as oil and gas activities increase in scale.

FURTHER NOTING that the International Whaling Commission is internationally recognised as having competence for the management and conservation of whale stocks, has a wealth of scientific knowledge and expertise and has been reviewing research on the western gray whale population off the Sakhalin Island since 1995.

NOW THEREFORE THE COMMISSION:

CALLS UPON range states and others to be mindful of Resolution 2001-3 when contemplating exploration projects in and around Sakhalin Island and to continue to observe the recommendations to actively pursue all practicable actions to eliminate anthropogenic mortality in this stock and to minimise anthropogenic disturbances in the migration corridor and on breeding and feeding grounds;

ENDORSES all conclusions and recommendations of the 2004 Scientific Committee concerning western gray whales including that:

- (1) “as a matter of absolute urgency that measures be taken to protect this population and its habitat off Sakhalin Island”;
- (2) “strongly recommends that the ongoing Russian-US and Russian and Republic of Korea national programmes on western gray whale research and monitoring continues and expands into the future”;
- (3) “strongly recommends that all range states develop or expand national monitoring and research programmes on western gray whales”;
- (4) “strongly recommends that in situations when displacement of whales could have significant demographic consequences, seismic surveys should be stopped.”

REQUESTS that the Secretariat urgently offers its services and scientific expertise to the organisations concerned with oil and gas development projects and potential exploration projects in the Sakhalin area, and provides them with the findings of any relevant research and Scientific Committee reports;

FURTHER REQUESTS that the Secretariat makes every effort to actively participate and provide advice and expertise at any international expert panels convened to consider the impacts on the western gray whale of oil and gas development projects in and around Sakhalin Island.

FURTHER REQUESTS that the Commission request all the range states to develop, begin or continue scientific research programmes on the migration, distribution, breeding, population assessment and other research of the entire range of the western gray whale.

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Resolution 2004-2

RESOLUTION ON JAPANESE COMMUNITY-BASED WHALING

WHEREAS, since 1986, the International Whaling Commission has repeatedly discussed in-depth the importance of history and culture of Japanese traditional whaling at its various working groups and the Commission itself;

Whereas the International Whaling Commission, recognising the socio-economic and cultural needs of the four community-based whaling communities in Japan (Abashiri, Ayukawa, Wadoura and Taiji), has repeatedly resolved to work expeditiously to alleviate the distress to the communities which has resulted from the cessation of minke whaling (first, IWC/45/51; most recently, IWC Resolution 2001-6);

WHEREAS, more recently, the Summits of Japanese Traditional Whaling Communities were held in three consecutive years in Japan (Nagato, Yamaguchi in 2002, Ikitsuki, Nagasaki in 2003, and Muroto, Kochi in 2004) and they have further examined the long-lasting whaling history and culture which are deeply rooted in various places of Japan, not only in four community-based whaling communities but also throughout Japan;

WHEREAS the Summits acknowledged that archaeological findings have shown that the ancient Japanese could have started to utilise beached whales at least 9,000 years ago, could have begun active hunting of dolphins and porpoises at least 5,000 years ago, and could have launched grand-scale active hunting of large whales at least 2,000 years ago;

WHEREAS the Summits emphasised that, among others, holding the philosophy and having skills to utilise whales fully was and is the core essence of the Japanese whaling culture;

WHEREAS the Declarations adopted at the Summits (the 2002 Nagato Declaration, the 2003 Ikitsuki Declaration, and the 2004 Muroto Declaration) pledged that Japanese time-honoured whaling traditions and culture are to be passed onto the future generations; and

WHEREAS various UN conventions, treaties, and other documents upheld the importance of sustainable use of natural resources in general and the significance of continued customary resource use for communities;

NOW THEREFORE BE IT RESOLVED THAT THE COMMISSION:

REAFFIRMS the Commission's commitment to work expeditiously to alleviate the continued difficulties caused by the cessation of minke whaling to the communities of Abashiri, Ayukawa, Wadoura and Taiji, and

ENCOURAGES IWC members to co-operate towards a resolution of this matter.

