

**Resolution 2001-1**  
**Resolution on Transparency within the International Whaling Commission**

NOTING that Article 2(2) of the United Nations Charter calls on all member countries to “fulfil in good faith their obligations”; and that Article 300 of the United Nations Convention on the Law of the Sea requires that: “States shall fulfil in good faith the obligations assumed under this Convention ...”;

ALSO NOTING that Article 26 of the Vienna Convention on the Law of Treaties requires application of the *pacta sunt servanda* (“agreements are to be kept”) rule of international law;

CONSCIOUS that, as set out in the *pacta sunt servanda* rule, “good faith” requires fairness, reasonableness, integrity and honesty in international behaviour;

NOTING that the 1970 *Declaration on Principles of International Law Concerning Friendly Relations and Co-operation Among States in Accordance with the United Nations Charter* stipulates that: “No state may use or encourage the use of economic, political, or any other type of measures to coerce another State in order to obtain from it the subordination of the exercise of its sovereign rights and to secure from it advantages of any kind”;

AWARE of the importance of transparency in international environmental law, and

NOTING that Principle 10 of the *Rio Declaration* calls upon States to, among other things, “facilitate and encourage public awareness and participation by making information widely available...”

NOW THEREFORE THE COMMISSION:

ENDORSES AND AFFIRMS these principles as applicable to the activities of the International Whaling Commission (IWC) in its implementation of the International Convention on the Regulation of Whaling (ICRW);

STRESSES in particular the importance of adherence to the requirements of good faith and transparency in all activities undertaken by the IWC and in all activities by Contracting Governments in respect of their involvement with the IWC;

ENDORSES AND AFFIRMS the complete independence of sovereign countries to decide their own policies and freely participate in the IWC (and other international forums) without undue interference or coercion from other sovereign countries.

## **Resolution 2001-2**

### **Resolution on Whale Killing Methods**

RECOGNISING that the Working Group on Whale Killing Methods and Associated Welfare Issues (WGWM&AWI) is established to review information and documentation available with a view to advise the Commission on whale killing methods and associated welfare issues;

NOTING that IWC/53/WKM&AWI9 as distributed by the Secretariat calls for a Summary of Activities related to the Action Plan on Whale Killing Methods (based on resolution 1999-1), and the UK Paper on Collection of Whale Killing Data (IWC/53/WKM&AWI5) submitted to WGWM&AWI53;

RECALLING IWC resolution 1997-1 which urged aboriginal subsistence whalers to do everything possible to reduce still further any avoidable suffering caused to whales in such hunts;

NOTING the proposal that Contracting Governments should supply data on animal welfare issues to the IWC;

DISAPPOINTED at the lack of information presented to the WGWM&AWI on the recent kills of sperm and Bryde's whales.

RECOGNISING that seasonal and weather variations can adversely impact times to death;

NOTING the inclusion of the recommendation for the development of better criteria for determining the onset of permanent insensibility in whales, using physiological and behavioural observations, correlated as far as possible with post mortem examinations, under the revised action plan on whale killing methods IWC51Ann rep. Appendix 1;

NOTING also that previous Workshops have considered relevant comparative data from killing of other large mammals.

NOW THEREFORE THE COMMISSION:

AGREES to convene in 2003 a Workshop on Whale Killing Methods;

ENCOURAGES all Contracting Governments to report to the Commission any technical developments within whale killing technologies and to submit, to the extent possible, relevant information, including variance data on times to death, to the meetings of the Working Group on Whale Killing Methods and Associated Welfare Issues, and future Workshops on Whale Killing Methods;

ALSO ENCOURAGES all Contracting Governments to provide relevant comparative data from killing of other large mammals;

ENCOURAGES all Contracting Governments to provide appropriate technical assistance to reduce time to unconsciousness and death in all whaling operations

### **Resolution 2001-3**

#### **Resolution on Western North Pacific Gray Whale**

RECALLING that the Commission passed a Resolution on Small Populations of Highly Endangered Whales (Resolution 1999-7) at its 51<sup>st</sup> (1999) meeting, which included the western North Pacific gray whale stock;

