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INTERNATIONAL WHALING COMMISSION

Twenty-seventh Meeting

held at

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First-Plenary Session

Monday. 23rd June 1975

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First Plenary Session

CHAIRMAN: Ladies and Gentlemen, the 27th Meeting of the International Whaling Commission will please come to order. As in previous years, we have the honour of having a representative of the British Government with us who will address us. I ask Mr. Bishop, the Minister of State for Agriculture, Fisheries and Food, to address us on this occasion.

THE MINISTER OF STATE FOR AGRICULTURE, FISHERIES AND FOOD (MR. BISHOP): It is indeed a pleasure for me to welcome you to this the 27th Annual Meeting of the International Whaling Commission in London again. Since my predecessor, Norman Buchan, addressed you a year ago when he opened the 26th Meeting, the Commission has taken further important steps towards the conservation of the world's whale stocks. I refer, of course, to the Australian proposal which was fully discussed and agreed at the last meeting and which was also the subject of a Special Meeting of your scientific advisers in California late last year. The United Kingdom Government welcomes this proposal for the classification of stocks as a significant step forward in the rational management of the various whale stocks of the oceans because conservation needs vary significantly from stock to stock. The recognition of stock differences is also the essential theme of another important advance which the Commission has agreed, and this concerns the extension of the sub-division of the stocks of the Southern Hemisphere and the setting of individual quotas for the regions involved, which will enable more confident degrees of what I call "fine tuning" in the control of these stocks.

The categorisation of whale stocks into the three management divisions under the Australian amendment depends, of course, upon the advice of your Scientific Committee. Now that you have laid the

foundation for a new management scheme, I very much hope that you will be able to move quickly towards agreeing the assessments the Committee will be giving you.

You will be all too aware, and will need no reminding from me, that throughout the world all who share your concern and our concern for the environment will be anxious for this momentum to be kept up. There is much else to be done. Your agenda is impressively long, as you may be well aware. But perhaps I might just mention one or two items which seem to me to deserve special comment.

I am sure we all welcome the proposals for a strengthened secretariat which will greatly enhance not only the status of the Commission but, more importantly, its effectiveness in dealing with the many problems with which it is faced. So I hope that before long we can welcome the new permanent secretariat in the United Kingdom.

I see also that you are to discuss that most difficult problem, the humane killing of whales. It would be idle to pretend that this issue has not attracted a great deal of attention and criticism, and it is not, and cannot be, a pleasant business, and I know that you will give the matter most careful consideration and press for those improvements and changes which your scientific advisers feel necessary.

Your Scientific Committee has discussed the implementation of an international decade of cetacean research at its December meeting in California. The programme is as ambitious as it is costly, and I am sure that all member nations of the IWC face finance departments and treasuries which are no less exacting than our own. Nevertheless, I trust that substantial progress can be made in agreeing a programme of action which concentrates on the major recommendations you have before you.

Finally, there is the question of non-member countries who still carry out commercial whaling. Quite properly, Mr. Chairman, your own efforts here are to persuade them to join the Commission by direct

contact and through the agency of the United Nations. This must continue. In your canvassing you can count on the full support of Her Majesty's Government because we firmly believe that all nations have a responsibility to contribute to the important task of ensuring that the whale stocks of the oceans are managed both effectively and humanely.

May I close my brief remarks by wishing you well in your deliberations here this week. Once again you have a unique opportunity to demonstrate your willingness and effectiveness in seeking to control and manage the world's whale stocks.

On behalf of Her Majesty's Government, may I once again extend to you a very warm welcome to London, and I very much look forward to meeting you at the reception which the Government is giving here in London this evening. In the meantime, our good wishes for your deliberations.

CHAIRMAN: Thank you, Sir, for addressing us. I am sure that your remarks will be taken into consideration during our deliberations in the coming week. If you would like to stay on with us, we should be very happy to have you, but I am sure we shall also understand if your other pressing work should make that impossible.

THE MINISTER OF STATE FOR AGRICULTURE, FISHERIES AND FOOD
(MR. BISHOP): Thank you for your kind remarks, Mr. Chairman. I am sure you will appreciate that it may not be possible for me to stay as long as I should have wished this morning because of other pressing business, but I look forward to welcoming you at the reception this evening.

CHAIRMAN: That takes care of the first item on the agenda. As in previous years, I suggest that we skip item 2 and go on to item 3 of the agenda, the addresses by governments and international organisations

that have been invited to be present. Does any other government wish to make a statement at this stage of the proceedings? USA, Canada, Soviet Union, Australia, Japan, Mexico. I think I must do what I did on the previous occasion and cut the time for speeches down to a maximum of five minutes, whether it is being translated or not. I call upon the delegate from the United States, Dr. White.

USA (DR. WHITE): The delegation of the United States is pleased once again to take part in the deliberations of the International Whaling Commission. This meeting is an especially important one. We have come in the hope that all members can reach an agreement on the Australian proposal which amended the United States' recommendation for a total moratorium on all commercial whaling at the last meeting of the Commission. It should be understood by all that the United States strongly affirms its conviction that the total moratorium is the simplest, most direct and most effective way of saving the world's whales. This has been the position of the United States for the past three years since the unanimous adoption by the nations of the world of recommendations for a 10-year moratorium at the United Nations Conference on the Human Environment in Stockholm.

We accepted the new management procedures with great reluctance last year. We have come to this meeting prepared to implement these procedures which call for a selective moratorium on stocks of whales which fall below pre-agreed population levels. Our delegation intends to exert every effort to implement the new approach in the spirit in which it was passed by this body last year. This means protecting whale stocks as populations fall below maximum sustainable yield or optimum level, and any interpretation which, in the name of this approach, disguises a failure to set up a new conservation regime, we believe can only make a mockery of our work in the eyes of the world.

We believe that the rule of reason should prevail here and "at or near the maximum sustainable yield level" should mean exactly that.

We urge all delegations to make it abundantly clear that we mean what we have already adopted and support a strict interpretation of the new management procedures. I must emphasise, however, that the United States delegation cannot agree to anything less.

My delegation this year is broadly representative of the attitudes of the many groups in the United States who are deeply concerned with the outcome of this meeting. We are most pleased to have on our delegation Congressman Edwin Forsythe, a leader of the Fisheries Committee in the United States Congress and the Congress, through his committee, is now considering broad legislation on whaling issues.

In addition, I am pleased to have with me Dr. Elvis Stahr, president of the Audubon Society and a former cabinet officer in our Government, as well as other representatives of conservation organisations such as the National Wildlife Federation and Friends of the Earth.

The sentiment of the people of the United States is but a reflection of the sentiment of people everywhere. I receive 2,000 letters a week and my boss, the Secretary of Commerce, was presented with petitions of one-quarter of a million signatures last week. I know that working together in a spirit of co-operation we can make this a historic meeting at which the International Whaling Commission finally agreed upon a rational and forward-looking conservation regime for the world's whales.

I have made my statement very short, Mr. Chairman, so that with your permission, Congressman Forsythe who is with me on my right can present a statement on behalf of the Congress of the United States in the time that you have allocated to the United States for this opening statement.

CONGRESSMAN EDWIN FORSYTHE (USA): Mr. Chairman, Commissioners to the 27th Annual Meeting of the International Whaling Commission, it is an honour for me to be here today. I come because of the broad and deep interest of the people of the United States of America in the conservation of whales. This national interest has led the United States Congress to take note and consider the development of legislation to ensure that everything possible for the United States to do in this matter is in fact accomplished. This Congress is the focal point for forces within our country which have mobilised to ensure the survival of the whale. People of all walks of life, from all parts of our country, have expressed concern about the whale's destiny. Their message is the same. It is a message of hope, and a message of determination. The hope is that this meeting of the International Whaling Commission is one that will represent a major turning-point in its history. The adoption last year of the Australian amendment, now referred to as the new management procedure, is a significant compromise. It addresses the present need of those people who feel they must depend upon whales for food and for those who feel that strong conservation measures are needed now to protect them for the even greater future needs of all mankind. The American people and Congress are determined to see the implementation of the Australian amendment in an effective manner. It is in this critical area of implementation that our Congress hopes to see final action this week in the adoption of these conservation measures. My colleagues and I await the outcome. Although we may have some difference of opinion concerning its use, we all have a common interest in preserving this unique resource. I come here to join with you in preparing an affirmative response to the earnest entreaties of the people throughout the world.

CANADA (DR. W.R. MARTIN): I will make my remarks very brief. Canada viewed the passage of the new management procedure at last year's

Commission Meeting as a significant step forward in the International Whaling Commission. This proposal has provided an opportunity for a new look at whale management and a new basis for the conservation of all whale stocks and rebuilding of those stocks which have been over-exploited. The Scientific Committee has worked hard at the difficult task of preparing statistics and projections to assist the Commission in implementing the new management scheme, and are to be commended for their efforts. Canada shares the hope of others that the new management scheme will be implemented effectively at this meeting. We have no doubt that this will result in the imposition of additional moratoria where necessary and in substantial reductions in quotas.

USSR (DR. I.V. NIKONOROV) (translated): It is indeed a great honour for me to express gratitude on behalf of the Soviet delegation to the Government of the United Kingdom for the hospitality shown to us. We share the point of view expressed by Mr. Bishop that, in the coming days, we are to resolve a number of complicated problems which may be of decisive importance for the future activities of this Commission. Joint efforts of the members of our Commission have resulted during recent years in the adoption and successful implementation of important decisions concerning rational management of whaling and conservation of whale stocks. This became possible because we tried, when solving our problems, to avoid extreme positions. We took account of the mutual interests of all the countries members of this Commission. As far as the position of the Soviet Union is concerned, the Soviet Union is a whaling country, the country is greatly interested in the preservation of whale stocks and carrying out whaling on a strictly scientific basis under international control. The reasons for such interest can be easily understood. Pursuant to the ideal of preservation of whale stocks and on the basis of the recommendations of the Scientific Committee, the Soviet Union has considerably decreased its

whaling during recent years. This is the course which the Soviet delegation will follow at this meeting to a reasonable extent. Beginning with this season, the Soviet Union will cut off one of its three Antarctic whaling fleets.

As I have already said, considerable progress has already been achieved by the Commission in its activities during recent years. In particular, Australia moved a proposal last year which in our view is realistic and on the basis of which the Scientific Committee will be able to work out a new regime of management of whale stocks if the Committee takes into account the many circumstances and factors. The International Whaling Commission must show certain flexibility and wisdom in developing this new regime and try to achieve mutual understanding and concessions upon which all the future work of the Commission will be dependent. I am saying this because the assessment recommendations of the Scientific Committee this year are very stiff as compared to those adopted by that Committee at their meeting in La Jolla, United States.

The Soviet delegation will do their best to provide for the successful work of the meeting.

AUSTRALIA (MR. A.G. BOLLEN): On behalf of the Australian delegation, I should like to take this opportunity to comment on what we see as being probably the most important meeting ever held by this Commission. Australia's basic position remains as put by me at the 25th Meeting when I announced that Australia was prepared to vote for a 10-year moratorium and implement it if all other countries were prepared to do so also. However, as the moratorium proposal did not receive the necessary support, it will be recalled that at the 26th Meeting last year Australia introduced proposals for the rational management and conservation of whales, and that these proposals were accepted by a substantial majority of the Commission. Since that

meeting, the Scientific Committee has met in La Jolla and again in London last week to examine in detail the application of our proposal to the various whalestock. In our view, the position has now been reached where this Commission must demonstrate that it has the ability and the will to conserve the various species of whales for the long-term benefit of whales and mankind. In the past, and particularly in recent years, the Commission has been subject to a great deal of criticism. It is the hope of the Australian delegation that at this 27th Meeting of the Commission we will dispel any previously held doubts that the IWC, acting on the best scientific advice, is the most effective international body which can, and will, preserve the whale.

Mr. Chairman, on behalf of the Australian Government, I feel I must draw the attention of commissioners to the fact that we regard this meeting as the most critical in the Commission's history. If the Commission is to prove its effectiveness as the international body responsible for the management of whaling, it is at this Meeting that it will prove it has this capacity. On behalf of my delegation, I can say that we believe that the Commission can meet this obligation, and we shall be doing all in our power to achieve this objective.

JAPAN (MR. I. FUJITA) (translated): It is a great pleasure for me to speak a few words on behalf of the Japanese delegation at the beginning of the 27th Annual Meeting of the International Whaling Commission. The 26th Meeting last year marked a significant turning-point in the Commission's recent history by adopting a new principle of management of whale stocks. By adopting that principle, the Commission has now put an ultimate end to a gruelling conflict among themselves with respect to the question of the total moratorium on whaling as initiated by the 1972 United Nations Human Environment Conference. At this 27th Meeting, the Commission is to set a first foot to implement this new management scheme. The acceptance of the new scheme is obviously no easy task for Japan who, with the USSR, has

to take upon herself most of the serious consequences resulting from its implementation. We therefore find it imperative that the new scheme be implemented in all fairness and in good faith, and that we whaling countries should not be asked excessive sacrifices more than required for a genuine purpose of conservation and rationally using whale resources. We are looking forward to working with you at this meeting for the implementation of the new scheme, hoping that the meeting will be most productive and fruitful.

MEXICO (DR. A. ROZENTAL): Let me begin this general statement by saying how honoured I am to be representing my country at this session of the Commission. Although this is the first time I have sat in this chair, I am not a stranger to the IWC or its work. Ten years ago, when I first entered the Foreign Service of Mexico, one of my first jobs was liaison officer for matters relating to the IWC with the different governmental departments in Mexico which handle fisheries and related items. Over the next decade since that initial experience, I have continued to work very closely with the subject, especially at the Endangered Species Conference in Washington, Law of the Sea negotiations, and most recently in the working group whose report on revising the International Whaling Convention this Commission will consider under Agenda Item 20.

If there is one thing I have learned on the subject of marine mammals in general, and whales in particular, it is that it evokes passionate and very deep emotional reactions on both sides between people such as myself who want to protect these animals and those who continue to consider them as a vital part of their nutritional and economic diets. As I am sure you are all aware, my country has never caught a single whale for commercial purposes, but since 1949 we have been engaged for 26 uninterrupted years in being members of this Commission for the sole purpose of adding Mexico's voice to

the voices of those who feel that whales should, as an endangered species, be a protected one. In this respect, we have consistently supported all efforts aimed at obtaining a moratorium on all whaling, both in the context of the Commission as well as in other fora. Although my government feels very strongly about the moratorium and would have supported any form of proposal in this respect, we are prepared to consider the incorporation into the Schedule of the Australian amendment, together with the Scientific Committee's recommendations as a compromise and as an interim solution.

The future action and position of my delegation, Mr. Chairman, in coming sessions of the Commission will depend to a great extent on the results of our discussions on this item, the attitudes of whaling countries when we come to deciding the various quotas for the next pelagic season, and, above all, the practical experience which results from a binding application and observance of the tri-level classification of all whale stocks, as was decided by the Commission last year.

In addition, we attach significant importance to the Second Report of the Joint FAO/ACMRR Working Party, the international decade of cetacean research, where we will work in close collaboration with the scientific community as a whole, contributing with research results from our whale-breeding haven in Baja California, and the continued operation of the International Observer Scheme with full participation by all whaling members of the Commission.

I also wish to point out that Item 20 is for us extremely important. We feel that a revised Convention covering all cetaceans and containing important changes which will make it a more balanced and up-to-date instrument is really the only way in which we can expect to fulfil the aspirations of many people around the world for whom cetaceans are an invaluable resource which must not be allowed to disappear.

In closing, I should like to recall some of the words that my predecessor, Miss Fuentes Berain, whom I am sure many of you know, pronounced in the course of her last statement to the Commission last

year. She said at that time in closing:

"If we are not successful in this goal, this Commission will be known to history as a small body of men who failed to act responsibly in terms of a very large commitment to the world and who protected the interests of a few whalers and not the future of thousands of whales."