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Resolution 2004-3

RESOLUTION ON WHALE KILLING ISSUES

RECOGNISING THAT welfare considerations for cetaceans killed for food is of international concern;

NOTING THAT Article V.1.f of the International Convention for the Regulation of Whaling empowers the Commission to amend the Schedule “to adopt regulations with respect to the conservation and utilisation of whale resources by fixing ... types and specifications of gear and apparatus and appliances which may be used”, and that the Commission has exercised this welfare mandate through modification of the schedule and adopting 15 resolutions on welfare aspects of whaling which have established several technical fora for addressing welfare issues;

RECALLING THAT the IWC has defined “Humane Killing” as “Death brought about without pain, stress, or distress perceptible to the animal. That is the ideal. Any humane killing technique aims first to render an animal insensitive to pain as swiftly as technically possible. In practice this cannot be instantaneous in the scientific sense” (IWC/33/15 & IWC/51/12) and that, in order to determine whether these criteria are met, various data must be collected from whaling operations;

FURTHER RECOGNISING that the IWC criteria used to determine death or irreversible insensibility are inadequate; while also recognising that the IWC Working Group and Workshops on Whale Killing Methods are attempting to develop criteria to more adequately determine death or irreversible insensitivity both operationally and from post-mortem approaches;

NOTING THAT the efficiency of killing methods is influenced by many factors including the calibre of the weapon used, the nature of the ammunition, the target area of the whale, the angle of the shot, the proximity of the whale to the vessel, the accuracy of the gunner, prevailing weather conditions and sea state, including sea ice, and the size and species of the whale targeted;

NOTING FURTHER THAT data collection requirements are not being met in some hunts, while appreciating that efforts have been made by some member nations to provide available data;

RECALLING that Contracting Parties should make reasonable attempts to release alive, with the minimum harm possible, whales that have been incidentally captured (IWC Resolution 2001-4), but that the Commission has not considered the welfare implications of this practice nor the killing methods that might be employed if the whale cannot be released;

NOTING WITH CONCERN THAT the number of whales struck in some hunts can have significant welfare implications, while appreciating the efforts of certain member nations, especially Norway, to improve the humaneness of their hunts through weapons improvement programs and increased hunt efficiency;

NOW THEREFORE THE COMMISSION:

EXPRESSES CONCERN, in light of its mandate and long-standing commitment to address welfare issues, that current whaling methods do not guarantee death without pain, stress or distress; that data presently collected and submitted to the Commission are of insufficient quality or completeness for it to make a fully informed assessment of the welfare implications of all whaling operations; and that the criteria currently used to determine the onset of death or irreversible insensibility are inadequate;

REQUESTS THE SECRETARIAT TO update the data collection form for the reporting of data in order that contracting governments may report data for each whale taken, the killing method used and samples taken;

REQUESTS the IWC57 annual meeting to reconvene the Working Group on Whale Killing Methods and Associated Welfare issues, to examine methods for reducing struck and lost rates in whaling operations and to consider the welfare implications of methods used to kill whales caught in nets;

REQUESTS the Working Group on Whale Killing Methods and Associated Welfare Issues to advise the Commission on:

- establishing better criteria for determining the onset of irreversible insensibility and death;
- methods of improving the efficiency of whale killing methods and
- reducing times to death and other associated welfare issues.

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Resolution 2004-4

PROPOSAL TO TAKE INTO ACCOUNT THE SPECIAL POSITION OF VERY SMALL COUNTRIES IN CALCULATING FINANCIAL CONTRIBUTIONS

NOTING that contracting parties should contribute financially to the Commission in a fair and equitable manner;

RECOGNISING that two contracting parties that currently belong to capacity-to-pay Group 3, according to the Interim Measure for calculating contributions, are very small countries with a very small population, and thus a much smaller Gross National Income than the other countries that belong to that Group;

ALSO RECOGNISING that in all other international organisations the special position of these two countries is properly taken into account in the calculation of financial contributions.

RECOGNISING further that taking account of the special position of these countries within the IWC should not affect the financial contributions of those contracting parties that have the least capacity to pay, and thus belong to Group 1 according to the Interim Measure for calculating contributions;

NOW THEREFORE THE COMMISSION:

DECIDES that, under the Interim Measure for calculating contributions, Monaco and San Marino are transferred from capacity-to-pay Group 3 to Group 2;

FURTHER DECIDES that this transfer shall have no effect on the contribution of contracting parties that belong to capacity-to-pay Group 1.