CONCERNED that IUCN listed the western gray whale as “critically endangered” in 2000 because of its geographic and genetic isolation combined with the small population size and possibility that fewer than 50 reproductive individuals exist;

ALARMED by the report of the 2001 Scientific Committee report that the population is less than 100 whales with only 12 adult females bearing calves, observation of “skinny” whales for the first time in 1999, lower than expected number of calves in 2000, some of the few calves produced in recent years are not returning to the feeding grounds, and all recent calves born in the population were males;

WELCOMING the Scientific Committee recommendation that as a matter of absolute urgency that long-term research and management for western North Pacific gray whales be continued and expanded;

COMMENDING the progress made by the joint Russian-American research and monitoring programmes and the various groups supporting these efforts;

NOTING the management recommendations of the 2001 Scientific Committee which stresses that it is a matter of absolute urgency that every effort be made to reduce anthropogenic mortality to zero and to reduce various types of anthropogenic disturbances to the lowest possible level;

FURTHER NOTING the unique opportunity to continue the long-term in-depth study of one of the world’s most endangered whale populations and the valuable insight the work on western gray whales has to better understand the dynamics of other populations of critically endangered whale populations.

NOW THEREFORE THE COMMISSION:

CALLS UPON range states and others to continue to actively pursue all practicable actions to eliminate anthropogenic mortality in this stock and to minimize anthropogenic disturbances in the migration corridor and on their breeding and feeding grounds;

URGES range states and others interested in the western gray whale stock to strongly support an expanded research, monitoring and management program for the whales;

ENDORSES all conclusions and recommendations of the 2001 Scientific Committee on western gray whales including that “every effort must be made to reduce anthropogenic mortality (including directed catches) to zero and to reduce various types of anthropogenic disturbances to the lowest possible level”.

REQUESTS range states for this species and the other stocks noted in Resolution 1999-7 to report back to the Scientific Committee at the IWC 54 (2002), and annually thereafter, on progress made on the above conservation and management recommendations.

**Resolution 2001-4**  
**Resolution on the incidental capture of Cetaceans**

NOTING that the problem of the incidental capture of non-target species in fishing gear is a problem of international proportions, and is the subject of serious concern within a number of international agreements, including the Convention on Migratory Species,

RECOGNISING that the problem of by-catch of cetaceans has been discussed by the IWC for over twenty years,

RECALLING IWC Resolution 2000-8 (on the North Atlantic Right Whale) and 2000-9 (on fresh water cetaceans),

ACKNOWLEDGING that the problem of by-catch may prove critical for some species,

NOW THEREFORE, THE COMMISSION

COMMENDS the work of the Scientific Committee on the Estimation of By-catch and Other Human-Induced Mortality;

URGES all members to contribute fully to the Committee's further work on this matter;

REQUESTS the Scientific Committee to provide to the 54<sup>th</sup> Annual Meeting of the Commission a summary of its work in recent years on the most feasible methods to mitigate the incidental capture of large cetaceans in fishing gear, and ways in which entangled large cetaceans may be removed from fishing gear with minimal risk to rescuers;

RECOMMENDS that all Contracting Parties make reasonable attempts to release alive, with the minimum harm possible, whales that have been incidentally captured.

If the whale cannot be released alive, the Commission recommends that:

- (a) There shall be no commercial exchange of incidentally-captured whales for which no catch limit has been set by the Commission;
- (b) If an incidentally-captured whale is subject to a catch limit awarded under the RMP, and the sovereign government wishes to permit commercial exchange for that whale, then:
  - (i) A DNA sample must be forwarded to the appropriate diagnostic register;
  - (ii) The incidental capture must be counted against the overall quota for that species or stock.