I could not possibly compete with my predecessor in intelligence, charm, or beauty, but I certainly do pledge to do all in my power to try to avoid the historical interpretation she predicted by working towards the goal of strengthening and widening the scope of the Commission through negotiations leading to a more balanced and well-founded Convention that all cetaceans would be proud to have ratified on their behalf.

CHAIRMAN: Thank you. Observers have been invited from the following countries:

Italy, South Korea, Portugal, Peru, Chile, Sweden, New Zealand, The Netherlands.

Would any of the observers wish to make a statement? (No response).

We have also invited observers from the following international organisations:

The Food and Agriculture Organisation,
The United Nations Environment Programme,
The International Council for the Exploration of the Sea,
The International Commission for the South-Eastern Atlantic
Fisheries,
International Society for the Protection of Animals,
World Federation for the Protection of Animals,
World Wildlife Fund,
Permanent Commission for the South Pacific,
Friends of the Earth, Europe,
Friends of the Earth, North America,
Fauna Preservation Society,
International Marine Manuscript Archives,
International Union for the Conservation of Nature and Natural
Resources,
Project Jonah,
Sierra Club.

We have also had requests from other organisations wanting to join us but, in consultation with the secretary, we have found that as they do not fulfil the criteria which we have worked on in the past, they will at the present time not be able to be invited as observers.

Would any of the observers from those organisations want the floor? UNEP, FAO, World Wildlife Fund. Please announce whom you represent.

ISPA, Fauna Preservation Society, Friends of the Earth (North America), IUCN, Sierra Club, World Federation.

That is eleven organisations. Again I remind you of the five minute limit which you have been admirable in keeping so far. I hope that the representatives of the organisations will be as short and sweet as the representatives of governments.

I call upon Sir Peter Scott to make his statement.

WORLD WILDLIFE FUND (SIR PETER SCOTT): Although I am closely involved with three relevant conservation organisations, the World Wildlife Fund, the International Union for Conservation of Nature and Natural Resources, and the Fauna Preservation Society, I am speaking now on behalf of the World Wildlife Fund, and Dr. Holloway and Mr. Fitter will make statements on behalf of the other two.

Through your courtesy, Mr. Chairman, and that of the commissioners, I and my conservation colleagues are allowed to come here year after year to express in five minutes flat the deep concern we share with millions of other people all over the world about the future of the great whale. Once more we are here putting our case for responsible conservation. We know that most of you agree with it, and that only a very few do not. But when the results of your deliberations are made known, we find every year that the intransigent minority has once more prevailed. Already today we have heard several complacent comments about the Commission's conservation achievements. Gentlemen, the track record does not bear this out. How can we believe in the capacity of this Commission as at present constituted and without the representation of a number of whaling nations to achieve prudent long-term conservation measures.

Like the Australian commissioner, I hold that this is the most important meeting of IWC, a kind of last chance. At a time when the need for a moratorium on all commercial whaling seems more obvious than at any time since it was first proposed at Stockholm, it has been dropped from your Agenda. Its place is taken by the Australian amendment and the argument switches to the meaning of "at or near msy" although msy itself is, after all, only an estimate and one that for most of us has lost all credibility.

There were supposed to be hundreds of thousands of Minke whales in the Antarctic. They were fished without a minimum size limit and there is an overwhelming preponderance of females in the catch. After only three seasons, the Minke's are in trouble. It is now evident that the initial stocks were greatly over-estimated. We all know it, but what will this Commission do about it?

There is another point of concern which affects the consequences of your actions. As man turns to the direct harvesting of the food of whales, the recovery of the depleted whale species must inevitably be delayed and survival prospects reduced. The three organisations with which I am connected remain convinced that a total moratorium is the only answer if the great whales are to survive. During the moratorium period, the International Research Decade must include a vigorous programme of study on living whales, including a computer-based effort to distinguish and interpret the complex vocalisations of the different species which could help to determine distribution and even numbers. It should be possible to distinguish individual animals by voice and perhaps ultimately to communicate with them in their own language.

Meanwhile, the world watches with increasing impatience to see whether this Commission is capable of putting its own house in order. To borrow a phrase in this week of tennis at Wimbledon, the ball, gentlemen, is once more in your court. The opportunity is there. What will you do with it? Can you restore our confidence that man is

a rational being with some sense of responsibility towards the future.

CHAIRMAN: Thank you, Sir. The secretary advises us that we may have a coffee break now. We will adjourn for 15 minutes.

(Coffee break)

CHAIRMAN: I call upon the representative of UNEP to make his statement.

UNITED NATIONS ENVIRONMENT PROGRAMME (DR. LINDAHL): First of all I should like to express the appreciation of the United Nations Environment Programme at being invited here as an observer.

Our commitments to the conservation of whales are very clear. I would like to recapitulate them briefly because I think this is the best way to explain our position to you. Already during the Conference on the Human Environment in Stockholm in 1972 we got the first mandate for the moratorium on whaling. This recommendation from the Stockholm Conference was adopted six months later by the UN General Assembly in New York. Furthermore, during our three governing councils in 1973, 1974, and April 1975, these mandates and commitments were repeated. Hence we are very strongly committed to the 10-year moratorium on all whaling.

The Australian compromise amendment is obviously a step in progress. But from our point of view it is not enough. We hope very sincerely that it will lead to what we still feel is still particularly necessary for whale conservation, management, and wise utilisation - that is the moratorium because we feel that many species of whales, whether crop or not, are in need of conservation. It also seems to us important for this Commission to try to change its attitude slightly. What we really mean is whale conservation, so that the whale

populations can reach their optimum levels, then one can start to manage them and utilise them properly on sustained yield basis after they have reached optimum levels of population. I think this is the way to do it. This is the reason why we feel so strongly that there is a need for the 10-year moratorium.

I should also say that the mandates from our governing council are important, because our governing council consists of 58 member states. Many of the countries who are members of this Commission are also members of our governing council and, furthermore, at our annual governing council, almost all member states of the United Nations system are present as observers. So these repeated expressions of our governing council are a clear manifestation of the way the governments stand on this issue. Sometimes, of course, it is contradictory to the expressions of this Commission, or at least the minority expressions of this Commission.

We are also exposed to some kind of manifestations of non-governmental organisations of the world. We in UNEP are pleased and feel it is a good stimulation for us to have this contact that it involves which is, perhaps, rather unique within the UN system. But there we have again repeated expressions indicating the same line of policy. I know that I must be brief, but in these repeated expressions is a kind of revision of the existing convention of which this Commission is just an instrument which has been raised many times. I feel that such a step should be taken by the Commission itself as the very first step, and I hope that this will be debated during this session of the Commission.

Finally, two practical points. I am not quite clear what are the rights and privileges of UNEP at this Commission. Last year we were here as observers for the first time and we are pleased about that. We were not entitled to speak then. I recall that at the last

session of this Commission, the US commissioner suggested that FAO and UNEP should be entitled to speak during the sessions. I would like to have that confirmed so that we can act according to the wish of the Commission.

FAO (DR. HOLT): Through its Committee on Fisheries, the member states of FAO continue to take a keen interest in the work of your Commission in relation both to the management of whaling and to the conduct of scientific research on the results of which management decisions should be based. The large whales have been and, to a limited extent, potentially still are, important food resources of the ocean. While this resource still provides a certain volume of protein and other products to those nations that continue to hunt whales and to trade in the commodities derived from them, the resource could in time undoubtedly provide very much more protein to a human population which is likely to have greater need even than ourselves. Thus the policy of FAO is to favour the conservation of whale stocks in such manner as not to prejudice their future use for the benefit of all mankind.

FAO is aware of the efforts made by your Scientific Committee over the past year to formulate as best it can scientific advice to guide the implementation of the important decision made by the Commission at its last meeting. We also realise that very considerable uncertainties exist regarding the status of many of the stocks which are now being exploited and hope that the Commission will find it possible to take due account of this fact in the interests of sustained use of the resource.

As you know, Mr. Chairman, the FAO Advisory Committee on Marine Resources Research, with the support of UNEP and the support of several member nations most of which are members also of your Commission, is engaged in a comprehensive appraisal of knowledge

concerning all marine mammals. These include, of course, the large whale. Our committee is also preparing a global programme of research regarding the whales and the smaller cetaceans, and it welcomes the co-operation of scientists associated with IWC in this task. Our work will conclude in September next year with a World Scientific Conference in Bergen for which your government, Mr. Chairman, has kindly offered to act as host. That conference will no doubt consider the global programme of research but also the means by which that work is to be co-ordinated on a world-wide basis and its results made available for management. Thus we expect to continue the fruitful co-operation with whale scientists which we have enjoyed in the past. Meanwhile, I take this opportunity on behalf of the Director-General of FAO to express hopes for the success of the critical negotiations in which you will engage this week.

INTERNATIONAL SOCIETY FOR THE PROTECTION OF ANIMALS (MR. CARTER):

I should like to thank you on behalf of my Society for allowing me to speak at this very important meeting.

The International Society for the Protection of Animals has studied the IWC Scientific Committee's proposals based on the modified moratorium suggested by the Australian delegation at the Commission's 26th Meeting last year, and concludes that such proposals will continue to leave the conservation of whales effectively in the control of commercially-motivated interests. ISPA submits that this is contrary to the best interests of present and future conservation policies. It is unrealistic to expect to ascertain accurate stock levels from non-biological concepts of stock assessments such as the msy and the lvw yield systems. It is equally absurd for member nations of this Commission to be able to manipulate quotas by exercising the 90-day rule. In effect, the Commission's directives can become purely academic should they not coincide with some commercial expectations.

In ISPA's view, a complete moratorium remains the only biologically responsible basis on which a sound conservation policy could be built. The fact that the most commercially-valuable species of great whales is so seriously depleted is plain evidence of a mismanaged conservation policy brought about by compromising the integrity of fundamental biological principles.

ISPA recognises that a 10-year moratorium on whaling would have marginal socio-economic implications for some countries, but this Society contends that the countries concerned could redeploy the capital resources at present committed to whaling without significant economic consequences. The experience of other former whaling nations is relevant. There is a growing disappointment amongst even the most tolerant organisations at IWC's failure to take effective control of whaling and whale conservation. A recent re-evaluation of whaling policy leads ISPA to state the following:

The control of an international resource in an international habitat is properly the concern of all, not merely those who are commercially-motivated. Effective international control of whale conservation by a non-commercial interest is necessary, that is, a United Nations' agency. The International Whaling Commission could then pursue its policies at least with credibility. Under the auspices of the independent agency, a properly co-ordinated global programme of scientific research should examine all aspects of whale biology including killing methods. Ideally, such a proposed research programme should be financed by those nations who have profited from past and present whaling activities. However, if whaling is to be made the concern of a UN agency, it would be reasonable to expect some project allocation to be made for this purpose.

FAUNA PRESERVATION SOCIETY (MR. R.S. FITTER): Once more I thank you on behalf of the Fauna Preservation Society for this opportunity

of presenting to you the views of the Society on the conservation of whales. We are interested in the conservation of all whales, large and small, whether or not the threats to their future come directly from whaling or as a by-product of other fisheries.

We continue to support fully the IUCN position which is about to be presented to you by Dr. Holloway. In particular, we support IUCN's position on the Australian amendment passed last year. Like them, we fear that your decision then that all stocks should be classified in accordance with how near each is to the level at which it can give its maximum sustained yield may not be interpreted in the spirit prevailing at that time considering that this amendment was then described as "a modified moratorium".

Your Scientific Committee was charged to advise you on the criteria to be applied and on the classifications of stocks. This was a difficult task because of the complex, even the intangible quality of the msy concept and the inadequacy of data and methods for its estimation. The inclusion of the term "near to" in the definition is crucial to the classification of the important stocks of fin and sperm whales, yet this qualification is not susceptible to scientific interpretation. Notwithstanding a number of positive suggestions that have been made by members of your Scientific Committee, notably that the allowable catch from a stock thought to be at msy level should be somewhat less than the calculated msy, it remains to be seen whether the 1974 decision will be applied in such a way as to give reasonable assurance that whales will be conserved with due allowance for errors in assessment. We understand that proposals under consideration by the Scientific Committee may be retrogressive in several respects. They would permit whaling, albeit at a reduced level, to continue on a stock which was definitely judged to be below the best estimate of its msy level down to some arbitrary limit. Secondly, they provide that where there is some competition among whale

species, it may be permissible to exploit some of them to below their msy levels. There is no convincing evidence to support such a proposition at this time. Indeed, if there were such evidence, it could be equally stated that some stocks or species should be maintained above their msy levels.

Thirdly, they would require that each stock be ultimately brought to the level giving msy. If this means literally that no stock should under any circumstances be wasted by being left other than fully utilised, the proposal must be challenged. There could be many circumstances in which it is desirable for a resource to be held in reserve or only lightly exploited even so that it is kept up to an economically worth-while level.

Fourthly, they would continue to focus on numbers rather than on weights of whales, notwithstanding the fact that available data permits msy by weight or by numbers with about equal accuracy. Regulation to bring the stock near to that required for msy by weight is more conservative than by number, giving equal or slightly higher yields from significantly larger optimum stocks as well as a greater number of useful products by unit effort of whaling. The difference between the msy for weight and for numbers is, as in the case of sperm whales, substantial. Indeed, the validity of msy itself as a central objective of fish and wildlife management is currently a subject of profound criticism among biologists. At best, it gives guidance as to a level below which the stock should not in any circumstances be depressed.

Other factors that must be taken into account are the continued productive role of the stock in question on the ecosystem of which they are a significant part, and the great uncertainties in the estimation of stock levels. Neither can the need to take account of the biological relations among the stocks with other competitors and with organisms constituting their diets be met by the mere manipulation of msy estimates.

INTERNATIONAL UNION FOR THE PRESERVATION OF NATURE AND
NATURAL RESOURCES (DR. C.W. HOLLOWAY): May I first express my thanks
for the invitation for my organisation to be present again this year.

The IUCN policy statement on whaling for 1975 is rather too
long for me to read in its entirety. It is therefore my intention to
flip through the statement to draw attention to the salient points and,
with your permission, Mr. Chairman, I will distribute copies of the
statement later today.

Since late 1972 the IUCN has supported the recommendation of
the UN Conference on the Human Environment for a 10-year moratorium
on all commercial whaling. Earlier this year, IUCN's Executive Board
reviewed this policy in the light of recent actions taken by the IWC
with a view to advising the forthcoming General Assembly of IUCN
which takes place in Zaire in September of this year whether to
modify or to maintain this policy.

Having done so, the Executive Board has decided that the policy
favouring the moratorium should be continued for the time being.
IUCN attaches great importance to the implementation of a global
10-year research programme on cetaceans as an integral part of this
moratorium. The reasons for reaching this conclusion are as follows:-

First, whaling is still not under the control of a single
authority which leaves a significant gap in management by catch quotas
and allows certain member states of IWC to continue to permit their
nationals to engage in whaling operations under the protection of
other flags.

Second, the IWC is permitting intensive exploitation of Minke
whale stocks in the Antarctic on which there is insufficient information
to estimate the sustainable yields.

Third, IUCN is not yet convinced that the decision by IWC
last year that all stocks should be classified in accordance with how
near each is to the level at which it can give its maximum sustainable

yield will be applied in such a way as to give reasonable assurance that whales will be conserved with due allowance for errors in assessment.

Fourth, other reasons previously given by IUCN in support of a 10-year moratorium appear to remain valid. Data and scientific analyses are still not contributed adequately by all the important whaling countries, including IWC members. Many existing data are as yet incompletely analysed with respect to, for example, the changing efficiency of whaling effort and the changes in growth, mortality and reproductive rate of whales. Clear evidence of the recovery of most protected species and stocks has yet to be assembled.