Appendix 1

Current Capacity-to Pay Grouping under "Interim Contribution Measure"

| Group 1 GNI less than \$10 billions and GNI/capita less than 10,000 | Group 2 GNI greater than \$10 billions and GNI/capita less than 10,000 \$ | Group 3 GNI less than \$1,000 billions and GNI/capita greater than 10,000 \$ | Group 4 GNI greater than \$1,000 billions and GNI/capita greater than 10,000 \$ |
|-------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------|
| Antigua & Barbuda | Argentina ± | Australia | France |
| Belize | Brazil ± | Austria | Germany |
| Benin | Chile | Belgium | Italy |
| Dominica | China, People's Rep ± | Denmark | Japan |
| Gabon | Costa Rica | Iceland | UK |
| Grenada | Côte d'Ivoire | Ireland | USA |
| Guinea, Rep. of | Hungary | Monaco * | |
| Mauritania | India ± | Netherlands | |
| Mongolia | Kenya | New Zealand | |
| Nicaragua | Korea, Republic of ± | Norway | |
| Palau, Republic of | Mexico ± | Portugal | |
| Senegal | Morocco | San Marino * | |
| St. Kitts and Nevis | Oman | Spain | |
| St. Lucia | Panama | Sweden | |
| St. Vincent & G. | Peru | Switzerland | |
| Solomon Islands | Russian Federation ± | | |
| Suriname | South Africa ± | | |
| Tuvalu | | | |

± GNI > \$100 billions * GNI < \$2 billions

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Resolution 2004-5

RESOLUTION ON POSSIBLE SYNERGIES WITH THE GLOBAL ENVIRONMENT FACILITY.

COGNIZANT of the need to have strong supporting relationships with other international bodies that deal with subject matter with a strong overlapping interest,

RECOGNISING Paragraph 121 of the 2002 Plan of Implementation from the World Summit on Sustainable Development which called for an 'Institutional Framework for Sustainable Development' which would be strengthened by:

“Increasing effectiveness and efficiency through limiting overlap and duplication of activities of international organizations, within and outside of the United Nations system, based on their mandates and comparative advantages.”

APPRECIATIVE of the International Whaling Commissions long standing interactions with, inter alia, CITES, CMS & CCAMLR,

DESIROUS to support synergies between overlapping conventions so as to improve mutually reinforcing scientific, administrative, policy and financial assistance objectives,

CONSCIOUS of the need to fully support the respective primacy of each organization.

NOW THEREFORE THE COMMISSION:

DIRECTS the Secretariat to establish high level contact with the Secretariat of the Global Environment Facility and to:

explore possible synergies and their possible utility of the GEF to the IWC, and investigate, inter alia, possible avenues for the utilization of GEF funding for IWC related projects, with specific regard to:

- (i) Assistance for developing countries for scientific research and policies for scientific research, as directed by the IWC.
- (ii) The utility in joint projects seeking funding with other international organizations, such as, inter alia, the Convention on Biological Diversity, the Convention on Migratory Species, the World Heritage Convention, and the Ramsar Convention on Wetlands,
- (iii) An examination of the modalities that the GEF seeks to satisfy and whether IWC projects, now or in the future, could be made to fit such objectives.

The Secretariat shall report back to the 57th IWC meeting on these matters.

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Resolution 2004-6

RESOLUTION ON COMPLETION OF THE REVISED MANAGEMENT SCHEME (RMS)

RECOGNISING the dual mandate of the IWC for the conservation of whales and the management of whaling according to the 1946 International Convention for the Regulation of Whaling;

NOTING that on this basis, considerable progress has been made in identifying major elements necessary to reach broad agreement on the RMS, as reflected in the Chairman's Proposal for a Way Forward on the RMS (Doc IWC/56/26);

TAKING NOTE of the comments of Contracting Parties on the Chairman's Proposal at the 56th Annual Meeting of the Commission;

CONCERNED that the failure to reach broad agreement on the RMS in the near future may seriously jeopardise the ability of the IWC to fulfil its responsibilities;

NOW THEREFORE THE COMMISSION:

COMMENDS the efforts of the Chairman in providing a basis for further work and discussion towards finalizing the RMS;

AGREES to re-establish the Working Group on the RMS with a view to holding an intersessional meeting prior to IWC/57, as outlined in the attached Intersessional Plan of Work.

AGREES to proceed expeditiously towards the completion of both the drafting of text and technical details of the RMS according to the attached Intersessional Plan of Work with the aim of having the results ready for consideration, including for possible adoption, at IWC57, and/or to identify any outstanding policy and technical issues.

