

109TH CONGRESS
2^D SESSION

S. CON. RES. 99

Expressing the sense of the Congress regarding the policy of the United States at the 58th Annual Meeting of the International Whaling Commission.

IN THE SENATE OF THE UNITED STATES

JUNE 12, 2006

Ms. SNOWE (for herself, Ms. CANTWELL, Mr. KERRY, Mrs. DOLE, Mrs. BOXER, Mr. FEINGOLD, Mr. REED, Mr. LAUTENBERG, Mr. MCCAIN, Mr. LEIBERMAN, Ms. COLLINS, Mr. WYDEN, Mr. DODD, Mrs. FEINSTEIN, Mr. MENENDEZ, Mr. LEVIN, Mr. BIDEN, Mr. DAYTON, Mr. JEFFORDS, Ms. LANDRIEU, and Mr. KENNEDY) submitted the following resolution; which was referred to the Committee on Foreign Relations

RESOLUTION

Expressing the sense of the Congress regarding the policy of the United States at the 58th Annual Meeting of the International Whaling Commission.

Whereas whales have very low reproductive rates, making many whale populations extremely vulnerable to pressure from commercial whaling;

Whereas whales migrate throughout the world's oceans and international cooperation is required to successfully conserve and protect whale stocks;

Whereas in 1946 a significant number of the nations of the world adopted the International Convention for the Regulation of Whaling, which established the

International Whaling Commission to provide for the proper conservation of whale stocks;

Whereas in 2003 the Commission established a Conservation Committee, open to all members of the Commission, for the purpose of facilitating efficient and effective coordination and development of conservation recommendations and activities, which are fully consistent with the conservation objectives stated in the 1946 Convention;

Whereas the Commission adopted a moratorium on commercial whaling in 1982 in order to conserve and promote the recovery of whale stocks, many of which had been hunted to near extinction by the commercial whaling industry;

Whereas the rights of indigenous people to whale for subsistence purposes has been specifically recognized under the 1946 Convention;

Whereas the Commission has designated the Indian Ocean and part of the ocean around Antarctica as whale sanctuaries to further enhance the recovery of whale stocks;

Whereas many nations of the world have designated waters under their jurisdiction as whale sanctuaries where commercial whaling is prohibited, and additional regional whale sanctuaries have been proposed by nations that are members of the Commission;

Whereas two member nations that lodged objections to the Commission's moratorium on commercial whaling when it was adopted continue to hold such objections, a third member nation asserted a reservation to the moratorium on rejoining the Commission, and one

member nation is currently conducting commercial whaling operations in spite of the moratorium and the protests of other nations;

Whereas the Commission has adopted several resolutions at recent meetings asking member nations to halt commercial whaling activities conducted under reservation to the moratorium and to refrain from issuing special permits for research involving the killing of whales;

Whereas one member nation of the Commission has taken a reservation to the Commission's Southern Ocean Sanctuary and also continues to conduct unnecessary lethal scientific whaling in the Southern Ocean and in the North Pacific Ocean;

Whereas one member nation is conducting unnecessary lethal scientific whaling in the Atlantic;

Whereas whale meat and blubber is being sold commercially from whales killed pursuant to such unnecessary lethal scientific whaling, further undermining the moratorium on commercial whaling;

Whereas the Commission has repeatedly expressed serious concerns about the scientific need for such lethal research and recognizes the importance of demonstrating and expanding the use of non-lethal scientific research methods;

Whereas more than 9,150 whales have been killed in lethal scientific whaling programs since the adoption of the commercial whaling moratorium and the lethal take of whales under scientific permits has increased both in quantity and species, and a new program

would take minke, Bryde's, sei, fin, humpback, and sperm whales;

Whereas, one member nation is harvesting whales on an unprecedented scale in the name of scientific research, and plans to take up to 935 minke whales, 50 humpback whales, and 50 fin whales in the Antarctic, and 220 minke whales, 50 Bryde's whales, 100 sei whales and 10 sperm whales in the North Pacific. Sei, sperm, humpback, and fin whales are all endangered species;

Whereas engaging in commercial whaling under reservation and lethal scientific whaling undermines the conservation program of the Commission;

Whereas discussions are taking place within the Commission on a Revised Management Scheme (RMS) that would regulate any possible future commercial whaling;

Whereas any decision to lift the moratorium against commercial whaling, or to allow commercial whaling in any other form, must be taken independently from negotiations and adoption of an RMS;

Whereas any RMS must include or be conditioned on the concurrent adoption of provisions similar to those in other international agreements related to fisheries and marine mammals, including transparent and neutral observer mechanisms, and effective compliance and dispute settlement mechanisms;

Whereas to be effective, if an RMS is adopted, any future commercial whaling must take place pursuant to the RMS, and without reservation to any of its substantive provisions; and

Whereas any decision to lift the moratorium against commercial whaling must be conditioned on the immediate cessation of lethal scientific whaling: Now, therefore, be it

1 *Resolved, by the Senate (the House of Representatives*
2 *concurring)* That it is the sense of the Congress that—

3 (1) at the 58th Annual Meeting of the Inter-
4 national Whaling Commission the United States
5 should—

6 (A) remain firmly opposed to commercial
7 whaling and any linking of adoption of a Re-
8 vised Management Scheme (RMS) to the lifting
9 of the commercial whaling moratorium or allow-
10 ing commercial whaling in any other form;

11 (B) initiate and support efforts to ensure
12 that all activities conducted under reservations
13 to the Commission's moratorium or sanctuaries
14 are ceased;

15 (C) seek to ensure that any RMS includes,
16 or is conditioned on the concurrent adoption of
17 provisions similar to those in other international
18 agreements related to fisheries and marine
19 mammals, including transparent and neutral
20 observer mechanisms, and effective compliance
21 and dispute settlement mechanisms;

1 (D) insist that any future commercial
2 whaling must take place pursuant to the RMS
3 without reservations to any of its substantive
4 provisions, and that lethal scientific whaling
5 must immediately cease upon the commence-
6 ment of any commercial whaling;

7 (E) uphold the rights of indigenous people
8 to whale for subsistence purposes, and firmly
9 reject any attempts to compromise such rights
10 or to equate commercial whaling with such
11 rights;

12 (F) initiate or support efforts to end the
13 lethal taking of whales for scientific purposes,
14 seek support for expanding the use of non-le-
15 thal research methods, and seek to end the sale
16 of whale meat and blubber from whales killed
17 for unnecessary lethal scientific research;

18 (G) support proposals for the permanent
19 protection of whale populations through the es-
20 tablishment of whale sanctuaries and other
21 zones of protection in which commercial whal-
22 ing is prohibited;

23 (H) support efforts to expand data collec-
24 tion on whale populations, monitor and reduce

1 whale bycatch and other incidental impacts, and
2 otherwise expand whale conservation efforts;

3 (I) support the adoption of an active pro-
4 gram of work by the Conservation Committee to
5 address the full range of threats to whales, and
6 otherwise expand whale conservation efforts;

7 (J) call upon the Contracting Parties to
8 the Convention to submit to the Commission for
9 discussion within the Conservation Committee
10 national approaches, including laws, regulations
11 and other initiatives, that further the conserva-
12 tion of cetaceans; and

13 (2) the United States should make full use of
14 all appropriate diplomatic mechanisms, Federal law,
15 relevant international laws and agreements, and
16 other appropriate mechanisms to implement the
17 goals set forth in paragraph (1).

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