Fifth, the IWC Scientific Committee has reported that at least for some whale stocks food supply is a limiting factor. So plans to exploit the animals on which whales depend for food pose a threat to the eventual recovery of depleted stocks. This is a further reason for favouring the most rapid possible recovery of whale stocks which a moratorium would ensure. A level of whaling which might have been tolerable in the past will not be sustainable when the food supplies are also being exploited directly and intensively by man as seems likely to happen in the next decade.

It is emphasised that the cetacean research programme is an integral part of the moratorium policy. It is not sufficient really for such a programme to be formulated. It must be funded. International funding should be sought and substantial contributions should be expected from those nations which have profited, and those which continue to profit, from the exploitation of the whale resource.

In conclusion, I should like to draw the Commission's attention to the fact that IUCN's publication on "Small Whale Fisheries of the World", which was compiled by Dr. E.D. Mitchell, is now in print. We are expecting a batch of these publications to arrive this week and it is hoped to distribute these to delegates and to many of the observers.

FRIENDS OF THE EARTH, NORTH AMERICA (MRS. C. STEVENS): This is the third time that I have represented American Friends of the Earth, the Animal Welfare Institute, Society for Animal Protective Legislation, and this year I also represent Defenders of Wildlife, Environmental Action, and Let Live. Others will speak for additional organisations which actively support the boycott of products from Japan and the Soviet Union until they stop commercial whale killing. Although the boycott was begun reluctantly, it has now grown, deepened and spread widely. Half-page or full-page ads have appeared in almost 70 newspapers and more than 220 demonstrations have been held in 130 different locations in the United States. The boycott will spread even more widely in the coming year, not only in the United States but in other countries unless the massive decimation of whales ceases altogether.

The public wants an end to whaling, and Americans are strongly urging enactment of resolutions introduced in both the US House of Representatives and the Senate to provide an embargo on goods exported by foreign enterprises engaged in commercial whaling. Congressman Alphonso Bell, with 41 co-sponsors, has introduced House Joint Resolution 448 and subsequent numbers. Senator Warren G. Magnusson, chairman of the Senate Commerce Committee, has introduced Senate Joint Resolution 81 with Senators Hollings, Pill, Humphrey, Packridge, and Percy as co-sponsors. Three days of hearings have already been held in the House and another day is expected after the conclusion of this meeting of the International Whaling Commission. The Congress means business. The public means business. Whale protectors have lost their patience. We are tired of cynical attempts which have been made to mislead us with false reassurances. We are convinced that a ruthless industry will not willingly give up profits regardless of the cost of extinction, or near-extinction, of species and stocks.

We see no evidence whatever of resistance by the industry to the killing of the goose that lays the golden eggs. We have heard no contradiction of Dr. Colin Clark's analysis which shows that a creature which takes its time about reproducing itself cannot keep up with the economic pressure of the mechanised industry, a war machine against whales.

We observe, however, that as the boycott attains wider and wider application, attention is at last being paid to the plight of the whale. Such attention never came from the International Whaling Commission. Bland reassurances is what we have had from this body when the public should not have been reassured. As the Mexican commissioner stated at the end of last year's meeting, and you have heard it already from Mr. Rozental but I believe her words should be heard again:

"This Commission will be known to history as a small body of men who failed to act responsibly in the terms of a very large commitment to the world and who protected the interests of a few whalers and not the future of thousands of whales."

She said this would be so if:

"The 10-year moratorium with a broadened and deepened international research effort..."

on living whales were not approved.

This year there is not even so much as a proposal for a 10-year halt to commercial whaling on the Agenda. This is the first time in four years following a unanimous resolution at the Stockholm Conference on the Environment calling for a moratorium on the killing. This is the body that put the blue whale on moratorium the year that only 20 could be found and killed. This is the body that gave an air of legitimacy to the mass killing of the great whales. This the body that has approved the steady destruction of once magnificent populations of the blue, the sei, the Brydes, and the fin whales, and resisted in the face of evidence which is clear to any schoolchild a halt in the killing.

I am here to record and to report on those actions taken here

this week. Economic sanctions on those who choose to make a profit from the death of whales will continue to be pressed until the killing stops.

SIERRA CLUB (Ms P. RAMBACH): I am speaking to you today not only on behalf of the Sierra Club, but on behalf of environmental organisations in countries from all parts of the world. We are grateful to you for this opportunity to present our views, Mr. Chairman.

Our statement once again, as it did last year, expresses the great concern of private citizens, many from countries represented on this body, that the International Whaling Commission is not taking decisive enough action to save the whales from extinction. Whales have come to symbolise our tragic inability to protect what is needed for our own good. They are a prime example, as one eminent scientist has recently declared, of over-exploitation and abuse of the environment by short-sighted human action. That is why we are here today to present our views.

In a world that will increasingly require more food, this living marine resource cannot continue to be exploited by a few nations. The international community at the United Nations Conference on the Human Environment recognised that whales belong to all mankind. Each year since then, the UN Environment Programme Governing Council and the UN General Assembly have noted their concern that this common property resource must be preserved. This year, the UNEP Governing Council has requested that priority attention be given to the oceans, notably the preservation of the marine environment and the conservation of marine mammals. At the Third UN Conference on the Law of the Sea, governments also have addressed the problem of regulating the harvesting of highly migratory species. One of the most important results of the Stockholm Conference has been the international recognition that the oceans are a unified marine ecosystem. The

whales are part of this global ecosystem. They are now faced with a double threat to their survival: commercial exploitation and a diminution of their food supply. If, as the Whaling Commission's Scientific Committee itself has reported, food supplies are a factor that could limit their regeneration, the growing pressure to exploit the organisms on which whales depend for food presents an additional threat to the survival of the species that the IWC cannot ignore.

At the last meeting of the IWC, the resolution for a 10-year moratorium was amended to classify all whale stocks into three management categories. This compromise which was accepted by the IWC was considered as a positive step by environmental organisations. However, proposals arising from the meeting of the Scientific Committee at La Jolla do not go far enough to safeguard the species that are endangered nor adequately protect the species just beginning to be exploited. After so many years of negotiation and compromise, it is obvious to concerned citizens that an organisation established to regulate commercial exploitation of the resource should not be responsible for managing and studying the effects of this exploitation. It is time to consider alternative mechanisms.

We therefore urge the Commission this year to turn its attention to ways in which it can share responsibilities with such international bodies as UNEP, FAO, IUCN and others to develop a balanced and unified global management scheme. The objective of such scheme should be the management of whale populations to permit the possible recovery of all stocks and to maintain the health and stability of the marine ecosystem. The future benefits to mankind should be its central concern. To achieve these objectives, we urge that the following steps be taken:

One, a moratorium on all commercial whaling;

Two, the use of maximum sustained yield as a guideline must be abandoned and replaced by a concept which takes into account the

utilisation of a resource in the context of the total ecosystem.

Three, independent scientific research is absolutely essential if we are to make progress in understanding how to utilise these species without destroying them and disrupting the ecosystem of which they are a part. The countries that have been whaling must supply more data and analyses to the research community.

The IWC should also heed the resolution of the Third UNEP Governing Council which - and I will quote:

"1. Requests the Executive Director to support the Inter-agency Advisory Committee's Working Party on Marine Mammals and its symposium scheduled to be held in 1976;

"2. Further requests the Executive Director to support research on marine mammal populations and on whales and small cetaceans in particular."

Four, nations must be prepared to provide support for scientific research.

Five, the principle of full utilisation of stocks should also be examined outside the framework of an operating organisation. There could be instances when a stock should be held in reserve or only exploited to a minimum degree, such as when a stock is already reduced and time is needed to formulate a development plan.

Six, there must be adequate enforcement procedures to ensure adherence to a moratorium and other regulations. No longer should a few nations in and outside the Whaling Commission act independently of the wishes of the majority of states. States providing the means to individuals, companies, or other countries, must adhere to the standards set by the international community.

We realise that some countries use whales as a limited source of food and oil products. Alternative sources must be explored as part of an agreement of a moratorium. The recent discovery that the jujuba plant contains an oil similar to that of the sperm whale is but one example of achieving a viable alternative. In this way the pressure for harvesting whales will diminish along with the

hardship to certain nations which rely on whales for this purpose.

For moral, biological and economic reasons we therefore urge an immediate moratorium on all commercial whaling and an international management regime geared to requirements of the world population. Citizen organisations everywhere will be fighting for these objectives.

I should like to add that the organisations supporting this statement include France, the Caribbean countries, Venezuela, the United Kingdom, Canada, Sweden, Netherlands, Belgium, Costa Rica, South Africa and Norway.

WORLD FEDERATION FOR THE PROTECTION OF ANIMALS (MISS P. FORKAN):

I represent the World Federation for the Protection of Animals which has 60 member groups throughout the world representing 60 countries and also the Fund for Animals, which is an anti-cruelty society in the United States. I have spoken here before. I am not particularly interested this year in presenting too much information because I think you have received the views of the conservation countries and societies on what needs to be done. You do not seem to be interested in doing what we feel needs to be done. As I have grown older, I have discovered that the one thing in life that one comes to expect and depend on is change. However, the IWC seems to be apart from that rule of life for some reason. So I would hope this year that you would change, that we could start to conserve whales in a serious way, in the way that the conservation groups and my group would like.

In particular, we still support the 10-year moratorium. We think it is appalling that it is not on the Agenda. We also support humaneness, the killing of whales in a humane way. I hope that you take this very seriously. I would even suggest that if you cannot accept a 10-year moratorium based on the fact of msy, at least we could stop killing whales until we find a humane way to kill them. Msy totally escapes me. It seems that we are sitting around counting

the number of angels on the head of a pin. Hopefully the culture has gone beyond that now. We have a great deal of information to show that the whales are depleted, that there will not be any food for the Japanese if we have no whales. So the logic escapes me.

At any rate, you have heard that the US Congress is considering legislation which would not only encourage but actually support the public boycott that has been going on, and as you heard from Mrs. Stevens, the boycott is getting larger and is growing. In fact, we are starting to take statements now from individual citizens listing how much money they have resisted spending on Japanese or Soviet products. They write down what they did not buy. So hopefully at some point we shall tell you how much money the businesses have lost, and we feel very strongly that it will be more than the whaling industry can make up.

That is all I have to say. It will be a difficult meeting, and I wish you all luck in your endeavours.

CHAIRMAN: Thank you. Is there any organisation which has not spoken? If not, we would regard Item 3 on the Agenda as finished. In this connection, I should like to thank all those speakers for having stated their views. I can assure you all that we will take into consideration the ideas and suggestions which you have presented, even if I am afraid we shall not be able to satisfy all your requests. Thank you all.

Before we deal with Item 2, I would ask any of the Press who might still be here to leave us to ourselves. Also people who have not been accredited to the meeting.

Ladies and Gentlemen, we have the draft agenda before us. Do I hear a Motion that this Agenda be adopted? Australia moves that the Agenda be adopted, seconded by Canada. The Agenda has been adopted.

May I call upon the Secretary to make any announcements concerning the arrangements for the meeting.

SECRETARY (MR. R. STACEY): Many of the papers have already been circulated. Some are being finished off now, and I hope that before the end of the day you will have all the papers of the meeting that have been prepared so far.

We are recording the proceedings on tape, and it will be of great help in transcribing the tape if speakers will say who they are, give their names, before they speak.

One final point: as I have already told the commissioners, we have received two invitations to receptions. We have also received one from the Government of South Africa for tomorrow evening. Cards will be distributed during the course of today or tomorrow morning.

That is all, Mr. Chairman.

CHAIRMAN: Thank you, Mr. Stacey. Our next item is the appointment of Committees. As you know, we have the Technical Committee and Scientific Committee, on which everyone who wishes to be a member would be included, and I ask the commissioners which countries would like to be represented on the Scientific Committee. I will ask the Secretary to call out your names to make it easier to record who would be willing to be present.

THE SECRETARY: Argentina (No), Australia (Yes), Brazil (Yes), Canada (Yes), Denmark (Yes), France (Yes), Iceland (Yes), Japan (Yes), Mexico (No), Norway (Yes), Panama (No), South Africa (Yes), USSR (Yes), United Kingdom (Yes), USA (Yes).

CHAIRMAN: Thank you. Your names have been recorded and you will therefore be admitted to meetings of the Scientific Committee during the next year.

Now membership of the Technical Committee. The Secretary will call the names of the countries.

SECRETARY: Argentina (no), Australia (yes), Brazil (yes), Canada (yes), Denmark (yes), France (yes), Iceland (yes), Japan (yes), Mexico (yes), Norway (yes), Panama (yes), South Africa (yes), USSR (yes), UK (yes), USA (yes).

CHAIRMAN: As regards the third of our committees, the Finance Committee, it is for the Chair to make the choice. Last year the members of the Finance Committee were: Canada, Iceland, Japan, USA and USSR. I think it is the feeling of the whole Commission that they did such a good job that I would not suggest any changes. I hope this is acceptable to the Commission. So the members for the Finance Committee for the coming year 1975 will be: Canada, Iceland, Japan, USA and USSR.

Item 5, Review of previous season's catches. Mr. Vangstein of the Bureau of International Whaling Statistics has not been able to attend. His report giving a review of the previous season's catches will be distributed to commissioners during the meeting. It contains so many details and so many figures that, as in previous years, we have not found it advisable to read the document out. But it will be presented to you during the meeting.

Item 6, Reports of the Scientific Committee. As you know, there will be two reports this year. One from the La Jolla meeting which has already been circulated but so far only to members of the committee, to commissioners and to FAO and UNEP. The second report is on the meeting which the Scientific Committee held in London previous to this meeting of the Commission. I would ask the Chairman of the Scientific Committee to tell us what the present situation is.

DR. K.R. ALLEN (Chairman, Scientific Committee): I am sorry to have to tell the Commission that the Scientific Committee has not been able to completely finalise its report at this time. A great deal of it has been duplicated and, with one exception, all the matters which are of major concern to the Commission are finalised, or virtually so. We have one matter to which we shall have to give more consideration. This I hope we shall be able to do over lunchtime today. The secretariat will be distributing the Scientific Committee's report in sections as these are cleared and finally agreed. The first part of it will be distributed some time today. I would hope that the greater part of it would be available either late today or early tomorrow. There are a few minor matters which we will have to consider later in the week, and we will be completing our report before the end of the Commission meeting, but I do not think the matters which are likely to be finalised later are matters likely in any way to hold up the Commission's proceedings.

CHAIRMAN: Thank you. May we have the pious hope that by tomorrow morning you may formally introduce your Committee's report to us.

Item 7, Report of the Technical Committee. This is something for the future, and we look forward to this report at some later date.

Item 8, Report of the FAO/ACMRR Working Party on Marine Mammals. We heard Dr. Holt mention something on this item in his opening statement. Would you like to add to that statement, Dr. Holt?

DR. S. HOLT (FAO): The question raised in paragraph 16 of the Chairman's Report of the 26th Meeting has been considered by the Scientific Committee, and we are quite satisfied with the consideration that has been given to it. The report on that discussion will, I think, be included in the Scientific Committee's

report.

At this time, I should perhaps just say that the work is continuing. We have no formal report for the Commission at this session this year, but matters that had arisen during the work of our Large Whales Working Group and also of the Small Cetaceans Working Group have been brought to the Scientific Committee and some relevant documents made available to them.

That is all I would like to say at this time.

CHAIRMAN: Thank you, Dr. Holt. We will look forward to having those parts reviewed by the Scientific Committee.

Item 9, Classification of Whale Stocks and their Management. This is also from the Scientific Committee and should be treated first by the Technical Committee when it is constituted.

The same goes for Item 10, Item 11 and Item 12.

Item 13. The USA has asked for this item to be included so that co-operation with organisations other than the FAO could be discussed. The Scientific Committee has been considering a report by the Advisory Committee on Marine Resource Research established by the FAO and has been represented on the various groups of working parties set up by that Committee.

Again, we will have to call on the Scientific Committee for its views on this particular point.

