

Annex E

Resolutions Adopted at the 59th Annual Meeting

Resolution 2007-1

RESOLUTION ON JARPA

WHEREAS paragraph 7(b) of the Schedule establishes a sanctuary in the Southern Ocean;

RECALLING that the Commission has repeatedly requested Contracting Parties to refrain from issuing special permits for research involving the killing of whales within the Southern Ocean Sanctuary, has expressed deep concern at continuing lethal research within the Southern Ocean Sanctuary, and has also recommended that scientific research involving the killing of cetaceans should only be permitted where critically important research needs are addressed;

CONSCIOUS that the Scientific Committee last year convened a Workshop to analyse the results of JARPA I, which is reported in SC/59/Rep1;

NOTING that the Workshop agreed that none of the goals of JARPA I had been reached, and that the results of the JARPA I programme are not required for management under the RMP;

FURTHER NOTING that the Government of Japan has authorised a new special permit programme in the Antarctic, JARPA II, in which the take of minke whales

has been more than doubled, and fin whales and humpback whales have been added to the list of targeted species;

CONCERNED that fin whales in the Southern Hemisphere are currently classified as endangered, and that humpback whales in the JARPA II research area may include individuals from depleted breeding populations overwintering in the waters of certain Pacific Islands; and

CONVINCED that the aims of JARPA II do not address critically important research needs;

NOW THEREFORE THE COMMISSION:

CALLS UPON the Government of Japan to address the 31 recommendations listed in Appendix 4 of Annex O of the Scientific Committee report relating to the December 2006 review of the JARPA I programme to the satisfaction of the Scientific Committee; and

FURTHER CALLS UPON the Government of Japan to suspend indefinitely the lethal aspects of JARPA II conducted within the Southern Ocean Whale Sanctuary.

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 58th 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; and

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 and in fact condemn 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 all Contracting Governments concerned 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 to prevent and suppress actions that risk human life and property at sea and with respect to alleged offenders; and

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.

Resolution 2007-3**RESOLUTION ON THE NON-LETHAL USE OF CETACEANS**

RECALLING the objective of the 1946 International Convention for the Regulation of Whaling to safeguard the natural resources represented by whale stocks for the benefit of future generations;

NOTING that many coastal States, including developing countries, have adopted policies of non-lethal use of cetaceans in the waters under their jurisdiction, in accordance with their sovereign rights reinforced by, *inter alia*, the United Nations Convention on the Law of the Sea (UNCLOS) and the Rio Declaration;

AWARE that most whale species are highly migratory and thus shared biodiversity resources;

CONCERNED that negotiations aimed at resolving the impasses at the International Whaling Commission must address the issue of non-lethal use to take into account the interests of a substantial portion of IWC membership;

NOTING that, under domestic management by coastal States, non-lethal utilisation of whales is a rapidly growing activity that provides substantial socio-economic opportunities, including promoting employment in coastal communities, especially in developing countries;

NOTING FURTHER that the moratorium on commercial whaling has been in effect since 1986 and has

contributed to the recovery of some cetacean populations essential for the promotion of non-lethal uses in many countries;

CONCERNED that whales in the 21st century face a wider range of threats than those envisaged when the ICRW was concluded in 1946; and

NOTING that the Buenos Aires Declaration states that 'high quality and well managed implementation of whale watching tourism promotes economic growth and social and cultural development of local communities, bringing educational and scientific benefits, whilst contributing to the protection of cetacean populations';

NOW THEREFORE THE COMMISSION:

RECOGNISES the valuable benefits that can be derived from the non-lethal uses of cetaceans as a resource, both in terms of socio-economic and scientific development;

RECOGNISES non-lethal use as a legitimate management strategy; and

ENCOURAGES member States to work constructively towards the incorporation of the needs of non-lethal users of whale resources in any future decisions and agreements.

Resolution 2007-4**RESOLUTION ON CITES**

RECOGNISING that the International Whaling Commission (IWC) is the internationally competent organisation for the conservation and management of whale stocks;

FURTHER RECOGNISING that the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) passed Resolution Conf 11.4 (Rev COP12) which acknowledges the IWC as the major source of information on whale stocks around the world;

NOTING that the IWC Scientific Committee continuously reviews the status of all whale stocks;

NOTING that the moratorium on commercial whaling has been in effect since 1986, remains in effect and the reasons for the moratorium remain valid;

WELCOMING the continuing cooperation between CITES and the IWC on issues related to international trade in whale products, and urging all governments to continue to support IWC and CITES obligations with respect to this issue; and

FURTHER NOTING the existence of CITES Resolution Conference 11.4 (Rev. CoP12) on the Conservation of cetaceans, trade in cetacean specimens and the relationship with the International Whaling Commission which *inter alia* expresses concern that international trade in meat and other products of whales is lacking adequate international monitoring or control, recognises that the IWC is the major source of information on whale stocks around the world and recommends that the Parties to CITES agree not to issue any import or export permit, or certificate for introduction from the sea under CITES for primarily commercial purposes for any specimen of a species or stock protected from commercial

whaling by the International Convention for the Regulation of Whaling;