## **Resolution 2001-5**

### **Resolution on Commercial Whaling**

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

CONCERNED that the Government of Norway, having lodged an objection to paragraph 10 (e) of the Schedule, has continued unilaterally to authorise commercial whaling on minke whales, despite IWC Resolutions 1995-5, 1996-5, 1997-3, and 1998-1, and numerous statements read into the records of the Commission calling on it to halt immediately all whaling activities under its jurisdiction;

CONCERNED ALSO that, despite IWC Resolutions 1992-4 and 1993-3, and contrary to the precautionary approach, the Government of Norway has opted to employ a less conservative “tuning level” in the setting of its quotas, as opposed to the “high tuning level” of 0.72 accepted by the Commission; in effect implementing a self-determined version of the Revised Management Procedure (RMP) prior to incorporation of the Revised Management Scheme into the Schedule;

RECALLING that the IWC has passed numerous resolutions (IWC Resolutions 1994-7; 1995-6; 1996-3; 1997-2 and 1998-8 and 1999-6) welcoming the continuing cooperation between CITES and the IWC on issues related to trade in whale products, and urging all governments to continue to support IWC and CITES obligations with respect to this issue;

COGNISANT that all species of whales in the Schedule to the IWC have been listed in Appendix I of CITES (with the exception of the West Greenland stock of minke whales, which is listed in Appendix II of CITES); and that by virtue of the inclusion of these species in Appendix I, CITES requires that Parties not issue any import or export permits for whale stocks for which the IWC has set zero catch limits;

CONCERNED that the Government of Norway, having lodged a reservation to the CITES Appendix I listing of whales, has announced its intention to resume international trade in minke whale products despite the decision by the CITES Conference of the Parties in 2000 to support the continued listing of minke whales on Appendix I;

CONCERNED also at recent reports confirming high levels of contaminants in samples of blubber from minke whales taken in the Norwegian hunt;

NOW THEREFORE THE COMMISSION:

REQUESTS that the Government of Norway refrain from issuing export permits for whale products;

CALLS UPON the Government of Norway to reconsider its less conservative “tuning level” in the setting of its quotas; and

CALLS UPON the Government of Norway to reconsider its objection to paragraph 10 (e) and to halt immediately all whaling activities under its jurisdiction; and

INSTRUCTS THE Secretariat to forward a copy of this resolution to the CITES Secretariat.

**Resolution 2001-6**  
**Resolution on Japanese Community-Based Whaling**

RECALLING that the International Whaling Commission has repeatedly recognised the socio-economic and cultural needs of the four community-based whaling communities in Japan and the increasing distress to these communities which has resulted from the whaling moratorium (first, IWC/45/51; most recently, IWC Resolution 2000-1);

RECALLING further that the Commission 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 2000-1); and

NOTING the widespread recognition in various UN covenants, conventions, and other documents, of the importance for communities to continue customary resource use practices on a sustainable basis,

NOW THEREFORE THE COMMISSION

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

**Resolution 2001-7**  
**Resolution on Southern Hemisphere Minke Whales and Special Permit Whaling**

RECOGNISING that the Southern Ocean Whale Sanctuary may provide a valuable precautionary measure against uncertainties in whale management in the Antarctic;

NOTING that the IDCR/SOWER cruises have been a major investment of the budget and time of the commission and the scientific committee for many years;

FURTHER NOTING that refinement of the experimental design for these cruises has been a continuous process throughout the past two decades;

RECALLING concerns expressed in Resolution 2000-4, regarding appreciably lower abundance estimates for Southern Hemisphere minke whales;

FURTHER RECALLING that IWC Scientific Committee agreed in 2000 that there was no agreed estimate for Southern Hemisphere minke whales;

NOTING that this year's Scientific Committee report provided a crude estimate of abundance for Southern Hemisphere minke whales which, although derived from an incomplete data set for the third circumpolar cruise, nevertheless suggests a substantially lower abundance estimate for Southern Hemisphere minke whales;

CONCERNED that the Scientific Committee report cannot rule out that the Southern Hemisphere minke whale population may have suffered a precipitous decline over the past decade;

NOW THEREFORE THE COMMISSION

COMMENDS the Scientific Committee's proposal to proceed with the completion of its review of minke whale abundance in the Southern Hemisphere;

ENDORSES the Scientific Committee's proposal to present at its 2003 meeting revised estimates of abundance and trends of Southern Hemisphere minke whales, using improved methodology developed during the course of the review, for the full three circumpolar sets of IDCR/SOWER surveys;

REQUESTS the Scientific Committee to provide to the Commission at IWC 54:

- (i) a list of plausible hypotheses that may explain this apparent population decline,
- (ii) the possible implications that such a decline in abundance may have for the management of minke whales in the Southern Hemisphere, and for ecologically-related species, in particular other cetaceans, and the state of the Antarctic marine ecosystem;

STRONGLY URGES the Government of Japan to halt the lethal takes of minke whales conducted under the JARPA programme, at least until the Scientific Committee has reported to the Commission on the impacts of the JARPA programme on the stocks of minke whales in Areas IV and V.