Item 14. Adherence of non-member whaling countries. As requested by the Commission at our last meeting, the Chairman has again asked the United Nations and the UN Environment Programme to make a further approach to non-member countries engaged in commercial whaling in an effort to secure their adherence to the convention. Reminders have been sent, but apart from an acknowledgment, there has been no response whatsoever from UNEP, or the United Nations. We are sorry about that.

During the meeting of the FAO/COFI in Rome, the Chairman also discussed the possibility of Portugal joining the Commission with the Minister of Fisheries who was attending the meeting. This has been followed up, but during the present conditions it is possible to understand that the Portuguese authorities have other and more pressing problems to discuss than joining the International Whaling Commission. We may still be hopeful for the future.

I have also been in communication with the Ambassador of the Republic of South Korea in London, and he has been invited to arrange for his country to be represented by an observer at this meeting. The observer from Korea is here, and I would like to welcome him as an observer to our meeting. I hope that he will find a reason for joining the Commission after having been present at our deliberations.

Dr. Lindahl, do you wish to speak?

UNEP (DR. K. CURRY-LINDAHL): I should like to comment on what you said about the lack of response from UNEP as far as the action you requested that UN should undertake to approach whaling nations which are not members of this Commission.

This has been done, but we have received no replies from those governments, so there was not much to report back to you. I have to confess that the action taken by UNEP in approaching these governments was done at a rather late stage due to the fact that there was a considerable delay in the communications between New York and Nairobi. So this might be one of the reasons why we have not yet heard from any of the governments who were approached.

CHAIRMAN: Thank you, Dr. Lindahl. The Chair would be happy to see the text of your letter to the different countries and to see if it is as strongly worded as your first one.

UNEP (DR. CURRY-LINDAHL): I have a draft of the letter here.

CHAIRMAN: Please let me have a copy of it. Denmark?

DENMARK (MR. LEMCHE): Are we under this point of the Agenda dealing with the question of how in future we should try to get non-member governments' adherence to this Commission?

CHAIRMAN: I have reported on the procedure which we have been following so far. If you have any ideas on how we should proceed, I should be happy to hear them.

DENMARK (MR. LEMCHE): I could imagine that another proposal will be brought up and I have at that stage some comment, but I will wait until that stage. If it is now, I will state it now.

CHAIRMAN: I do not know under what other heading we should discuss this, so if you can come up with a bright idea now, please do so.

DENMARK (MR. LEMCHE): I did not wish to be out of order. Denmark certainly supports that every country which engages in whaling should come here and deal with those matters in the IWC. We strongly support the letters which UNEP has distributed. However, there might be an inter-relationship between the Law of the Sea Conference and the lack of replies to UNEP. Some of the member countries who are not member countries of IWC, some of the South American countries, support in the Law of the Sea connection very strongly that even highly migratory species like whales should not be dealt with in any international organisation. They should have sovereign rights to exploit within their economic zone all species. They should determine it all. That applies also in their opinion to highly migratory species.

When in a later item we discuss changes in the Whaling Convention, I can understand that these countries if, for instance the Law of the Sea Conference turns out with the proposals made by one of the countries - I refer to a suggestion that, in spite of what the Law of the Sea Conference might say about optimum utilisation of natural resources, any government or organisation should be allowed to determine that marine mammals should not be utilised.

If I were Peru - which I am certainly not - I would hesitate to join the IWC now in a situation where the IWC might change its rules and regulations in a way which would cause obstruction to that country's policy in the Law of the Sea Conference.

I shall not prolong this statement. It might be easier to get these countries within the IWC if substantial changes in the IWC Convention were postponed. I have said nothing here about my country's opinion.

CHAIRMAN: Thank you for your explanation of a situation which I think we are all well aware of.

ARGENTINA (MR. F. MIRRE): As our government some years ago put forward a resolution connected with this point, I feel that I ought to say something about it.

First of all, I should like to thank you personally, Mr. Chairman, for all your efforts and personal endeavours in getting some result from the original resolution which had as its aim to get the United Nations to address the member countries engaged in industrial whaling operations to join the IWC. You have done a lot of travelling in this connection and have contacted several governments. We have the hope that these continued efforts of yours will produce some results in the future. We also recognise that the presence of some of the countries here today is the direct result of these efforts, and we

hope very much that other countries - not only Latin American countries but extra-continental countries - will join in our deliberations in the future. The Argentine Government feels that it is one very effective way of controlling the whaling population, and it is the only possible way of having some sort of effective control on the whale population. Otherwise if member countries which are engaged in whaling operations do not get the collaboration of countries which are not members but which are engaged in the whaling industry, there will be useless efforts by the Commission in this respect.

We would like to ask you therefore to continue your efforts of personal contacts as representative of the Commission with those countries engaging in whaling operations who are not members, and to invite them again to join in the work of this Commission and to sign the Convention.

CHAIRMAN: Thank you, Argentina. I shall certainly continue to do so.

USA (DR. R.M. WHITE): The delegation of the United States regards this as a very important matter as most of the delegations here do. We would certainly ascribe top priority to getting non-member whaling countries to be members of this Commission. But I thought I would point out that it will be just as important in the future to encourage non-member countries to join our Commission also. The United States delegation takes that view because we have heard expressions today of the fact that these whale populations really represent the responsibility of all nations of the world. I think the broader we can make the representation on this Commission, the better representation we can get of the various countries of the world.

Whilst not on the Agenda of this Meeting, I would hope that at our next meeting we could also consider non-member non-whaling nations

and their adherence.

CHAIRMAN: Thank you, Dr. White. I am sure that is a constructive thought which will be taken up at the next meeting of the Commission. Any further remarks?

UNEP (DR. CURRY-LINDAHL): Perhaps it is not clear to the members of the Commission that in February 1973 UNEP wrote to whaling nations which are not members of this Commission. This has been done once, but quite recently we asked what the situation was. I would just make this clarification so that you do not think that we have been completely passive on this during the last two years.

CHAIRMAN: Thank you, Dr. Lindahl. Gentlemen, it is now 20 minutes to one. I suggest that we adjourn until quarter past two. That will give Dr. Allen time to have his Scientific Committee meeting. We will adjourn until 2.15, when I would like Dr. Allen to report.

DR. ALLEN (Chairman of Scientific Committee): May I speak to the members of the Scientific Committee. I think we should resume as soon as we possibly can to try to have as much as possible completed for the Commission. I would therefore like members of the Committee to reassemble in the room where we met previously at 1.20.

(Meeting adjourned until 2.15 p.m.)

(Meeting reconvened at 2.15 p.m.)

CHAIRMAN: In the morning we finished, at least in a preliminary way, Items No. 1 to No. 14 of the Agenda. We continue with Item 15, Definition of Milk filled whales. I assume, Dr. Allen, that a report on that particular item will be coming from the Scientific Committee. Dr. Allen is not present, so the assumption is therefore correct.

Item 16, International Observer Scheme. A progress report on the operation of the scheme has been made and will be circulated during this afternoon. I suggest that this item be deliberated on by the Technical Committee.

The same applies to Item 17, Infractions.

Item 18, Humane Killing of Whales. This was an item suggested by the United States delegation. A paper on the subject by Dr. Best has been submitted to the Scientific Committee, and I assume again that this will form part of the report from the Scientific Committee once we have it.

Item 19, Finance and Administration. The first item is the appointment of a full-time secretary. The procedure agreed upon during last year's meeting has been followed. The post was advertised and details circulated to all member countries. We had 32 applicants who were screened by the chairman, the secretary, and representatives of the Ministry of Agriculture from the administrative and scientific field. On the basis of this screening, a short list of six candidates was drawn up with two reserves. Details of these applicants were circulated at a meeting of the selection panel, comprising representatives of Argentina, Australia, also representing the chairman of the Scientific Committee, Japan, United Kingdom, USSR, and USA, under the chairman. I had hoped that we would have been able to make a unanimous choice by correspondence, but that proved impossible. So we met again in Tokyo in February to find a candidate on which we could all

agree. We arrived at an agreement, and the candidate was interviewed. Unfortunately he withdrew his application. So that left us in a somewhat difficult position. We talked about the matter again before the meeting of the Commission last week, but we could not agree unanimously on any candidate.

This is a somewhat delicate matter and I do not think it is one that should be discussed in the full Committee. I would suggest, with your approval, that we hold a meeting on this single item tomorrow morning at nine o'clock consisting only of the commissioners, with possible necessary interpreters. Would it be acceptable to the commissioners to have a meeting here tomorrow morning at nine o'clock to discuss this one item? (Agreed.)

Under the same heading, we have the question of immunities and privileges of the Commission and its staff. As you will recall, copies of a draft agreement negotiated between the United Kingdom Foreign and Commonwealth Office and the Commission were circulated during the year to all commissioners and no objection was lodged against the text. It is now in process of going through the UK legislative machinery which is a somewhat lengthy procedure, but I hear from the secretary that it could be applied at present and therefore will give certain advantages to some candidate for the job who is not a resident of the United Kingdom.

The question of possible signature of the agreement will have to be postponed until the question of the new chairman has been resolved at the end of the meeting.

As regards accommodation for the Commission's office, you were informed last year of the kind offer of the British Government to house the Commission's office with the Natural Environment Research Council at Cambridge. It will ultimately be in a new building to be occupied by the British Antarctic Survey and the Council's Centres for Marine Mammal Research. In the meantime, offices have been

made available for the Commission in premises occupied temporarily by the British Antarctic Survey at Cambridge. We are all very grateful to the British Government for this kind offer which will - if not save us all expenses of accommodation - make it exceedingly reasonably priced, and moreover we can take over the accommodation at any time convenient to the new secretariat. We are very lucky to have this help from the British Government.

The Finance Committee will have to review the Statement of Account 1974/75, consideration of budget 1975/76, and consideration of contributions from contracting Governments, as part of their agenda.

Item 20, To determine the date when the revised Financial Regulations shall become effective. As far as I understand, that will depend upon the date on which the new secretary takes over definitely. This should therefore be left in abeyance for the time being.

Item 22. Twenty-sixth Annual Report. A draft has been circulated to you. I assume that you will wish to read it through before we comment on it, so this matter will be taken up later.

Item 23, Proposed amendments to the International Convention. As you will recall, this matter was referred to the working party at the last meeting. The working party met in November 1974 and again immediately before this session. We have been able to work out proposals for the new text of the Convention apart from one particular and exceedingly difficult paragraph of which our Danish delegate reminded us this morning: the question of the area of application. However, the new text has been prepared - the draft text - and as the group was set up originally on the basis of a resolution from the Finance and Administration Committee, I suggest that the text which will be circulated either this afternoon or tomorrow morning be submitted to the Finance Committee for their preliminary scrutiny. There will then be the possibility of discussing it more fully when the report of the Finance and Administration Committee comes before

the Commission. Is that agreeable? (Agreed.)

Item 24, Amendment to Rules of Procedure. To substitute "United Kingdom" for "London, England". That will come as a corollary to the setting up of the secretariat in Cambridge and should not present any major problem.

Item 25, Date and Place of next Meeting. This is again a question for the Finance and Administration Committee.

Item 26, Election of Chairman. Again this is an item which we must take up at the end of the session.

Item 27, Arrangements for Press Release. That is also a little premature.

Item 28, Any other business. You had better think over what we should talk about at the end of the meeting if any time remains.

Are there any remarks concerning the distribution of work to the different committees? (No response.) I then suggest that we adjourn the plenary session of the Commission and leave the Floor, the table, the Chair, and the work to the different committees. I hope that will be acceptable, and that we shall have enough to work on. The plenary session will meet again on Wednesday at two o'clock.

I would ask the future chairman of the Technical Committee to set a meeting of that committee for tomorrow at ten o'clock to give the commissioners the opportunity of discussing the particular matter of the permanent secretary which has not been resolved.

The Finance Committee will be called by the secretary in due course. So the first meeting of the Commission's plenary session is adjourned until Wednesday at two o'clock.

CONFIDENTIAL

IWC/27/12 - 2

INTERNATIONAL WHALING COMMISSION

Twenty-seventh Meeting

held at

Riverwalk House, London. S.W.1

on

23rd - 27th June 1975

Second Plenary Session

Thursday, 26th June 1975

Thursday, 26th June, 1975.

Second Plenary Session.

THE CHAIRMAN: The second plenary session of the International Whaling Commission will please come to order.

This is the thirteenth time I have attended a meeting of the Commission. Never before has the second plenary session been so late in starting. May I appeal to you that, having discussed very thoroughly most of the items of the Technical Committee, which has become a committee of the whole, you make your remarks as brief as possible so that we may finish our work by tomorrow evening. Thank you.

The first item on the Agenda with which we did not deal in the first session is Item 6, Reports of the Scientific Committee. This report has to be received formally by the plenary session. Would someone please move that the report be received.

AUSTRALIA (MR. BOLLEN): We have the slight problem that the report is not yet complete.

THE CHAIRMAN: No, but we have gone through all the items of real importance and we know more about it than many other matters. So will you please move that the report be received.

AUSTRALIA (MR. BOLLEN): I move that the report be received and that those sections that have been received be adopted, if that suits your requirement.

THE CHAIRMAN: Not that we have accepted all of it - far from it - but that we have received the report.

AUSTRALIA (MR. BOLLEN): I so move, Mr. Chairman. (Seconded by CANADA).

THE CHAIRMAN: Thank you. The Report of the Scientific

Committee has therefore officially been received by the plenary session.

We move on to Item 9 of the Agenda, Classification of Whale Stocks and their Management. Would the chairman of the Technical Committee please introduce this paper.

CHAIRMAN OF THE TECHNICAL COMMITTEE (MR. BOLLEN): On behalf of the Technical Committee, I apologise for the delay in having a plenary session constituted. We have considered the information from the Scientific Committee on this matter of classification of whale stocks. The Technical Committee recommend that the Z-factor, of which we are all well aware, should be 10 per cent of msy except for Antarctic sei whales where Z should be fixed at 20 per cent for the 1975/76 season only.

THE CHAIRMAN: Thank you. We have before us a recommendation from the Technical Committee that the value of Z for all species should be 10 per cent, apart from the sei whale in the Antarctic where the value of Z should be 20 per cent for the coming season only. I will take a roll-call as to whether or not this is acceptable.

United Kingdom?

UNITED KINGDOM (MR. GRAHAM): I would like to point out one thing about the motion which has been proposed. It implies not only that we give certain values to Z but that we accept the particular formula proposed by the Scientific Committee for ascertaining the catches during each year during which a sustained management stock is below the msy level.

If that were not so, it would be impossible to say what was the effect of assigning a 20 per cent value to Z for certain stocks in terms of catch during the first year.

I myself can readily accept Z as equal to 10 per cent if by that

one means simply that this is the criterion for deciding which stocks are not to be exploited at all. That is to say that no stock which is less than 90 per cent of the maximum sustainable stock should be exploited. I could accept Z on that basis. I could not, however, accept it if it was tied to the particular scale of annual quotas recommended by the Scientific Committee. Therefore I would ask you if it would be possible to separate this motion into two parts: first, the value to be given to Z and, second, the method to be used for fixing annual quotas. If the two are taken together, I should have to vote against it; but if Z is taken in isolation, I should vote for it.

DENMARK (MR. LEMCHE): My concern is that if this is put into the schedule and we once define Z by either one or another figure, and we define the curve either one way or the other, then the work of the commissioners is superfluous because the basis is made once and for all, and every year when the scientists meet their figures and calculations are put into that machine and out comes the quota. I would ask that if the motion is carried will it have the effect which I have described.

THE CHAIRMAN: It seems to me that there is a certain difference here. Mr. Graham has suggested that we accept Z for all the species but that fixing of quotas be deferred and treated separately.

USA (DR. WHITE): Mr. Chairman, the situation here and in all the other votes is that we have proposals from the Technical Committee before us. People may wish to amend those, which they can, or vote them up or down. But it seems to me that we have not the latitude in the Commission now to change the form of

the Technical Committee's recommendation. Do we?

