

Governments of Australia, the Netherlands, New Zealand and the United States call for responsible behaviour at sea during whaling operations in 2016 in the Southern Ocean

The Governments of Australia, the Netherlands, New Zealand and the United States jointly condemn any actions at sea that may cause injury, loss of human life or damage to property or the marine environment during Southern Ocean whaling operations in 2016.

The Southern Ocean can be a treacherous, remote and unforgiving environment. Its isolation and extreme conditions mean that search and rescue capability is extremely limited. Dangerous, reckless, or unlawful behaviour jeopardises not only the safety of whaling and protest vessels and their crews but also anyone who comes to their assistance.

Incidents during previous whaling seasons clearly demonstrated the dangers involved. We reiterate our call to the masters of all vessels involved to uphold their responsibility to ensure safety at sea, including ensuring that international collision avoidance regulations are observed in order to avoid the risk of loss of life or injury and damage to property or the marine environment.

We draw the attention of the masters of the vessels involved to the International Maritime Organization's 17 May 2010 resolution on assuring safety during demonstrations, protests or confrontations on the high seas, and the International Whaling Commission's 2011 Resolution on Safety at Sea.

We also draw the attention of the masters of vessels involved to their duty to render assistance in the event of a collision and to render assistance to persons in distress. Providing assistance in these circumstances is critical in the remote areas of the Southern Ocean.

We respect the right to freedom of expression, including through peaceful protests on the high seas, when protests are conducted lawfully and without violence. However, we unreservedly condemn dangerous, reckless or unlawful behaviour by all participants on all sides, whether in the Southern Ocean or elsewhere. We are prepared to respond to unlawful activity in accordance with relevant international and domestic laws.

Our Governments remain resolutely opposed to commercial whaling, in particular in the Southern Ocean Whale Sanctuary established by the International Whaling Commission. We do not believe Japan has sufficiently demonstrated that it has given due regard to the guidance found in the 2014 International Court of Justice judgment on ensuring that lethal research is consistent with the obligations under the International Convention for the Regulation of Whaling. On 7 December 2015 our Governments joined 29 other nations to protest Japan's decision. We urged Japan to respect the International Whaling Commission's procedures and the advice of its Expert Review Panel and Scientific Committee. The science is clear: all information necessary for management and conservation of whales can be obtained through non-lethal methods.

We note that the final NEWREP-A research plan, circulated to the Scientific Committee members on 27 November 2015, has not proceeded through the International Whaling Commission's (IWC) processes, set out in Resolution 2014-5, which requests that proponents allow the IWC to consider the Scientific Committee's review of special permit proposals prior to their commencement.

Australia, the Netherlands, New Zealand and the United States are committed to improving the conservation status of whales worldwide, maintaining the International Whaling Commission's global moratorium on commercial whaling, and implementing meaningful reform of the International Whaling Commission.