**Resolution 2001-8**  
**Resolution on Expansion of Jarpn Ii Whaling in North Pacific**

Proposed by U.S.A., Australia, Germany, Italy, Monaco, Netherlands, New Zealand, Sweden and U.K.

WHEREAS Article VIII of the International Convention for the Regulation of Whaling provided that any Contracting Government may grant special permits authorising their nationals to kill whales for scientific purposes;

RECALLING that the Government of Japan started research whaling on minke whales in the North Pacific in 1994 and then expanded the program last year to include Bryde's and sperm whales, despite numerous concerns raised by the Scientific Committee and the Commission;

WHEREAS because of the timing of the Scientific Committee in 2002, the Committee will not be able to review and comment on any new JARPNII proposal before the start of scientific whaling next year;

NOTING the concern of many members of the Scientific Committee that the lack of any quantifiable objectives in JARPNII effectively means that no reasonable performance standard has been set with which to judge the success or failure of the feasibility phase of the research programme;

NOTING also that more than 600 whales have been killed in the North Pacific since the start of the program;

FURTHER NOTING that the data collected by lethal sampling of sperm, minke and Bryde's whales in JARPN II are not essential in the context of the RMP.

NOW THEREFORE THE COMMISSION:

AFFIRMS that data gathered under JARPN II on interactions between whales and prey species are not sufficient to justify the killing of these whales for research purposes;

PROPOSES that any information needed on stock structure can and should be obtained using non-lethal means;

STRONGLY URGES the Government of Japan for the reasons given above to refrain from issuing any special scientific permit for whaling under JARPN II. If the Government of Japan nevertheless considers issuing a permit in 2002, the Commission STRONGLY URGES that it not be issued until the end of July 2002, to give the Government of Japan adequate time to take into account the views of the Scientific Committee and the Commission.



**Resolution 2001-9**  
**Proposed Resolution on interactions between whales**  
**and fish stocks**

WHEREAS it is the purpose of the International Whaling Commission to provide for the effective conservation and management of whale stocks;

WHEREAS the IWC is the universally recognized international organization with competence for the management of whale stocks;

ACKNOWLEDGING that better understanding of marine ecosystems, including interactions between whales and fish stocks, would contribute to the conservation and management of living marine resources and is of interest to nations as well as to regional fisheries management organizations and international research organizations;

NOTING that the Council of the Food and Agriculture Organization of the United Nations, during its 120<sup>th</sup> session, recommended that ecosystem-based fisheries management studies to be conducted by the FAO, as agreed in paragraph 39 of the report of the 24<sup>th</sup> session of the FAO Committee on Fisheries, should be balanced and holistic in approach;

WELCOMING the Scientific Committee's recommendations to conduct a workshop on interactions between whales and fish stocks, to be held intersessionally between the 53<sup>rd</sup> and 54<sup>th</sup> annual meetings of the Commission;

RECOGNIZING that, in order to effectively address the issue of interaction between whales and fish stocks, the planning and conduct of the workshop requires experts on modeling and data sets and should therefore include coordination with other organizations that have expertise, experience, and interest in this matter, and the participation of experts from such organizations, as well as those specifically recommended by the Scientific Committee;

NOW THEREFORE THE COMMISSION:

GIVES notice that, as the competent international organization for the conservation and management of whale stocks, it has decided to make the study of interactions between whale and fish stocks a matter of priority;

AGREES that any studies conducted by the FAO on ecosystem-based fisheries management be holistic and balanced in approach;

ENDORSES the recommendations of the Scientific Committee concerning the workshop on interactions between whales and fish stocks;

REQUESTS the Secretary to forward a copy of this resolution and relevant portions of the report of the Scientific Committee to the Assistant Director-General of the Fisheries Department of the FAO and to the Chair of the FAO Committee on Fisheries, seeking their cooperation in the organization and conduct of the workshop;

FURTHER requests the Secretary to forward a copy of this resolution and relevant portions of the report of the Scientific Committee to regional fisheries management organizations, international research organizations, and other appropriate organizations in consultation with Chair of the Scientific Committee.