THE CHAIRMAN: No.

DENMARK (MR. LEMCHE): Dr. White is quite right, but this particular matter of the Technical Committee was deferred just an hour ago for a query. So I want someone to answer the question I asked, if when this draft is incorporated into the schedule of classification of stocks it will then have the effect which I have described.

CANADA (DR. MARTIN): We would like to support the United Kingdom proposal that the Technical Committee recommendation be dealt with in two parts, that is to vote on the value of Z and separately on the formula.

THE CHAIRMAN: Is that acceptable to the delegations? We vote on the value of Z as recommended by the Technical Committee, the value of Z to be placed at 10 per cent apart from the sei whales in the Antarctic. That is the proposal before us from the Technical Committee.

DENMARK (MR. LEMCHE): Mr. Chairman, I am perhaps as usual still a little confused. I understand that we have two separate items on our Agenda, that is two parts of one item. The first under classification of whale stocks is the report of the Special Meeting of the Scientific Committee - and I would translate that now to be the report of the Technical Committee - and then action arising, including amendments to Schedule if necessary. So I would understand that what one would vote on in plenary session at this point would be the recommendation of the Technical Committee.

THE CHAIRMAN: Yes.

DENMARK (MR. LEMCHE): And after that, we would vote on whether that recommendation was incorporated or was not incorporated in the Schedule. Is that right?

THE CHAIRMAN: Yes.

DENMARK (MR. LEMCHE): My understanding was that the Technical Committee, at least within the decision it had made at the time, the decision was that that decision would go into the Schedule. That was certainly my interpretation that, although there were differences of opinion as to numbers, there was no difference of opinion and that the decision included the fact that this would go into the Schedule. I do not see why this is now presented as a different motion.

THE CHAIRMAN: We come back to the recommendation of the Technical Committee, namely that the value of Z to be inserted in the Schedule shall be 10 per cent apart from the catch of sei whales in the Southern Hemisphere where the value of Z shall be 20 per cent for the year 1975/76. I will call your names on that particular matter.

The SECRETARY (calls the roll):

| | |
|--------------|------------|
| Argentina | No |
| Australia | No |
| Brazil | Yes |
| Canada | Yes |
| Denmark | Yes |
| France | No |
| Iceland | Yes |
| Japan | Yes |
| Mexico | No |
| Norway | Yes |
| Panama | Abstention |
| South Africa | Yes |
| USSR | Yes |
| UK | No |
| USA | No |

THE CHAIRMAN: The result of the voting is:

8 in favour, 6 against, 1 abstention.

The recommendation is not accepted.

USA (DR. WHITE): The US delegation would like to propose a Z of 10 per cent for all species in accordance with the recommendation of the Scientific Committee, and also including the proposal of the Scientific Committee for the quotas to be taken when any stock is between 90 per cent of msy and msy.

THE CHAIRMAN: Does anyone second that proposal?

FRANCE (MR. JACQUIER) I second that proposal.

THE CHAIRMAN: Thank you. We have before us the proposal that the value of Z should be 10 per cent in all cases for the future.

UK (MR. GRAHAM): Perhaps the statement I now make should be made in explaining my vote, but I make it now, that since the value of Z is not being separated from the scheme of fixing annual allocations, I shall have to vote against the motion which ties the two issues together.

THE CHAIRMAN: The proposal being voted on now is that value Z should be 10 per cent for all species in all areas. (Argentina was called on in the vote and answered "Yes").

UK (MR. GRAHAM): The proposal you have just recited was not the same as that proposed by Dr. White originally. His motion was not only that Z should be the same for all species but that, in addition, the annual quotas should be fixed in accordance with the scale mentioned in the Scientific Committee's report. I want to be

sure whether we are voting on the motion which you enunciated which simply dealt with the value of Z, or with the motion that combined the two issues together.

THE CHAIRMAN: Dr. White, I had the impression that when I reiterated your proposal it was just for the value of Z.

USA (DR. WHITE): Mr. Chairman, my proposal was as indicated by the commissioner from the United Kingdom, value Z for all species and to include the recommendation of the Scientific Committee for calculating quotas when any species is between 90 per cent of msy and msy.

AUSTRALIA (MR. BOLLEN): In the Technical Committee we set up a small working group to look at tolerances which could have quite an effect on 10 per cent of msy. I am wondering now what effect that will have and I should like some advice from the scientists.

THE CHAIRMAN: Mr. Bollen, I should think that as the allowance which has been given would be within the overall quota fixed you would have to give them some leeway also in this respect. If not, we shall never be able to get any further.

ARGENTINA. (MR. MIRRE): With due respect, Mr. Chairman, I must remind you that after having called my country for the vote and after my having said "Yes", the vote was interrupted and we have started on a discussion.

THE CHAIRMAN: Is there any amendment to the proposal?

CANADA (DR. MARTIN): I think it would clarify the work of this plenary session if we were to separate the vote on the value of Z from the vote on the formula. I would therefore propose an amendment that we vote on the value of Z as recommended by the Technical Committee at 10 per cent and deal with the formula as a separate issue.

THE CHAIRMAN: Thank you. Does anyone second the amendment to the motion, that we only take Z and deal with the formula separately? (Seconded by United Kingdom). So the amendment on which we are now voting is whether we accept the value of Z at 10 per cent for all species in all waters, dealing with the question of the formula as a separate vote.

USA (DR. WHITE): I should like to point out, as the delegate from Argentina did, that we had started the vote. I am willing to abide by whatever you propose to do as to whether you consider that the voting had started. I do not know what the situation is on this.

THE CHAIRMAN: We got such a little way in the voting that we have time for an amendment which has been put forward by Canada and seconded by the UK.

ARGENTINA (MR. MIRRE): Mr. Chairman, I fail to understand the decision. The vote was already started. The list was short. It included one country.

THE CHAIRMAN: I am sorry. That was because I did not see the raised hand of the UK delegate. I apologise for the fault which may have been made, but I hope that you will allow us to continue with the voting on the amendment proposed by Canada and seconded by the United Kingdom. Have you any objection, Argentina?

ARGENTINA (MR. MIRRE): No.

THE SECRETARY (calls the vote):

| | |
|--------------|------------|
| Argentina | No. |
| Australia | Yes |
| Brazil | Abstention |
| Canada | Yes |
| Denmark | No |
| France | No |
| Iceland | Yes |
| Japan | No |
| Mexico | No |
| Norway | Yes |
| Panama | Abstention |
| South Africa | Yes |
| USSR | No. |
| UK | Yes |
| USA | No |

THE CHAIRMAN: The result of the voting is:

6 for, 7 against, 2 abstentions.

MEXICO (DR. ROZENTAL): I really think we have reached a milestone and I would not let this moment pass without expressing my absolute satisfaction at what I think is a first occasion on which the Japanese and Soviet delegations have voted in exactly the same manner as my delegation.

THE CHAIRMAN: As you know, we are always striving for unanimity. We now come back to the proposal of the United States which I would like Dr. White to repeat so that we have no difficulty in knowing exactly what we are voting on.

USA (DR. WHITE): My proposal is that we vote for Z to be equal to 10 per cent for all species of whales, and that the procedure specified by the Scientific Committee for calculating the quotas between 90 per cent of msy and msy be adopted with the provision of Z equal to 10 per cent.

THE CHAIRMAN: Is it clear to all what we are voting on now?
(Agreed). Will anyone second the proposal? (Seconded by Mexico and Argentina).

THE SECRETARY (calls the vote):

| | |
|--------------|------------|
| Argentina | Yes |
| Australia | Yes |
| Brazil | Abstention |
| Canada | Abstention |
| Denmark | No |
| France | Yes |
| Iceland | Abstention |
| Japan | No |
| Mexico | Yes |
| Norway | Abstention |
| Panama | Abstention |
| South Africa | Abstention |
| USSR | No |
| UK | No |
| USA | Yes |

THE CHAIRMAN: As this is an amendment to the Schedule, it requires a three-quarters majority. The result of the voting was:

5. for, 4 against, 6 abstentions.

So we are still without a solution. I call upon the delegate from the United Kingdom.

UNITED KINGDOM (MR. GRAHAM): Mr. Chairman, I should merely like, as the rules allow, to explain my vote by saying that as the chairman of the Scientific Committee explained to us there were a number of procedures equally effective for determining annual catches from the conservation point of view, and that the reason why I was unable to vote for the procedure recommended by the Scientific Committee was that it seemed to me and to my delegation to impose sharper reductions than were necessary in the early years of the transitional period in which the stock moved up to the maximum sustainable level.

THE CHAIRMAN: I take it then, Mr. Graham, that your proposal

on how to calculate the quota for the initial year does not differ from what has been more or less accepted by the Scientific Committee, that the results would be about the same, and that we would still be able to stick to the 10 per cent for Z. Is that the case?

UNITED KINGDOM (MR. GRAHAM): Yes.

THE CHAIRMAN: Mr. Graham, could you explain to us what the consequences of your proposal would be for the different species? Would it make any real difficulty if we adopted it?

UNITED KINGDOM (MR. GRAHAM): I think the only cases where it would make a difference are in the two seiwhale stocks in the Antarctic which happen to fall within the range of stocks 10 per cent below the msy level and which therefore would be sustained management stocks. The effect of it would be that instead of having in the one case a quota of zero for the first year rising progressively through the whole period, there would be throughout the whole period a steady quota which would be the average value of that range. That is to say, the whaling countries would have a larger quota in the early years than would result from the Scientific Committee's scale, but they would have a smaller quota during the later years of the period; but over the whole period, the effect would be exactly the same. It is in these circumstances that I can see no rational ground on which one should impose a scale which would, without any conservation benefit, increase the difficulties which the whaling countries would face in the early years of the transitional period.

THE CHAIRMAN: May I call upon the chairman of the Scientific Committee to give his opinion as to whether this would be an acceptable

solution also from a scientific point of view.

Chairman of the SCIENTIFIC COMMITTEE (Dr. ALLEN): As I pointed out to the Technical Committee, if we know sufficiently accurately where we are when we start, this should have the result of enabling the stock to be restored to the msy level at exactly the same time as it would take under the original scheme proposed by the Scientific Committee. If at some time during that time as a result of reassessment it appeared that the estimate of the original stock size at the beginning of what is referred to in the United Kingdom memorandum as "the sustained management period" had to be adjusted, then an appropriate adjustment would have to be made. I think it would be quite possible for the Scientific Committee to formulate rules for doing this so that this scheme could be made to work. That is my personal opinion, of course. I have not been able to consult my colleagues.

THE CHAIRMAN: Would there be any objection from the other scientists to what Dr. Allen has just stated? (No response).

DENMARK (MR. LEMCHE): I agree with Mr. Graham's ideas and I would be able to vote for it if it were not to be included in the Schedule. There could be a piece of paper called, for instance, "The 1975 Management Guidelines", but I shall vote "No" because I have had no answer to the question I asked earlier. As I see it, when it comes into the Schedule it could be interpreted in such a way that we once for all have defined Z and we once for all have defined the method of building the curve, and then the scientific calculations which are applied to this model give us the quota. That would mean that from now on, if that is taken into the Schedule, the commissioners could go home and only the scientists need work.

THE CHAIRMAN: May I remind the representative of Denmark that even if anything is entered into the Schedule it can always be changed at the pleasure of the Commission. Secondly, after having been here for a week, it is evident that the Commission has other items to deal with besides the fixing of the quota.

Mr. Graham, is it possible for you to formulate this formula in such a way that we could find a wording on which to vote?

UNITED KINGDOM (MR. GRAHAM): I do not know if everybody has the memorandum which I circulated this morning, but if they have, they will see in paragraph 6 of that document a formula which I think would achieve what is desired. That is to say, the words which come after "as follows":

"The annual catch quotas for a sustained management stock - might I make one amendment which might clarify that -

"for each year during which - instead of "so long as". Strike out the words "so long as" and insert "for each year during which..."

It would then read:

"The annual catch quotas for a sustained management stock for each year during which it remains below msy level shall not exceed the number of whales obtained by taking 90 per cent of the msy and reducing that number by 5 per cent for every 1 per cent by which the stock at the beginning of the sustained management period falls short of the msy stock."

That is the conclusion of the argument in this paper. If anybody wishes an explanation of the actual argument leading to that conclusion, I should be glad to give it. But I think those words would do what is desired.

THE CHAIRMAN: Thank you, Mr. Graham. May I remind the commissioners that we are at present without any result on the different proposals that have been put forward. We have a United Kingdom proposal

which has been commented upon by the chairman of the Scientific Committee who has ascertained that the result of adopting this amendment scientifically would not differ substantially from accepting the previous formula. We have also been informed that the effect of this change will only be noticeable for one species in the Southern Hemisphere within two areas. I would like to have a seconder to the proposal.

(Seconded by Denmark).

USA (DR. WHITE): Mr. Chairman, my delegation seeks to arrive at a solution which will represent the smallest deviation, if we have to deviate, from the proposals of the Scientific Committee. I recognise that, from a conservation point of view, the procedure proposed by Mr. Graham has an equivalent result. It has some problems, and that is why we have not been entirely in favour of it. The problems are that it presents two discontinuities. What happens if the stock is just 11 per cent below msy? Then you will have a major change, a discontinuity, and we will again be faced with the question of how we deal with a major change. That is one problem I see with it.

The other problem I see is that it does not take into account the fact that as we get closer and closer to lower stock levels, we want to be more and more prudent in the number of whales we take. That is a virtue of the Scientific Committee's report.

We recognise that this problem would not arise except for the fact that for this stock of whale Z happens to be at the Z value in connection with the particular areas we are talking about. So I would like to propose an amendment to the proposal now before the Commission which would provide that Mr. Graham's proposal would be applied to the sei whale stocks in the Southern Hemisphere only and that the Scientific Committee report recommendations would apply to all other stocks. I am proposing that as a formal amendment. I can provide the necessary wording if you wish.

THE CHAIRMAN: Is there a seconder?

MEXICO (DR. ROZENTAL): I second Dr. White's proposal. I think that that is about as far as my delegation is willing to go on this question because we realise that the problem originally presented to us was presented exclusively for the sei stocks that we are talking about. There had been no objection in the course of the Technical Committee's discussions to using the Scientific Committee's recommendation for all other stocks. So we would be prepared as a compromise to accept using the UK formula for the sei stocks in the areas mentioned, but would not be able to vote in favour of the UK proposal to be applicable to all stocks.

THE CHAIRMAN: Thank you, Dr. Rozental. Mr. Graham, would you be in a position to comment on the proposal put forward by the United States delegation?

UNITED KINGDOM (MR. GRAHAM): I would only make two comments. The first is with reference to the discontinuity in which Dr. White rightly pointed out that there would be a complete cut-off of exploitation if, say, the stock fell 11 per cent below the msy level. My reply to that is that this is not a ground on which any distinction can be made between my scheme and the Scientific Committee's proposal. It is inherent in the very conception of sustained management stocks and protection stocks that you have at some point to draw a line which will separate the stocks which are protected from those which are under sustained management. Of course, wherever you set that line there must be a discontinuity, but I am proposing to set it at precisely the same point as under the Scientific Committee's recommendations so that this is not a ground on which any discrimination whatever can be made between the two proposals.

My second point is in regard to the suggestion that this should be regarded as being related only to the special case of the two sei whale stocks which have been under discussion. It is true that in the present situation as now evaluated, those happen to be the only two stocks that would be affected either by my proposal or by the Scientific Committee's proposal. But the grounds of principle on which I have argued the case are not related to any peculiarities about those particular stocks. I have argued it simply on the belief that if the situation arises in which a stock comes into the sustained management category, there is absolutely no reason why one should impose a heavier and more sudden reduction in whaling than is necessitated by the conservation target which is to restore the stock to msy level in a certain period of years. What I find unwelcome in the proposed amendment is that it treats as in some ways exceptional and a concession what, in my submission, is a perfectly straightforward and principled way of dealing with it. It makes it appear as though there was some inconsistency in the guidelines that the Commission is adopting. For sheer reasons of consistency, I would certainly myself prefer to phrase the relevant sentences in general terms rather than attach them to particular stocks.

