

19.64 Southern Ocean Whale Sanctuary

NOTING that a majority (13) of the Member States voting at the International Whaling Commission (IWC)'s 45th Annual Meeting in Kyoto, Japan, in May 1993, supported the proposal by the Government of France that the Southern Ocean south of 40 degrees South latitude be designated as a sanctuary, in which commercial whaling would not be permitted for an initial period of 50 years, under a specific provision of the 1946 International Convention for the Regulation of Whaling;

AWARE that the 5th World Wilderness Congress in Tromsø, Norway, in October 1993, adopted a resolution urging all Member States of the IWC to support the concept of a circumpolar whale sanctuary in the Southern Ocean and also urging IUCN to reaffirm its support for the whale sanctuary;

AWARE also that the General Assembly of the Global Legislators Organisation for a Balanced Environment (GLOBE International), meeting in Tokyo, 30 August - 1 September 1993, adopted an Action Agenda on Whaling which "... supports the proposal by the Government of France to establish a circumpolar whale sanctuary in the Southern Ocean in order to guarantee the protection of at least one biological population of each of the great whale species which are globally distributed ...";

TAKING NOTE that in a letter to the United States Congress dated 4 October 1993, President Clinton stated unconditionally that, "The United States... firmly supports the proposed sanctuary in the Antarctic";

CONSIDERING that the concept of a Southern Ocean whale sanctuary is fully consistent with other internationally agreed actions directed to the conservation of the Antarctic continent and the surrounding ocean, including:

- the adoption in 1991 by the Consultative Parties to the Antarctic Treaty of the Protocol on Environmental Protection, which commits them "to the comprehensive protection of the Antarctic environment and dependent and associated ecosystems", designates "Antarctica as a natural reserve, devoted to peace and science", and, *inter alia*, prohibits all activities relating to mineral resources other than scientific research for at least 50 years;
- the designation by the International Maritime Organization (IMO) of most of the Southern Ocean as a Special Area with respect to marine pollution by and from ships;
- the establishment by the Commission of the Convention on the Conservation of Antarctic Marine Living Resources (CCAMLR) of a precautionary quota for krill fishing in accordance with that Commission's responsibility to maintain "... the ecological relationships between harvested, dependent and related populations of Antarctic

marine living resources and the restoration of depleted populations ..." to high stable levels (CCAMLR, Article II);

- the consensus by the UN Conference on Environment and Development, June 1992, in AGENDA 21, Chapter 17, affirming the competence of the IWC, as the "... appropriate international organization for the conservation, management and study ..." of whales, "... to prohibit, limit or regulate the exploitation of whales more strictly than ..." is provided for in the case of non-mammalian resources both in the High Seas and, as appropriate, in water under the jurisdiction of States;

CONCERNED that any legitimization by the IWC of resumed commercial whaling for minke whales in any part of the Southern Ocean, even if the catches taken were in strict accordance with the relatively cautious Revised Management Procedure (RMP) which has been recommended by the IWC's Scientific Committee, would, by re-invigorating a virtually unlimited world market for products, especially meat from baleen whales, encourage resumption of "outlaw" whaling under flags of convenience and whaling by non-Members of the IWC which are not bound by the IWC's decisions, rules or resolutions;

FURTHER CONCERNED that, on the basis of past experience, any such outlaw whaling would lead to the killing of whale species other than minke whales, which are now all protected under IWC rules, thus reducing their capacity to recover to productive levels;

The General Assembly of IUCN - The World Conservation Union, at its 19th Session in Buenos Aires, Argentina, 17-26 January 1994:

1. CALLS UPON all Member States of the IWC to support the proposal for a circumpolar whale sanctuary in the Southern Ocean;
2. URGES the governments of all States active in the Antarctic region that are not Members of the IWC to express their support to the IWC in its moves towards better long-term conservation of whales in the Southern Hemisphere;
3. REQUESTS the Director General:
 - (a) to work with other organizations represented at the Planning and Coordinating Committee (PCC) for the UNEP Global Plan of Action for the Conservation, Management and Utilization of Marine Mammals in the formulation of an appropriate long-term programme for non-lethal scientific research within the sanctuary and of guidelines for non-lethal uses of whales such as ecotourism and whale-watching within the sanctuary.
 - (b) to convey this Recommendation and associated explanatory documents to the Secretary-General of the United Nations, to the Executive Director of the United Nations Environment Programme (UNEP), and to the Secretaries of IWC and CCAMLR.

Note. This Recommendation was adopted by consensus. A proposal to delete the preambular paragraph beginning "Concerned that any legitimization" was rejected by a show of hands. A proposal to delete an additional operative para-

graph was approved by a show of hands. The delegation of the State member Norway indicated that they opposed the Recommendation. The delegation of the State member Denmark indicated that had there been a vote, the delegation would not have been able to support the Recommendation.