**Resolution 2001-10**  
**Resolution on the Stockholm Convention on Persistent Organic Pollutants**

WHEREAS persistent organic pollutants are seriously polluting the environment and its living resources including whales, and may have significant negative health effects on consumers of marine mammal products;

RECALLING that the negative effects of Persistent Organic Pollutants upon cetaceans have been repeatedly recognised by the IWC since 1981,

NOTING the International Whaling Commission with its specific responsibility in the management and conservation of whale stocks may have a mutual interest in supporting the ratification of international treaties with overlapping concerns,

NOW THEREFORE THE COMMISSION

CONGRATULATES the conclusion of the 2001 Stockholm Convention on Persistent Organic Pollutants, and

ENCOURAGES Contracting Governments to sign, ratify and adhere to the new Convention

REQUESTS that the Secretariat transmits this text to the Secretariat of the Stockholm Convention.

**Resolution 2001-11**  
**Resolution on the Importance of Habitat Protection and Integrated Coastal Zone Management**

WHEREAS the destruction of coastal habitat may have a detrimental impact upon cetaceans;

RECALLING that the negative effects of habitat destruction upon cetaceans have been repeatedly recognised by the IWC since 1980, as have the positive actions of a number of Signatories to confront habitat destruction and protect various cetacean species,

NOTING that Article 193 of the United Nations Convention on the Law of the Sea stipulates that “States have the sovereign right to exploit their natural resources pursuant to their environmental policies and in accordance with their duty to protect and preserve the marine environment.”

MINDFUL that the International Whaling Commission with its specific responsibility in the management and conservation of whale stocks may have a mutual interest in supporting the ratification of international treaties with overlapping concerns,

NOW THEREFORE THE COMMISSION

Commends Contracting Governments to the International Convention on the Regulation of Whaling to pursue the objectives of the Convention on Biological Diversity, the Convention on Wetlands, especially Waterfowl Habitats of International Importance (RAMSAR), and the Coral Reefs Initiative, to better achieve coastal habitat protection and integrated coastal zone management as advocated in the implementation decisions of these and similar agreements and initiatives.

## **Resolution 2001-12**

### **Resolution on Dall's Porpoise**

RECOGNISING that for more than a decade there has been concern about the status of Dall's porpoise stocks impacted by the Japanese hand-harpoon fishery, and that the Government of Japan has provided much valuable information to assess the status of these stocks in the past, leading to a substantial decrease in the numbers taken, although not to the levels recommended by the Scientific Committee;

WHEREAS in 1999 the Commission directed the Scientific Committee to review the status of Dall's porpoise stocks exploited in the Japanese hand harpoon hunt and that this review was carried out at the 53<sup>rd</sup> meeting of the Scientific Committee;

NOTING however, that this year data for the Dall's porpoise status review was not made available by the Government of Japan, and that the work of the Scientific Committee was hampered because of this;

CONCERNED that the most recent abundance estimate for the exploited stocks was made in 1991, and that since this time more than 130,000 Dall's porpoises have been reported taken;

NOTING that there has been a recent increase in the proportion of lactating females in some catches which may reflect a change in hunting techniques whereby hunters target females with dependent calves;

FURTHER NOTING that reported catch statistics are also limited by the absence of data on number of individuals struck and lost, inaccurate reporting on a stock-by-stock basis and the absence of data on age, sex and reproductive condition;

NOTING the Scientific Committee's report that a total of 11,973 Dall's porpoises were taken as by-catch from 1993 to 1999 in the Japanese salmon drift-net fishery that operates in the Russian EEZ, and that some of these by-catches are from the stocks impacted by the Japanese harpoon fishery;