CANADA (DR. MARTIN): We are very much in support of the views expressed by the United Kingdom and would have considerable difficulty with this amendment.

THE CHAIRMAN: Gentlemen, we must proceed. We have the proposal from Dr. White, supported by Mexico, that the original UK proposal which is contained in paragraph 6 of the memorandum which we all have before us should be applicable to - could you give me the words, Dr. White, of your amendment?

USA (DR. WHITE): It would be the wording of the UK followed by:

"This procedure will be used only for the sei whale stocks in the Southern Hemisphere. For all other stocks the procedure recommended by the Scientific Committee would apply."

THE CHAIRMAN: So you propose that the following formula should be adopted:

"The annual catch quota for a sustained management stock for each year during which it remains below msy level shall not exceed the number of whales obtained by taking 90 per cent of msy and reducing that number by 5 per cent for every 1 per cent by which the stock at the beginning of the sustained management period falls short of the msy stock. This procedure will be used only for the sei stock in the Southern Hemisphere. For all other stocks the procedure recommended by the Scientific Committee will apply."

MEXICO (DR. ROZENTAL): With all due deference to Dr. White, I think that perhaps the amendment should reflect the general rule first and the exception second, just for an orderly procedure really. We feel that the general rule should be that the Scientific Committee's procedure should apply and that the exception should be for the sei whales in the Southern Hemisphere as set out in the UK proposal. I mention this so that when it comes time for drafting, if that decision is adopted, to draft it the other way round.

THE CHAIRMAN: Thank you, Dr. Rozental. I know that you are very good at drafting and finding the right words. But I think because of time pressure I hope it will be acceptable that we vote on the idea and have a drafting group to find the right form of wording. Is that acceptable? (Agreed).

Are you all clear what we are voting on? Ten per cent for all stock in all areas with the extra special arrangement for the sei stock in the Antarctic. The Secretary will call the roll.

THE SECRETARY (calls the roll):

| | |
|--------------|-----|
| Argentina | Yes |
| Australia | Yes |
| Brazil | Yes |
| Canada | No |
| Denmark | No |
| France | Yes |
| Iceland | No |
| Japan | No |
| Mexico | Yes |
| Norway | Yes |
| Panama | Yes |
| South Africa | No |
| USSR | No |
| UK | No |
| USA | Yes |

THE CHAIRMAN: The result of the voting is:

8 for, 7 against.

So we will have no decision. May I remind you that we are supposed to come out of the meeting with some kind of result.

USA (DR. WHITE): Mr. Chairman, I know that you will not enjoy the proposal I am about to make, but we have now gone through five votes of different variations, and it is apparent to me that a large number of commissioners are in favour of Z equalling 10 per cent. We have a difference in formulation on how to get from 90 per cent to msy. I would like to suggest a recess for ten minutes so that we can confer to see if we can stop wasting time on these votes.

UNITED KINGDOM (MR. GRAHAM): I have certainly no objection to the proposal made by Dr. White, but I should like to confirm that the position at the moment is that an amendment to my proposal has failed and my proposal is at the moment the one on the order paper.

THE CHAIRMAN: Yes. Should we proceed with the vote on the proposal by the United Kingdom or should we take a recess for ten minutes? I think it is better to take ten minutes, but

please make it 10 minutes and not half an hour.

(Recess)

THE CHAIRMAN: The 10 minutes has already dragged out to 16 minutes. Can we continue? I would once again underline the importance of arriving at a solution to this problem because, if not, we are completely and absolutely stuck.

We have a proposal from the United Kingdom, seconded by Canada, Will there be any further amendments to that proposal?

USA (DR. WHITE): I have consulted with a number of delegations here. I would like to make the following proposal. I do not know how widely acceptable it will be, but my delegation is prepared to accept the proposal of Mr. Graham subject to the following proviso.

THE CHAIRMAN: Will you please read it slowly, Dr. White?

USA (DR. WHITE): I do not have anything to read. I will formulate it, and then if it needs words I can put words to it.

That the Graham procedure be reviewed by the Scientific Committee during the coming year, comparing it with the original proposal of the Scientific Committee, and providing this Commission at its next meeting with the advantages and disadvantages of each procedure so that next year the Commission can decide on a procedure for application to all whale stocks.

THE CHAIRMAN: Thank you, Dr. White. Have we a seconder to this amendment? (Seconded by Iceland). The essence of the suggestion is that we accept the proposal as put forward by Mr. Graham, that the procedure be reviewed by the Scientific Committee during the

coming year, and that recommendations be laid before the Commission at its next annual meeting. Can we proceed to vote? I call on the Secretary to take the roll-call.

THE SECRETARY (Calls the roll):

| | |
|-----------|---------|
| Argentina | Abstain |
| Australia | Yes |
| Brazil | Yes |
| Canada | Yes |
| Denmark | Yes |
| France | No |
| Iceland | Yes |

JAPAN (MR. FUJITA): I should like to vote last.

THE CHAIRMAN: Your request is granted, Mr. Fujita.

THE SECRETARY (Continuing):

| | |
|--------------|-----|
| Mexico | No |
| Norway | Yes |
| Panama | Yes |
| South Africa | Yes |
| USSR | No |
| UK | Yes |
| US | Yes |
| Japan | Yes |

THE CHAIRMAN: The voting was as follows:

11 for, 3 against, 1 abstention.

The amendment is therefore carried.

(A query raised as to the number of Noes)

THE CHAIRMAN: We had "No" from France, Mexico and USSR.

Did Japan say "No"? I thought Japan said "Yes".

Mr. Fujita, did you say "No"? If you said "No" it means that this amendment also has been lost. Would you find it possible to reconsider your vote, taking into consideration the consequences of what has just happened. We have stretched the matter as far as we can.

We have had four or five different motions. We have no agreed result, and we are left high and dry.

JAPAN (MR. FUJITA) (Translated): Mr. Chairman, I think that the United States amendment to the United Kingdom original proposal - I take it that it is still awaiting voting.

THE CHAIRMAN: The amendment that this procedure will only be used for the sei whale in the Southern Hemisphere; for all other stocks the procedure recommended by the Scientific Committee will be applied. Is that the amendment to which you refer?

JAPAN (MR. FUJITA) (Translated): My understanding was that the United States amendment was introduced to amend the United Kingdom proposal. An amended version has not been carried, so I think that the original United Kingdom proposal is still on the table.

THE CHAIRMAN: Have you any proposal which has not been voted on, Dr. White?

Mr. Fujita, you mean the original United Kingdom proposal. It may have been lost in the confusion of all the proposals and counter-proposals. So if it is still on the table, we have a proposal by the United Kingdom, seconded by Canada, and if you so wish we shall fall back upon that proposal as our last resort.

We find the wording of the British proposal in paragraph 6 of the memorandum. Could we have one more roll call to see if we get out of it in that way?

THE SECRETARY (calls the roll):

| | |
|-----------|-----|
| Argentina | No |
| Australia | Yes |
| Brazil | Yes |
| Canada | Yes |

| | |
|--------------|-----|
| Denmark | Yes |
| France | No |
| Iceland | Yes |
| Japan | Yes |
| Mexico | No |
| Norway | Yes |
| Panama | Yes |
| South Africa | Yes |
| USSR | Yes |
| UK | Yes |
| USA | No |

MEXICO (DR. ROZENTAL): I should like to explain my vote on both the amendment and the original UK proposal. I voted "No" on both because both proposals would increase the quotas for sperm whales and for Minke whales, and I am not prepared to accept that.

THE CHAIRMAN: We have the assurance that it was only the sei whale in two areas that would be affected by the change.

The result of the vote:

11 for, 4 against.

We have still not been able to obtain a three-quarters majority.

UNITED KINGDOM (MR. GRAHAM): Mr. Chairman, I do not know whether in this situation - I am sorry if I misled the Commission in saying that only the two sei stocks were affected. That indeed had been my impression because certainly at the time this paper was written I was only conscious of those stocks being affected, and I just wanted to apologise if I have misled the Commission in that respect.

DENMARK (MR. LEMCHE): In order to have a positive solution to this, and it is difficult at this stage, I would make a proposal taking the UK proposal, the latest one as amended by the United States and then not to call it "amendment to the Schedule" which needs a three-quarters majority, but make a heading calling it the "1975 IWC Guideline", or something similar.

THE CHAIRMAN: Thank you, Mr. Lemche. That seems to be a constructive thought. I would hesitate to take this resolution into the Schedule as part of the Schedule which has a very strict and very conservative wording. Would it be acceptable to the commissioners if we proceeded as suggested by Denmark? Is there a seconder? (No seconder). We must get out of this impasse somehow. We cannot continue unless this is cleared from the table.

ICELAND (MR. T. ASGEIRSSON): We second that proposal.

CHAIRMAN: Thank you. Do you want to speak, Dr. White?

USA (DR. WHITE): I will ask for the floor a little later after you finish with the proposal and the amendments. I merely wanted to make the point that unless the Z value and the other things are in the schedule, it is not enforceable in a sense by the member states. It is only the material in the Schedule that has force, as I understand it.

MEXICO (DR. ROZENTAL): Mr. Chairman, I was about to say something very similar to what Dr. White has said as the reason why I would not be able to support the Danish proposal. I was going to make a proposal, but perhaps you would like to get the Danish proposal out of the way. Mine in no way relates to his, so I could not possibly make it an amendment, so you might want to go ahead and vote on his if he maintains it. I was going to make another one which I thought might be more acceptable to the Commission.

UNITED KINGDOM (MR. GRAHAM): I should just like to make a comment on Dr. White's remark when he said about the Danish proposal that it would not be enforceable against member states unless it were incorporated in the Schedule. I think in the case of Z that this is not

true because Z itself does not create any obligations on member states. It is merely even in the Schedule a declaration of principle by which the Commission works. What is actually binding on member states is the quotas that emerge because this is the only concrete thing that is in force. So I think there is substantial value in the Danish proposal and that it has in practice just as much effect as a statement of policy because its effect depends solely on the amount of support it gets within the Commission, and even if it were in the Schedule, and as has been pointed out the Schedule does not bind the Commission for any future years, it can always alter it by three-quarters majority. The difference would be the majority you need perhaps, but then you always need a three-quarters majority to establish the quotas for each year whatever might be written into the Schedule. So I think we should not over-estimate the differences between the sort of resolution you might see recommended by Mr. Lemche and the actual amendment of the Schedule itself.

ICELAND (MR. ASGEIRSSON): I agree entirely with what has been said by Mr. Graham and this is why I seconded the Danish proposal.

THE CHAIRMAN: Thank you. Should we proceed with the voting whether, to get out of our difficult position, the British proposal be included in the letter of understanding attached to our deliberations, or not?

THE SECRETARY (calls the roll):

| | |
|-----------|-----|
| Argentina | Yes |
| Australia | Yes |
| Brazil | Yes |
| Canada | Yes |
| Denmark | Yes |
| France | No |
| Iceland | Yes |

JAPAN (MR. FUJITA): I should like to vote last.

THE CHAIRMAN: You cannot expect this favour every time.

MEXICO (DR. ROZENTAL): Mr. Chairman, I really must take exception to this procedure. I think if we follow an alphabetical order of voting, everyone should vote in the alphabetical order in which they find themselves. If Japan would like to vote last, I suggest that it changes its name.

JAPAN (MR. FUJITA) (translated): I know that the Mexican commissioner is a newcomer to this Commission. It has been the past practice for a country who so wishes to be permitted to vote last. It is also up to the Commission to decide which alphabetical order should be used; starting from Mexico would be quite agreeable to us so that we could vote last.

USA (DR. WHITE) : I have some problems with what we are doing now also. It was ruled from the Chair that this would be a Schedule change. The Technical Committee recommended that this be a Schedule change. We have a proposal before us from the Technical Committee that it be a Schedule change. We regard it as a matter of great substance and as a matter of substance it seems to me that it would require a three-quarters majority, if indeed we are to bring this to the vote.

DENMARK (MR. LEMCHE): I think you were in the middle of a roll call on a proposal, and I think we should continue that roll call. Everybody knows what is being voted upon and Japan has the opportunity to vote last.

THE CHAIRMAN: Thank you, Mr. Lemche. You are quite right. The last to vote was Iceland.

USA (DR. WHITE): Mr. Chairman, I believe that the point of order takes precedence even in the middle of a vote.

DENMARK (MR. LEMCHE): Let me have half a minute to look in the Convention. Might I refer to Article 3 of the Convention, paragraph 2, which says:

"The Commission shall elect from its own members a chairman and a vice-chairman and shall determine its own rules of procedure. Decisions of the Commission shall be taken by a simple majority of those members voting except that a three-fourths majority of those members voting shall be required for action in pursuance of Article 5."

Now we turn to Article 5. That is the amendment to schedule by adopting regulations with respect to the conservation and utilisation, and so on and so forth.

What I intended was explained by Mr. Graham much better than I could do, that this should be a guideline. I agree with Mr. Graham that the practical difference between having it in the Schedule and having it as a single piece of paper - we also had the 1974 Guidelines formerly known as the Australian amendment. We had that on a single piece of paper, not in the Schedule. We can continue in that way.

MEXICO (DR. ROZENTAL): I would perhaps agree that we should have finished the voting. The question of which majority applied can always be raised at the end of the voting to challenge a ruling as to whether the motion has been adopted or rejected. In any case, since we have interrupted the voting, we might as well continue. I wanted to say that the spirit of the Australian amendment, as I understood it, and the decision taken by the Commission at the last session - I may be a newcomer but I do read the minutes of the sessions - the understanding of my delegation was that the particular guidelines which our Danish colleague refers to would be incorporated into the Schedule this year. We have a draft report from the Technical Committee so doing. So I think we are not only

now going against the recommendations of the Technical Committee which in itself is unfortunate, but we are also going against - and this to my delegation is much more serious - the decision taken last year; and we are going against the attitude that my delegation, along with others, has taken constructively, we think, to go along with the classification system to be included in the Schedule, and the guidelines to be included in the Schedule, together with the quotas.

If this Commission is going to adopt either by a simple majority or by a three-quarters majority - I do not really care which - the Danish proposal, my delegation will find itself in very much the position that I feared we might find ourselves at the beginning of this meeting. I would draw attention of commissioners to this point and I would hope that, rather than go this road, we could find a solution along another road. I have a solution to propose which I thought might be acceptable to everyone for this issue.

DENMARK (MR. LEMCHE): Just to mention that my understanding of the 1974 Management Guideline was that the proposals which come from using those guidelines should be put into the Schedule. These quotas should be put into the Schedule, not the guidelines themselves.

I would ask you to take up the voting which was interrupted.

USA (DR. WHITE): I just want to indicate that our delegation regards this as seriously as expressed by the delegation from Mexico. It is true that we set our own rules of procedure. We set them on this issue. We set them because you ruled from the Chair that it was a Schedule change. The Technical Committee proposed that it be a Schedule change. We have already taken three votes on this issue in which we all assumed that it was to be a Schedule change. I would assume that that establishes the rules of procedure of this organisation. We have done it. If we are to have a change in the procedure, I think

we shall have to look at other provisions which require adequate notification. We are really dealing with the constitutional processes of this organisation on a very serious issue, and the issue is simply whether we are going to approach and treat the new management procedure as a matter sufficiently serious to go into the Schedule, as we all assumed up to this point.

DENMARK (MR. LEMCHE): Mr. Chairman, I would ask you to continue with the vote, and then anyone who is going to challenge whether the vote has been carried or not can do so afterwards, then we should look in the rules of procedure to see what we should then do.

