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S. RES. 99

Expressing the sense of the Senate to condemn the inhumane and unnecessary slaughter of small cetaceans, including Dall's porpoise, the bottlenose dolphin, Risso's dolphin, false killer whales, pilot whales, the striped dolphin, and the spotted dolphin in certain nations.

IN THE SENATE OF THE UNITED STATES

APRIL 6, 2005

Mr. LAUTENBERG (for himself, Mr. LEVIN, Mr. SARBANES, and Mr. LIEBERMAN) submitted the following resolution; which was referred to the Committee on Foreign Relations

RESOLUTION

Expressing the sense of the Senate to condemn the inhumane and unnecessary slaughter of small cetaceans, including Dall's porpoise, the bottlenose dolphin, Risso's dolphin, false killer whales, pilot whales, the striped dolphin, and the spotted dolphin in certain nations.

Whereas the United States has consistently worked to increase protections for marine mammals, such as dolphins and whales, since the enactment of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361 et seq.);

Whereas dolphins and whales are found worldwide, including in both of the polar regions, throughout the high seas, and along most coastal areas;

Whereas these unique, highly social, and intelligent animals have caught the imagination of the public not only in the United States, but in many nations around the world;

Whereas the over-exploitation of small cetaceans for decades has resulted in the serious decline, and in some cases, the commercial extinction, of those species;

Whereas each year tens of thousands of small cetaceans are herded into small coves in certain nations, are slaughtered with spears and knives, and die as a result of blood loss and hemorrhagic shock;

Whereas in many cases, those responsible for the slaughter prevent documentation or data from the events from being recorded or made public;

Whereas the deficient information on hunt yields and small cetacean populations indicates a lack of commitment to maintaining sustainable populations and prevents scrutiny of humaneness of killing methods;

Whereas for at least the past 4 years toxicologists have issued warnings regarding high levels of mercury and other contaminants in meat from small cetaceans caught off coastal regions;

Whereas some nations that participate in small cetacean slaughter are members of the United Nations Convention on the Law of the Sea, done at Montego Bay, Jamaica, December 10, 1982, and are therefore bound to honor article 65 of that Convention, which declares that “States shall cooperate with a view to the conservation of marine mammals and in the case of cetaceans shall in particular work through the appropriate international organizations for their conservation, management, and study”;

Whereas in 1946, 14 nations adopted the International Convention for the Regulation of Whaling with schedule of whaling regulations, signed at Washington December 2, 1946 (TIAS 1849), which established the International Whaling Commission to provide for the proper conservation of whales stocks; and

Whereas the International Whaling Commission on numerous occasions has called into question the slaughter by member nations of small cetaceans, has asked for the reduction of the number of animals killed, and has in certain instances urged for the halt of the slaughter altogether, including by passing resolutions condemning drive hunts of striped dolphins in 1992 and 1993 and resolutions criticizing exploitation of Dall's porpoises in 1990, 1999, and 2001: Now, therefore, be it

1 *Resolved*, That it is the sense of the Senate that—

2 (1) the United States strongly condemns the
3 slaughter of small cetaceans in drive fisheries and
4 urges nations that participate in small cetacean
5 slaughter to end commercial hunts;

6 (2) at the 57th Annual Meeting of the Inter-
7 national Whaling Commission in Korea, the United
8 States should—

9 (A) negotiate regional and international
10 agreements to decrease catch and bycatch of all
11 cetaceans;

1 (B) advocate for clarification that the
 2 mandate of the International Whaling Commis-
 3 sion includes small cetaceans;

4 (C) call on nations that participate in
 5 small cetacean slaughter to stop their commer-
 6 cial hunts;

7 (D) seek the inclusion of an agenda item
 8 in the Working Group on Whale Killing Meth-
 9 ods and Associated Welfare Issues on killing
 10 methods for small cetaceans and implications
 11 for the welfare of small cetaceans;

12 (E) strongly urge all nations that engage
 13 in small cetacean hunts—

14 (i) to provide detailed information to
 15 the International Whaling Commission on
 16 primary and secondary killing methods
 17 used for each species of small cetacean
 18 killed, the method used to measure insen-
 19 sibility or death, and times of death; and

20 (ii) to share with the International
 21 Whaling Commission data on the sustain-
 22 ability of small cetacean populations; and

23 (F) initiate and support efforts—

1 (i) to firmly support the role and au-
2 thority of the newly created Conservation
3 Committee; and

4 (ii) to ensure an ambitious conserva-
5 tion agenda for all future meetings of the
6 Committee; and

7 (3) the United States should make full use of
8 all appropriate diplomatic mechanisms, relevant
9 international laws and agreements, Federal laws, in-
10 cluding the Fishermen's Protective Act of 1967
11 (commonly known as the Pelly Amendment) (22
12 U.S.C. 1971 et seq.), and other appropriate means
13 to implement these goals.

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