FURTHER NOTING that the Scientific Committee reported that these by-catches should be considered in any future assessment of Dall's porpoises in this region;

NOTING ALSO that the Scientific Committee recommended that Governments should report by-catches of Dall's porpoises on an annual basis to the Scientific Committee;

NOTING that in 1990 the Scientific Committee recommended that catches of Dall's porpoises should be reduced to levels below 10,000 each year, and that, subsequently, catches have exceeded these levels;

CONCERNED that reported levels of directed takes alone exceed levels considered by the Scientific Committee to be sustainable;

NOTING that the Scientific Committee reiterated its extreme concern for these stocks and repeated its previous recommendations that catches be reduced as soon as possible to sustainable levels;

NOW THEREFORE THE COMMISSION:

DIRECTS the Scientific Committee to carry out a full assessment of the status of exploited Dall's porpoise stocks as soon as sufficient additional information becomes available;

CALLS ON the Government of Japan to provide information necessary to carry out such an assessment; namely improved catch statistics for each stock, including information on age, sex and reproductive status and numbers struck and lost, and new abundance estimates for each stock;

REQUESTS all governments with fisheries in the range of these stocks to fully report by-catch to the Scientific Committee on an annual basis;

URGES the Government of Japan to halt the directed takes of Dall's porpoises until a full assessment by the Scientific Committee has been carried out.

## **Resolution 2001-13**

### **Resolution on Small Cetaceans**

APPRECIATING the valuable work of the Standing Sub Committee on Small Cetaceans (SCSC) and recognising the usefulness of its findings to other international and regional bodies;

COMMENDING the SCSC's species and population-specific reviews which enable the Scientific Committee and Commission to make species-specific recommendations;

NOTING in particular the Scientific Committee's recent acknowledgement of the critically endangered status of the baiji and vaquita, the depleted or unknown status of many beluga stock and the uncertain status of the narwhal;

NOTING the continuing and critical threat to some small cetaceans posed by directed takes and their incidental capture in fisheries operations;

WELCOMING the information on direct and incidental takes of small cetaceans provided by some Contracting Governments through their annual progress reports to the IWC;

RECOGNISING the Government of Mexico's recovery strategy for the vaquita, the objective of which is to reduce by-catches of vaquita as rapidly as possible;

CONCERNED that, in the absence of information on population status, trends and distribution, takes and other anthropogenic removals, the removal of certain small cetaceans may be detrimental to the survival of that species;

REGRETTING that, despite repeated requests for information and action on certain species and populations, the requested information and action have not always been forthcoming;

NOW THEREFORE THE COMMISSION:

COMMENDS Contracting Governments who have instigated/taken conservation measures in relation to small cetaceans in their waters and through other regional bodies;

URGES Contracting Governments to respond to outstanding and future requests from the Scientific Committee for information on the status of, and threats to small cetaceans and recommendations for action;

DIRECTS the Scientific Committee to undertake a regular review of the extent to which outstanding recommendations and resolutions relating to small cetaceans have been fulfilled;

CALLS ON Contracting Governments to report to the extent practicable information on all direct and non-direct takes and other anthropogenic removals in their national progress reports;

URGES Contracting Governments to take all appropriate measures to prevent, minimise and mitigate by-catch of small cetaceans in fisheries operations;

SUPPORTS the recommendations of the Scientific Committee in 1999 that beluga range states continue studies to resolve the structure of beluga stocks, conduct contaminant analysis and health assessments and provide relevant scientific data to the Scientific Committee;

FURTHER URGES narwhal range states to respond to the recommendations of the Scientific Committee in 1999 to undertake genetic and telemetry studies to identify stocks and improve catch reporting, as well as to assess the potential impact of threats including radionuclide contamination;

FURTHER URGES all Contracting Governments to respond to the Scientific Committee's requests to report progress on the conservation of critically endangered species, including baiji;

ENCOURAGES Contracting Governments to offer technical, scientific and financial support to range states to assist their small cetacean conservation measures;

URGES the IWC under its Memorandum of Understanding with the Convention on Migratory Species (CMS) to pursue complementary and mutually supportive actions in respect of small cetaceans.