THE CHAIRMAN: . Thank you, Mr. Lemche. We will proceed with the roll call on the Danish suggestion. It is quite clear that anyone can contest the outcome at the end of the vote. Our last country to vote was Iceland.

THE SECRETARY (continues the roll call)

Mexico -

MEXICO (DR. ROZENTAL): Mr. Chairman, I should also like to vote last.

THE SECRETARY (continues):

| | |
|--------------|---------|
| Norway | Yes |
| Panama | Abstain |
| South Africa | Yes |
| USSR | Yes |
| UK | Yes |
| USA | No |
| Japan | Yes |
| Mexico | No |

THE CHAIRMAN: The result of the voting:

10 for, 3 against, 1 abstention.

But as this will be contested evidently by members of the Commission, I should be very happy to hear what suggestion Mexico could make as to a solution which everyone would be happy with.

MEXICO (DR. ROZENTAL): I certainly appreciate your invitation, Mr. Chairman, because I realise that you not necessarily have to make it. I was going to suggest the following:

The reason why my country voted "No" on the previous amendments on the UK proposal and the US amendment was that it went beyond affecting the sei stocks that we had originally been talking about, and went on to affect other stocks, including the sperm and the Minke. If there is agreement in the Commission that we accept the UK proposal for the Schedule in this year but except from that those stocks which I have just mentioned which would be affected by the UK proposal -

THE CHAIRMAN: Take out all those species?

MEXICO (DR. ROZENTAL): Just those that would be affected in the change from the line and the calculation method proposed by the Scientific Committee and that proposed by the UK. I am not immediately aware of which ones they are, because I do not think the Scientific Committee have calculated that yet. There are stocks of the sperm whale and the Minke whale, I think it is a total of something of the order of 600 whales, which would be put back on to the quotas, according to the UK proposal; in other words, the quotas we have already decided on would be increased as a result of the UK proposal. My proposal would be that we do not increase them by those amounts, yet adopt the UK proposal in all other respects.

CHAIRMAN: In other words, you would make it applicable for

the sei whale in the Southern Hemisphere and no other species. Is that what you mean? If every species is excepted, then it has no sense.

MEXICO (DR. ROZENTAL): Yes, Mr. Chairman. I would have been prepared to make it exceptable as a compromise.

DENMARK (MR. LEMCHE): I shall not say anything of the way you are proceeding with the ruling, Mr. Chairman, but I would like to point out that the situation now is that a proposal was carried with a simple majority. You have said that the proposal has been carried and if anybody is going to challenge your decision, we will find ourselves in the rules of procedure, rule ix(b):

"The duties of the chairman shall be to decide all questions of order raised at meetings of the Commission subject to the right of any commissioner to request that any ruling by the chairman shall be submitted to the Commission for decision by vote."

That is, if anybody challenges your ruling, the Commission has to vote on that, and that vote, in my opinion, will be with a simple majority.

CHAIRMAN: Thank you, Mr. Lemche.

USA (DR. WHITE): We would like clarification from you, Mr. Chairman, as to your ruling on this vote. Are you judging that only majority is required in that vote, or three-quarters? If you judge that a majority is needed, it seems to me that you are withdrawing your ruling on previous votes.

ICELAND (MR. ASGEIRSSON): I shall not comment on your forthcoming ruling, but I wanted to ask for a clarification from the Mexican delegate. I am not sure if I understood him correctly. I understood that he suggested that we should apply the UK proposal

only with regard to the sei whales. This is exactly what the US suggested, and we have voted on it already.

MEXICO (DR. ROZENTAL): That is in effect true the way it is phrased by the Icelandic commissioner. I was trying to phrase it a different way. The reason for that is that up to now all the arguments that were given to us for the acceptance of the change in the curve were with regard to the sei, and no one in the course of any of our meetings made any mention of the fact that this also affected and added numbers of sperm and Minke whales to the quotas. Mr. Chairman, we can go on all night. I am prepared to stay here all night and all day tomorrow and all the weekend and as long as you would like, but I think there is a point where we should try to compromise with one another. We have made a really serious effort at compromise from our original position, but I have seen no effect at compromise whatsoever from other commissioners. If the other commissioners - and I speak basically to the Japanese delegation - feel that this is impossible for them to accept, I again would recall that we still have a great deal of work to do. We have a lot of quotas to set. When we set the quotas, there will be no question as to whether it is a three-quarters majority or a simple majority.

AUSTRALIA (MR. BOLLEN): I see no need for you to rule at this very moment on the vote that was taken, but I would like to suggest to fellow commissioners that we should tie the UK proposal as amended by the United States, but the reference to the Scientific Committee should only apply to sei whales.

DR. ALLEN (Chairman of the Scientific Committee): The proposal only to apply to sei whales. Make reference to the Scientific Committee, but the proposal only to apply to sei whales.

AUSTRALIA (MR. BOLLEN): Mr. Chairman, might I ask Dr. Allen to explain this carefully. We might have a solution here.

CHAIRMAN: Yes. Dr. Allen, what is your proposal?

DR. ALLEN (Chairman of the Scientific Committee): The proposal is a combination that I believe the Commission has not considered: that the Commission should adopt in its essence the United Kingdom proposal but applied to sei whales only, and incorporate also the United States' amendment which requests the Scientific Committee to examine the two alternatives before the next meeting of the Commission, and advise the Commission on their relative merits. I believe this is a combination that we have not considered and which, observing the voting, I think might have some chance of success.

CHAIRMAN: Thank you, Dr. Allen. I should like to remind commissioners that the idea is to try to get a three-quarters vote because no one would be happy with a basis other than that. I would appeal to the commissioners to reconsider once more this new combination of the UK proposal applicable only to sei whales in the Southern Hemisphere, and with a rider proposed by the United States that this principle and system should be examined by the Scientific Committee over the coming 12 months and brought back to the Commission for eventual action next year.

MEXICO (DR. ROZENTAL): Mr. Chairman, if that is a motion by the Australian commissioner, I would second it.

UNITED KINGDOM (MR. GRAHAM): I should like one point of clarification. I am assuming that what the Scientific Committee would be examining and reporting on next year would be the question of the

procedure to be applied generally to all stocks. In other words, we should not be deciding in advance that only sei whales were to have my proposal applied to them, but that one would start next year on the basis of the Scientific Committee's evidence, and whatever conclusion we reach would be general, applying to all stocks.

THE CHAIRMAN: Of course, Mr. Graham, we can ask the Scientific Committee to give us any kind of figures that we find necessary and desirable. The proposal which I hope to put before you as a last resort is as follows:-

The British proposal to be applied to sei whales in the Southern Hemisphere and the procedure in setting the formula to be reconsidered by the Scientific Committee during the coming year. Is that clear?

(No name given): Once again, please, so that we are sure.

THE CHAIRMAN: What is proposed is that the British proposal as set out in paragraph 6 of the British paper should be applicable for sei whales in the Southern Hemisphere for the coming season; and that the formula worked out for this particular species should be reconsidered by the Scientific Committee in the coming year without specifying that that is only for sei whales.

UNITED KINGDOM (MR. GRAHAM): I think that is right, Sir. I think if you added some words such as "for general adoption" to the end of your formulation, that would make it clear that what the Scientific Committee was reviewing was the scale to whatever species it might be applied. This year it would only apply to sei whales; next year they would come up with a recommendation which would apply generally. In other words, we should not predetermine whether only

sei whales would possibly be affected by this formula.

THE CHAIRMAN: Thank you, Mr. Graham. Do you see any difficulty, Australia?

AUSTRALIA (MR. BOLLEN): I should like Dr. Allen to speak as the chairman of the Scientific Committee on that point.

DR. ALLEN (Chairman of the Scientific Committee): I should like to confirm, Sir, that I was thinking on the lines of the United States' amendment as I originally had it down, which was to ask the Scientific Committee to examine the two proposals prior to the next meeting of the Commission and to provide the Commission at its next meeting with advice on the advantages and disadvantages of each procedure, so that the Commission may decide its application to all stocks. That is the wording of the United States' amendment as I have it down.

USA (DR. WHITE): Just to clarify. We are discussing a proposal that Z equals 10 per cent.

THE CHAIRMAN: The proposal contains the two elements, Z being 10 per cent, and this particular formula being used for the sei whale in the Antarctic, and the procedure to be reviewed by the Scientific Committee next year.

I think this would take care of all considerations from all quarters, and I appeal to you to adopt this when you are called upon to vote, with a three-quarters majority. I appeal especially to France and to others who have consistently said "No". Thank you.

Would it be acceptable to you to have the roll call now?

(Agreed.) Let it be done.

THE SECRETARY (calls the roll):

| | |
|--------------|---------|
| Argentina | Yes |
| Australia | Yes |
| Brazil | Yes |
| Canada | Yes |
| Denmark | Yes |
| France | Abstain |
| Iceland | Yes |
| Japan | No |
| Mexico | Yes |
| Norway | Yes |
| Panama | Yes |
| South Africa | Yes |
| USSR | No |
| UK | Yes |
| USA | Yes |

THE CHAIRMAN: The result of the voting is 12 to 2, with one abstention. The proposal - a very composite proposal - is thereby carried. I think we have passed the first hurdle. There are many more facing us. So do we continue on the agenda or shall we adjourn now until tomorrow morning?

MEXICO (DR. ROZENTAL): Mr. Chairman, my preference would be to continue. I think we have a great deal of work to do. Friday is traditionally a day where we wrap things up as much as possible, and I would certainly prefer at least to get through if we can those items which are of major importance.

THE CHAIRMAN: Is there any objection to our continuing for another hour? (No objection) So be it.

We proceed to Item 10 on the Agenda, Whale Stocks and Catch Limits. We have the report of the Scientific Committee which has been fully discussed in the Technical Committee, and I would like to ask the chairman of the Technical Committee to introduce the next item on the agenda, Southern Hemisphere - Baleen Stocks.

MR. BOLLEN (Chairman of the Technical Committee): Before the Technical Committee could consider the catch limits in the different areas

and the different stocks, we had to identify areas for baleen whales in the Southern Hemisphere and the areas for sperm whales in the Southern Hemisphere. You will find on the first page of the report of the Technical Committee under item 5, Whale Stocks, that these areas are set out for the baleen whales. It is not shown on the note, but it refers to those areas between the ice edge and the equator.

The Technical Committee recommends that those areas be written into the Schedule because reference is made to them later.

On a later page, Mr. Chairman, still on the matter of identification of areas, where item 5 is continued, Sperm whales in the Southern Hemisphere, you will find that the areas have been set out when reference has been made to the quotas for the male and female sperm whales in that area. The Technical Committee recommends that the Commission should accept these areas and have them included in the Schedule, and I so move.

THE CHAIRMAN: The chairman of the Technical Committee has moved that the definition of the different areas as being contained under item 5 of the Technical Committee's report be accepted by the Commission for inclusion in the Schedule. Do I have a seconder?

MR. BOLLEN (chairman of the Technical Committee): Mr. Chairman, I should add that also in respect of the sperm whale areas, that it also applies from the ice edge to the equator. They are on the blackboard.

THE CHAIRMAN: We will take that when we come to it. Is there a seconder to the proposal? (Seconded by Norway). Is anyone against the adoption into the Schedule of the area definition as contained under item 5 of the Technical Committee's report?

MR. BOLLEN (chairman of the Technical Committee): Mr. Chairman, it has just been pointed out that in respect to fin whales it goes to 40° South from the ice edge.

THE CHAIRMAN: In area one to 40° South. Any objection? Japan? Soviet Union? If there is no objection, the recommendation of the Technical Committee has been adopted.

We continue with the different species in the Southern Hemisphere of baleen whales. The first item is the fin whale stock in the Antarctic.

MR. BOLLEN (Chairman of the Technical Committee): The Technical Committee recommends that fin whales in area I of the Antarctic should be a sustained management stock with a quota of 220 and that fin whales should be a protected stock with zero quotas in all other areas. I so recommend.

THE CHAIRMAN: Does anyone second that recommendation? (Seconded by Denmark and France). Any objection to the fin whale stock in the Antarctic area to be a sustained management stock with a quota of 220 in area I, and that fin whales should be a protected stock with zero quotas in all other areas. Is that agreed?

JAPAN (MR. FUJITA): I am not raising any substantive question, but I wish to confirm that we would discuss at a subsequent time how to phrase this for the Schedule.

THE CHAIRMAN: This has been a very complicated matter. I think it would be difficult to take up the actual wording in the Commission. We will leave that delicate business to the secretary for you to give your opinion on afterwards. Is that all right?

JAPAN (MR. FUJITA): Yes.

THE CHAIRMAN: We proceed to sei whales - (interrupted) -

JAPAN (MR. FUJITA): We should like to confirm the duration of this decision. My question relates to the duration of the decision. I take it that the decision is good for only one year until we have the decision next year on the status of stocks, and this should be considered when we discuss how to phrase the decision to go into the Schedule.

THE CHAIRMAN: Mr. Fujita, the decisions we take here for inclusion into the Schedule are only for the coming season. It has always been the case from year to year. It is for the 1975/76 season. That will go into the Schedule.

SOUTH AFRICA (DR. DE JAGER): Mr. Chairman, I am sorry to take your time. I want some clarification on the fin whales in table 1 where it states "Antarctic". Should not that read "Southern Hemisphere" because area 3 which is north of 40°S is area 3, and we are in area 3 as such.

THE CHAIRMAN: Would you contact the secretary when the actual wording is being written into the Schedule to have this point cleared. There is no intention of any extension there.

We continue with the next item on the Agenda, the sei whale quota in the Southern Hemisphere.

MR. BOLLEN (chairman of the Technical Committee): The Technical Committee recommend that the quota for sei whales in the Antarctic for next year should be as follows:-

| | |
|----------|----------------------------------|
| Area I | 180, sustained management stock |
| Area II | 540, sustained management stock |
| Area III | Zero quota, protected stock |
| Area IV | 610, sustained management stock |
| Area V | 630, sustained management stock |
| Area VI | 270, sustained management stock. |

I so move, Mr. Chairman.

THE CHAIRMAN: That is moved, and seconded by Denmark.

MEXICO (DR. ROZENTAL): I think it would be worth while pointing out that the figures recommended by the Technical Committee are identical to the figures that come out after the adjustment as a result of the proposal we have adopted a little earlier this afternoon. But it was not exactly on the same basis. The figures are the same, but I think it should be recognised that we have two different reasons for those figures being the same.

THE CHAIRMAN: I thought we were all aware of this variation in the background to our voting.

It has been recommended by the Chairman of the Technical Committee and seconded by Denmark that the figures as seen under item 5 for the sei whales in the Antarctic should be the figures you find here. Is there any objection to these figures being accepted? If there is no objection, the recommendation is carried.

UNITED KINGDOM (MR. GRAHAM): I am reminded that the description of these stocks should be "Southern Hemisphere", not the Antarctic.

USA (DR. WHITE): Mr. Chairman, I hope that in recording

these quotas you will declare that this was for Z equal to 10 per cent quota calculated on the basis of the Graham procedure.

THE CHAIRMAN: Yes. We still have the Minke in the Southern Hemisphere, but we have not received a written report from the Technical Committee on that particular point. Would it be your pleasure to discuss this now or should be continue with the other species for which we have recommendations from the Technical Committee?

MR. BOLLEN (Chairman of the Technical Committee): I think we should follow through this piece of paper. I am getting confused myself and I am sure some of the other commissioners will become confused if we change papers at this stage. I would like to continue with the North Pacific stocks.

THE CHAIRMAN: Thank you, Mr. Bollen. If there are no objections we will continue and come back to the Minke tomorrow morning. We are talking about baleen whales now.

MR. BOLLEN (chairman of the Technical Committee): The Technical Committee recommends that fin and sei whales in the North Pacific should be protected stocks with zero quotas.