NOW THEREFORE THE COMMISSION:

AFFIRMS that the moratorium on commercial whaling remains in place and that the reasons for the moratorium are still relevant;

EXPRESSES APPRECIATION that CITES recognises the IWC's Scientific Committee as the universally recognised international organisation with international expertise to review and evaluate the status of the world's whale stocks;

REAFFIRMS the important role of CITES in supporting the IWC's management decisions with regard to the conservation of whale stocks and the importance of continued cooperation between CITES and IWC;

REAFFIRMS the importance of continued cooperation between CITES and IWC with regard to the conservation of whale stocks through the regulation and management of international trade in whale products;

CONSIDERS that the IWC has not yet completed the necessary measures to regulate commercial whaling;

CONSIDERS that any weakening of existing restrictions on trade under CITES could have significant adverse effects on the moratorium on commercial whaling and increase threats to whales;

REQUESTS Contracting Governments to respect the relationship between the two conventions and not to seek the transfer of cetacean species from CITES Appendix I; and

FURTHER REQUESTS the Secretariat to send a copy of this Resolution to the CITES secretariat.

Resolution 2007-5**THE VAQUITA, FROM CRITICALLY ENDANGERED TO FACING EXTINCTION**

CONCERNED with the finding of the Scientific Committee concurring with the recent results of the baiji survey in the Yangtze River that has led the scientific community to conclude that the baiji is functionally extinct. It is the first cetacean species to disappear in modern times. The main factors that drove the baiji (*Lipotes vexillifer*) to extinction were habitat degradation and incidental catch;

RECALLING that since 1991 the IWC Scientific Committee has recommended that conservation actions must be taken immediately to eliminate bycatch of the vaquita (*Phocoena sinus*) in the northernmost Gulf of California, Mexico, to prevent its extinction. Moreover, since 1997 the International Committee for the Recovery of Vaquita (CIRVA) has recommended that bycatch be reduced to zero by banning entangling nets throughout the vaquita's range whilst noting the difficulties involved in trying to reconcile the vaquita's need for immediate protection with the needs of the affected people;

FURTHER RECALLING that IUCN has listed the vaquita as Vulnerable in 1978, Endangered in 1990 and Critically Endangered since 1996;

NOTING that CIRVA recommended a staged reduction in fishing effort starting in January 2000, with the expectation that gillnetting would be completely eliminated by January 2002;

FURTHER NOTING that in March 2007 the IUCN Director-General expressed, through a letter to the President of Mexico, that organization's grave concern about the future of the vaquita. IUCN also acknowledged the serious social and economic implications of banning the use of entangling nets in the Northern Gulf and indicated that conservation efforts must include programmes that will help meet the needs of people in the region;

FURTHER NOTING that Mexico has followed many of the recommendations to protect and monitor the vaquita, e.g. by closing the totoaba fishery, protecting the vaquita's habitat through Marine Protected Areas (Biosphere Reserve of the Upper Gulf of California and Delta of the Colorado River and the recently declared Vaquita Refuge), and implementing an acoustic monitoring program;

FURTHER RECALLING that the Ministry of Environment and Natural Resources and the Ministry of Agriculture, Livestock and Fisheries have been working cooperatively with several non-governmental organizations to implement a comprehensive recovery plan with a strong socio-economic component as recommended by CIRVA;

FURTHER CONCERNED that progress towards reducing/eliminating entanglement has been very slow despite efforts to ban gillnets from the vaquita's core area of occurrence and elsewhere in the Northern Gulf. The baiji experience shows that extinction can happen rapidly and without evidence of a steady or prolonged decline, if appropriate conservation actions are not taken promptly; and

FURTHER NOTING that the vaquita's survival is at a critical juncture. The best hope for the species is that the international community and non-governmental organisations will support the Government of Mexico by providing technical and financial assistance in the implementation of CIRVA's Recovery Plan and the Biosphere Reserve;

NOW THEREFORE THE COMMISSION:

COMMENDS Mexico's intense recent efforts to prevent the extinction of the vaquita despite the difficulties involved in reducing bycatch to zero, and especially given the difficulties of providing alternative livelihoods to isolated fishing communities in the Northern Gulf;

FURTHER COMMENDS the President of Mexico for the recent announcement on the Conservation Program for Endangered Species (PROCER), which calls for the implementation of specific Species Conservation Action Programs (PACE) for a list of selected species. The vaquita is among the top five species on this list; and

URGES the Members of IWC and the world community to support Mexico's efforts to prevent the extinction of the vaquita by reducing bycatch to zero in the immediate future and assisting in providing financial resources and technical as well as socio-economic expertise.