

CIRCULAR COMMUNICATION TO COMMISSIONERS  
AND CONTRACTING GOVERNMENTS  
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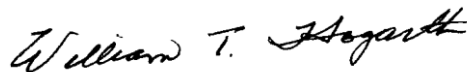
**Letter from the Chair regarding safety at sea**

Given the protest activities that took place in the Antarctic in relation to Japan's JARPAII research programme over the last few years and given the reports that are now appearing in the press in relation to planned protest activities by the Sea Shepherd Conservation Society against Japan's vessels this coming austral summer, I thought it pertinent to draw the attention of Commissioners and Contracting Governments to the statement released by the March 2008 Intersessional Meeting of the Commission on the Future of IWC and to Resolutions 2006-2 and 2007-2.

I note that the March 2008 meeting reiterated that the Commission and its Contracting Governments do not condone and in fact condemn any actions that are a risk to human life and property in relation to the activities of vessels at sea and that it urged Contracting Governments to take actions, in accordance with relevant rules of international law and respective national laws and regulations, to cooperate to prevent and suppress actions that risk human life and property at sea and with respect to alleged offenders.

While Contracting Governments may hold different views over some issues addressed by the Commission, the fact that the March 2008 statement and the two Resolutions have been adopted by consensus indicates, I believe, the seriousness in which safety at sea is viewed by all member governments.

Copies of the statement and Resolutions are attached.



William T. Hogarth, Ph.D.  
Chair of the International Whaling Commission



# International Whaling Commission

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## Media Release

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### **STATEMENT ON SAFETY AT SEA MADE AT THE INTERNATIONAL WHALING COMMISSION'S INTERSESSIONAL MEETING**

The Meeting recalled Commission resolution 2007-2 entitled "Resolution on Safety at Sea and Protection of the Environment" as well as resolution 2006-2 entitled "Resolution on the Safety of Vessels engaged in Whaling and Whale Research-related Activities", both of which had been adopted by consensus by the Commission. It noted reports of dangerous actions by the Sea Shepherd Conservation Society in the Southern Ocean in recent months directed against Japanese vessels.

It called upon the Sea Shepherd Conservation Society to refrain from dangerous actions that jeopardise safety at sea, and on vessels and crews concerned to exercise restraint. The meeting reiterated that the Commission and its Contracting Governments do not condone and in fact condemn any actions that are a risk to human life and property in relation to the activities of vessels at sea. It urged Contracting Governments to take actions, in accordance with relevant rules of international law and respective national laws and regulations, to cooperate to prevent and suppress actions that risk human life and property at sea and with respect to alleged offenders. The Meeting recalled that accreditation for the Sea Shepherd Conservation Society as an observer to the Commission had been denied since 1987 because of unacceptable behaviour and tactics.

**Resolution 2006-2**

**RESOLUTION ON THE SAFETY OF VESSELS ENGAGED IN WHALING AND WHALE RESEARCH-RELATED ACTIVITIES**

**WHEREAS** the safety of vessels and crew and the order of maritime navigation are, and have long been, the common interest of nations worldwide,

**WHEREAS** the Commission and Contracting Governments support the right to legitimate and peaceful forms of protest and demonstration,

**MINDFUL** of the fact that issues relating to confrontation between vessels at sea and in port have been discussed by this Commission as well as other international fora including the International Maritime Organization,

**RECOGNISING** the fact that domestic and international concerns have been expressed concerning confrontation at sea and port relating to whaling and whale research activities,

**SERIOUSLY CONCERNED** that dangerous confrontations risk human life, property, and the order of maritime navigation, and may lead to grave accidents,

**RECALLING** the International Regulations for preventing Collisions at Sea which set uniform principles and rules for avoiding collisions at sea,

**RECALLING** further the guidelines of the International Maritime Organization relating to consultation and cooperation in marine casualty investigations,

**NOW THEREFORE THIS COMMISSION,**

**AGREES AND DECLARES** that the Commission and its Contracting Governments do not condone any actions that are a risk to human life and property in relation to these activities of vessels at sea, and urges persons and entities to refrain from such acts;

**ENCOURAGES** Contracting Governments to take appropriate measures, consistent with IMO guidelines, in order to ensure that the substance and spirit of this Resolution are observed both domestically and internationally.

## **Resolution 2007-2**

### **RESOLUTION ON SAFETY AT SEA AND PROTECTION OF THE ENVIRONMENT**

**WHEREAS** the safety of vessels and crew, the order of maritime navigation, and environmental protection, are, and have long been, the common interests of nations worldwide;

**WHEREAS** the Commission and Contracting Governments support the right to legitimate and peaceful forms of protest and demonstration;

**RECALLING** that the 58<sup>th</sup> Annual Meeting of the Commission adopted Resolution 2006-2 in which the Commission agreed and declared that the Commission and its Contracting Governments did not condone any actions that are a risk to human life and property in relation to the activities of vessels at sea, and urged persons and entities to refrain from such acts;

**SERIOUSLY CONCERNED** that certain confrontations and actions at sea relating to whaling and whale research activities risk human life, property, the marine environment, and the order of maritime navigation, and may lead to grave accidents;

**RECOGNISING** the need for all States to take actions, in accordance with relevant rules of international law and respective national laws and regulations, to cooperate as appropriate to prevent and suppress actions that risk human life and property at sea;

**RECALLING** the Convention on the International Regulations for Preventing Collisions at Sea which set uniform principles and rules for avoiding collisions at sea;

**NOTING** the general obligation in Article 192 of the United Nations Convention on the Law of the Sea that States protect and preserve the marine environment as well as Article 194 (1) and (5) on the need to prevent, reduce and control pollution in the marine environment including by taking measures necessary to protect and preserve rare or fragile ecosystems as well as the habitat of depleted, threatened or endangered species and other forms of marine life;

**FURTHER NOTING** that Article 197 of UNCLOS requires that States co-operate on a global basis and, as appropriate, on a regional basis, directly or through competent international organisations, in formulating and elaborating international rules, standards and recommended practices and procedures consistent with UNCLOS, for the protection and preservation of the marine environment, taking into account characteristic regional features;

**MINDFUL** of the fact that issues relating to confrontation between vessels at sea and in port have been discussed by this Commission as well as in other international fora including the International Maritime Organisation;

**RECALLING** applicable international instruments, including the Convention for the Suppression of Unlawful Acts against the Safety of Navigation, relating to international cooperation for the prevention of unlawful acts against the safety of maritime navigation and actions against alleged offenders;

**NOTING** also that MARPOL 73/78 and in particular its Annexes I and V designate the Antarctic as a Special Area due to the ecological importance of the fragile ecosystems of the area;

#### **NOW THEREFORE THE COMMISSION**

**AGREES AND DECLARES** again that the Commission and its Contracting Governments do not condone any actions that are a risk to human life and property in relation to the activities of vessels at sea;

**URGES** persons and entities to refrain from such acts;

**FURTHER URGES** Contracting Governments to have regard for the importance of protecting the environment, and in particular the fragile Antarctic environment;

**URGES** Contracting Governments to take appropriate measures, consistent with IMO guidelines, in order to ensure that the substance and spirit of this Resolution are observed both domestically and internationally;

**URGES** Contracting Governments to take actions, in accordance with relevant rules of international law and respective national laws and regulations, to cooperate as appropriate to prevent and suppress actions that risk human life and property at sea and with respect to alleged offenders;

**URGES** Contracting Governments to cooperate in accordance with UNCLOS and other relevant instruments in the investigation of incidents at sea including those which might pose a risk to life or the environment.