INTERSESSIONAL PLAN OF WORK

The Chair's Proposal for a way forward (IWC/56/26), supplemented by his statement (IWC/56/28), other comments made at IWC 56 in relation to the Chair's proposal and the Secretariat's document (IWC/56/36), provides a basis for the development of draft text for the RMS, to clarify policy and technical issues and draft text for the RMS. The goal of this effort is to have clarified outstanding policy and technical issues and, as far as possible, have finalized text of an RMS package ready for consideration at IWC 57. The following iterative process would occur to develop such a text over the intersessional period:

1. Commission formally revives the RMS Working Group and agrees to establish a small drafting group under it (see respective terms of reference in Appendices 1 and 2).
2. All Contracting Governments are invited to send comments / positions on key issues to the RMS Working Group.
3. Secretariat collates and organizes available materials. Technical specialist groups meet and finish their work before December 2004.
4. RMS Working Group to provide guidance on major policy issues to small drafting group (before December)
5. Small drafting group meets (one week) in December 2004.
6. Draft text is circulated to delegations for review and comment. Secretariat circulates comments to all delegations and to members of the small drafting group.
7. RMS Working Group convenes in early March 2005 to consider the draft text and submitted comments and to develop input to the small drafting group for development of the next iteration.
8. The small drafting group meets immediately afterwards to develop the second draft, which the Secretariat circulates to delegates.
9. The RMS Working Group meets for two days during the week prior to the IWC 57 Plenary session to consider the second draft. The results of the RMS Working Group are presented to the Plenary for its consideration at IWC 57.

Appendix 1. Terms of Reference for RMS Working Group

The RMS Working Group will have the following responsibilities:

1. To complete work on the RMS package, with the goal of having a finalized RMS text ready for consideration, including for possible adoption, at IWC 57, and/or to identify any outstanding policy and technical issues.
2. To take account of delegates' comments at IWC 56, as well as written submissions from delegates.
3. To provide guidance to, and to review the work of, the Small Drafting Group.

RMS WG to be open to observers.

Appendix 2. Terms of Reference for the Small Drafting Group (SDG)

Under the auspices of the RMS Working Group the SDG will have the following responsibilities:

1. To prepare a consolidated draft text for the replacement of parts of Chapters V and VI of the current Schedule.
2. To prepare consolidated draft text on other related issues in the RMS package.
3. To utilize the Chair's proposal (IWC/56/26) and his statement (IWC/56/28), as a framework for this work.
4. To rearrange, revise and renumber paragraphs in the draft text for Chapters V and VI as appropriate but not to attempt to merge them with other parts of the Schedule.

Representation on SDG and Technical Specialist Groups (TSGs): Chair to seek expressions of interest to ensure regional and policy diversity in the groups. The SDG and TSGs should include Governments with adequate regional coverage, and adequate coverage of those For/Against/Neutral on the key issues.

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Resolution 2004-7

**RESOLUTION ON THE FREQUENCY OF MEETINGS OF THE
INTERNATIONAL WHALING COMMISSION**

AWARE that the Rules of Procedure of the International Whaling Commission (IWC) provide for a regular Annual Meeting of the Commission, and that the positions of Chair and Vice-Chair of the IWC shall serve for a period of three years;

NOTING that other international Conventions dealing with fisheries, species, biodiversity and the environment organise their affairs very effectively on the basis of biennial or triennial meetings;

CONCERNED that the costs of the annual meetings of the IWC are increasing from year to year;

NOTING that many Contracting Parties, especially from developing countries, have difficulty in meeting the high costs of attending annual meetings of the Commission;

NOW THEREFORE THE COMMISSION HEREBY DECIDES:

That the principle of meetings of the IWC being held less frequently than regular Annual Meetings be explored;

That, in applying this principle, the intention should be to avoid holding more frequent inter-sessionary meetings as a counter-balancing measure;

That a working group be established by the Commission to investigate and make recommendations on the implications of less frequent meetings of the IWC;

That, in its deliberations, the working group should have particular regard to the implications of less frequent meetings for the term of office of the Chair and Vice-Chair of the Commission; for the work of the other Committees of the IWC; and, with specific regard to the deliberations of the Scientific Committee, that the group should examine whether the current pattern of holding annual meetings should be maintained in the initial years of the new arrangements at least;

That the working group should report to IWC 57 in Ulsan, Republic of Korea.