THE CHAIRMAN: You have heard the recommendation of the Technical Committee. Would anyone second that proposal? (Seconded by United States and France). Is anyone opposed? That is carried. So for the next year the fin and sei whale in the North Pacific will be protected stocks with zero quotas.

Now the next item, Mr. Bollen.

MR. BOLLEN (Chairman of the Technical Committee): The Technical Committee recommend that Bryde's whales in the North Pacific be classified as an initial management stock with a quota of 1,363 for the coming year. I so recommend.

THE CHAIRMAN: This was agreed by the Technical Committee. Is there a seconder? (Seconded by Denmark). Is anyone opposed? It is therefore decided that the Bryde's whales should be classified as an initial management stock in the North Pacific with a quota of 1,363 for the coming season.

MR. BOLLEN (Chairman of the Technical Committee): Mr. Chairman, North Pacific, Minke whales. There is a second paragraph on the second page where it is recommended that Minke whale catches in the North Pacific be held at the present level but be considered again next year, and in the meantime Japan would provide data for the Scientific Committee to further consider these stocks.

THE CHAIRMAN: Is that acceptable to the Commission? Is there a seconder? (Seconded by Denmark). It is so agreed. Let us continue, Mr. Bollen, and take the North Atlantic.

MR. BOLLEN (Chairman of the Technical Committee): North Atlantic Minke whales: it was recommended that for Minke whales in the eastern North Atlantic, the quota be 2,000; and in the western North Atlantic 550. It is a sustained stock for the 2,000 and an initial stock for the 550.

MEXICO (DR. ROZENTAL): Mr. Chairman, I do not quite understand why these figures do not appear in the report of the Technical Committee. The report simply says that they be classified

as sustained management and initial management, but there is no mention of the numbers.

THE CHAIRMAN: It is a typing error.

MR. BOLLEN (chairman of the Technical Committee): Mr. Chairman, it says here "the figures recommended by the Scientific Committee", so my colleague from Mexico should be referring to Appendix J.

THE CHAIRMAN: We had the other figures from the Scientific Committee included in your report, so that is why he would like to have them here also. I suggest that you include them yourself, Dr. Rozental.

MR. BOLLEN (chairman of the Technical Committee): Mr. Chairman, could we deal with the question of fin whales in the North Atlantic?

CANADA (DR. MARTIN): Before leaving Minke whales in the North Atlantic, we would like to note a reservation on the basis that in the north-west Atlantic, this is not a stable situation. We have been recognising an increase in catches in this area. In the Canadian part of this area, as you are well aware, we are not taking a quota at this time, and I would simply like to note a reservation concerning the figure of 550 for Minke whales.

THE CHAIRMAN: Your reservation will be noted.

DENMARK (MR. LEMCHE): I want to second the motion of the Technical Committee.

THE CHAIRMAN: Apart from the reservation lodged by the representative of Canada, is there any objection to the fixing of quotas of 2 000 and 550 in the North Atlantic and West Atlantic respectively?

If not, that would be the quota.

May we now turn to the question of fin whales in the North Atlantic?

MR. BOLLEN (chairman of the Technical Committee): The recommendation of the Technical Committee is that in the area of the Faroes and West Norway the fin whales be a protected stock, in Iceland a sustained stock of 275 for the forthcoming year, in the Nova Scotia area, that it be classified as a protected stock and that, in the Newfoundland area, there should be a quota of 90 in a sustained management stock. I should have added that there are zero quotas in the two protected areas - the Faroes and West Norway, and Nova Scotia.

MEXICO (DR. ROZENTAL): I should like to make a small correction to the text of the report of the Technical Committee, as it refers to the Iceland area. The original proposal, made by Canada and seconded by Norway, in the Technical Committee was defeated. My delegation then made a proposal which was seconded by the UK, for a quota of 275 for Iceland. But my proposal at that time included also a part which does not appear in the report of the Technical Committee, that this should now be sent to the Scientific Committee during the course of next year so that the Scientific Committee can study the question relating to quotas for these cases being set on the basis of effort limitation, and that we should have a report from that committee at our next session. This was agreed in the subsequent vote. So I would like to ask that that be taken into account when this is incorporated, as it has to be, into whichever document it is incorporated.

ICELAND (MR. ASGEIRSSON): I am in agreement with the latter half of the statement of my colleague from Mexico, but I shall have to correct him on the first part. Since Canada's proposal was never voted upon, it was never defeated.

THE CHAIRMAN: We have now received the recommendation from the Technical Committee concerning minke whales in the Southern Hemisphere. Mr. Bollen, would you care to comment?

AUSTRALIA (MR. BOLLEN): In respect of the recommendation for minke whales in the Southern Hemisphere, the quotas are as follows for the 1975-76 season: Area I, initial management stock, 1,000; Area II, initial management stock, 1,700; Area III, initial management stock, 2,000; Area IV, sustained management stock, 810; Area V, initial stock, 700; Area VI, initial stock 500. I so move.

THE CHAIRMAN: Is there a seconder to the motion? (Denmark).

USSR (DR. NIKONOROV) (Translated): I have already addressed the distinguished Commissioners to the effect that a quota of 6,710 minke whales in this area is unacceptable to the Soviet delegation, for reasons which I have already mentioned. We propose that the quota for these animals for the coming season should remain at the level of the previous year, namely 7,000. This proposal arises not from economic considerations but from other considerations.

THE CHAIRMAN: Are you proposing this as an amendment to the proposal to the Technical Committee?

USSR (DR. NIKONOROV) (Translated): It is an amendment to that proposal.

THE CHAIRMAN: Is there a seconder?

MEXICO (DR. ROZENTAL): Could I have a clarification from the Commissioner from the Soviet Union as to whether he has any proposals in respect of a suggested division for his amendment among the six areas which we have already adopted for these stocks?

USSR (DR. NIKONOROV) (Translated): In cases where the zero quota is to be established, naturally whaling will not take place.

THE CHAIRMAN: But the allocation of quota by areas is a separate issue.

If there is no seconder to the Soviet proposal, it will fall.

DENMARK (MR. LEMCHE): I am sorry that I made a mistake, in my haste to indicate that I would second the proposal of the Technical Committee. If your rules of procedure permit, Mr. Chairman, I would like to withdraw that seconding.

THE CHAIRMAN: We were looking for a seconder to the Soviet amendment.

JAPAN (MR. FUJITA) (Translated): I am not quite sure whether the original recommendation of the Technical Committee has ever been seconded. However, I have a question for the Soviet delegation, namely, to enquire if the quota proposed by that delegation refers only to the Antarctic area and does not include areas to the north?

USSR (DR. NIKONOROV) (Translated): This quota pertains only to Antarctic waters.

THE CHAIRMAN: The Soviet Union proposal is that the Minke

quota for the coming season in the Antarctic region should be 7,000. I still have no seconder. (Japan).

MEXICO (DR. ROZENTAL): First, I would second the recommendation of the Technical Committee, to ensure that it is on the table. Secondly, I would say that the Technical Committee voted on this question, and we agreed that these recommended figures would be applicable to the Southern Hemisphere rather than to the Antarctic, and that they would be divided by the six areas as is recommended by the Technical Committee. That is the proposal that my delegation supports.

ICELAND (MR. ASGEIRSSON): I am merely seeking clarification. If the USSR proposal is adopted and the quota fixed at 7,000, do we then come to the division of the area?

THE CHAIRMAN: I should think that if this proposal is adopted we should then have to distribute the quota among the areas according to the recommendation we will probably receive from the Scientific Committee.

USA (DR. WHITE): The United States would find very great difficulty in just spreading that quota all over the various sections of the Southern Hemisphere. First, we would agree that it should be the Southern Hemisphere, not the Antarctic, and we have agreed that we are going to consider the land station stocks and the pelagic stocks together, which has created a problem for some countries, because it represents a very significant lowering of the quota from last year. I think that if we are going seriously to consider any changes, we have got to consider it in terms of area. I have asked some of the scientists in my delegation to examine some of the problems involved here. It appears that in Area II at least, so far as some of my

scientific associates are concerned, there is some new data which has been presented, which indicates that there is possibly some room for a slight increase in that area. But we could in no way subscribe to any increases in any of the other areas.

THE CHAIRMAN: On this basis, would it be possible for the Soviet delegation to give us an indication of how, in their opinion, a quota increase from 6,710 to 7,000 might be distributed?

USSR (DR. NIKONOROV) (Translated): We would propose to increase the quota from 1,700 to 2,000 in Area II, which will just correspond to our proposal.

USA (DR. WHITE): On the assumption that that also includes the land stations that we were discussing in the Technical Committee.

THE CHAIRMAN: Do you regard the US statement as an amendment? It was a clarification.

DENMARK (MR. LEMCHE): I take it that the USSR have proposed an amendment to the Technical Committee's recommendation, that the catch in Area II should be increased from 1,700 to 2,000. I would like to second that amendment.

THE CHAIRMAN: I think the Soviet delegation might have a point, and I think we might more favourably turn to that proposal if it could be amended to apply to the Southern Hemisphere. Under those circumstances, the catch in Area II would be raised by 300 units, up to 2,000.

USSR (DR. NIKONOROV) (Translated): Is the USA statement an actual amendment to the Soviet proposal?

THE CHAIRMAN: It is just a clarification. The US delegation mentioned that, on the basis of further scientific information received by them, it would be possible perhaps to have a certain increase in the quota in Area II. I am therefore asking you how you would distribute your extra 300 units throughout the different areas, and you have told me that you would put them in Area II, where a certain extra catch could be taken. In addition, I asked whether it would be possible, under those circumstances, for the Soviet delegation to amend its amendment to read "in the Southern Hemisphere".

USSR (DR. NIKONOROV) (Translated): Which proposal did Denmark second?

DENMARK (MR. LEMCHE): Following the statement by the United States delegate, I thought that the USSR made an amendment to the recommendation from the Technical Committee whereby the catch in Area II was increased from 1,700 to 2,000, and no other amendment to the recommendation from the Technical Committee, and that the Technical Committee's recommendation also contained the Southern Hemisphere instead of the Antarctic. On that basis, I seconded what I thought to be the Soviet amendment.

USSR (DR. NIKONOROV) (Translated): So it is understood that there is only one Soviet proposal, that an amendment has been proposed, and that the Soviet delegation has been asked whether that amendment could be applicable to the Southern Hemisphere. The Soviet delegation cannot agree to that.

THE CHAIRMAN: The Soviet proposal is, therefore, that the catch of Minke whale in the Antarctic be set at 7,000. This was

seconded by Japan, and I will call for a vote on that issue. The proposal is, 7,000 Minke whales in the Antarctic for the season 1975-76.

USSR (DR. NIKONOROV) (Translated): On the understanding that we agree to take those 300 extra only in the second area.

THE CHAIRMAN: In order to relieve the monotony, the secretary will call you in the opposite order, starting with the USA.

USA (DR. WHITE): We would like to propose an amendment that this apply to the Southern Hemisphere, not the Antarctic.

THE CHAIRMAN: What are you actually amending?

USA (DR. WHITE): I understand that the Soviet proposal is a 7,000 quota, with an additional 300 in Area II, and that it should only apply to the Antarctic. We cannot accept that proposal, so I am amending it to say "the Southern Hemisphere".

THE CHAIRMAN: So the proposal before us now is the last amendment, that 7,000 Minke whales be set as the quota for the coming season in the Southern Hemisphere. Is that clear?

MEXICO (DR. ROZENTAL): It is clear, Mr. Chairman, but following the bad example of other delegations, I would like to make a small explanation before we vote. My delegation might have been prepared to accept an addition to Area II of approximately 300 whales, if the Commissioner requesting that addition had been prepared to accept the inclusion of the words "Southern Hemisphere". Since that Commissioner does not accept those words, we will not accept the addition of the 300 units.

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INTERNATIONAL WHALING COMMISSION

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Third Plenary Session

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Friday , 27th June 1975

Third Plenary Session

THE CHAIRMAN: Our last item last night concerned the question of the Minke whale in the Southern Hemisphere. We voted upon different suggestions, and were fairly close to an agreement, but we did not find any ultimate solution. I would therefore take off my hat as Chairman and, as Commissioner for Norway, suggest that we look upon this once again. We have heard from the scientists that an increase in the quota for Area II would not seriously harm the stock, and we have heard the suggestion of an increase of 300. As Norwegian Commissioner, I formally propose that the catch of Minke whales in the Antarctic season should be 6,985, distributed as follows: Area I, 1,000; Area II, 1,975; Area III, 2,000; Area IV, 810; Area V, 700; Area VI, 500.

Resuming my Chairman's hat, is there a seconder?

USA (Dr. White): On a point of clarification, does that refer to the Southern Hemisphere?

THE CHAIRMAN: Yes. Is there a seconder? (Canada). It is proposed by Norway and seconded by Canada that the combined catch be 6,975. I now call for a vote on that proposal.

Those in favour: Norway, South Africa, United Kingdom, Australia, Brazil, Canada, Denmark, Iceland, Japan. Those against: United States, Argentina, France, Mexico. Those abstaining: Panama, USSR.

THE CHAIRMAN: There were nine votes in favour and four against. The amendment was not carried.

DENMARK (Mr. Lemche): We must therefore make another proposition, and I should like formally to echo your proposal, Mr. Chairman, the only difference being that instead of +275 in Area II we would like to suggest +265 in Area II.

UNITED KINGDOM (Mr. Graham): I was wondering whether it might be useful to have some discussion on this before it is put to the vote. It is really very hard to understand the grounds on which the objectors to your own motion have based their objections. Some of them have already voted in favour of larger increases, and we are in a situation where it is clearly desirable that some conclusion should be reached in this matter. On earlier issues, we

have all made great efforts, and have succeeded in reaching agreement. I am bound to say that I find it quite incomprehensible why objections should be raised to this. The usual ground for objection is that something is contrary to the scientific evidence, or that some point of principle is at stake. Here, as I understand it, the revised figures are fully justifiable in the light of some factors that were not fully taken into account in the Scientific Committee's earlier recommendations. Quite frankly, I am at a loss to know on what basis this extremely rigid attitude of opposition is being taken to your motion, which may well be adopted again. I think we are entitled to some explanation of precisely why countries find it unacceptable. If not, it is not clear what obstacles we are trying to remove in order to reach a compromise.

THE CHAIRMAN: Thank you, Mr. Graham: it seems natural that such an explanation should be called for.

ICELAND (Mr. Asgeirsson): I wish to associate myself entirely with the views expressed by Mr. Graham.

THE CHAIRMAN: Can I call upon France to give an explanation of its rigid position?

FRANCE (Mr. Jacquier): I have no explanation except that the figure of 1,700 is the figure coming from the Scientific Committee, and I have instructions to stick to that figure.

THE CHAIRMAN: Dr. Allen, could you please elucidate on the increased figure which you scientists appear to have accepted under Area II of the Southern Hemisphere distribution?

Dr. ALLEN (Chairman of the Scientific Committee): The figure of 1,700 was based on all the evidence considered during the main discussions of the Scientific Committee on this matter, on the evidence then available to us, and this is the figure that therefore appears in our report. Since that time, there have been indications that, in the case of the Brazilian coastal fishery area, there has been a recent tendency to increases in CPUE and I believe that this has led some scientists to the conclusion that there may be some additional stock which was not fully taken into account in this area. However, I have to

say that I believe that that is an expression of opinion among a number - I cannot say what number - of scientists individually. It is not expressed in any formal report by the Scientific Committee. As Chairman of the Committee, that is how I have to report.

DENMARK (Mr. Lemche): Yesterday afternoon we had the situation where some scientists said something, while other scientists said something else. As Dr. Allen said, there was no agreement in the Scientific Committee whether or not - and I am talking area by area in the Southern Hemisphere: let us take, for example Area II - there was a single stock in that area from which the pelagic catch took as well as the land station catch, or if there were separate stocks. As the scientists could not agree, or recommend something specific on that, we did what Commissioners have to do when there are no scientific recommendations: when we were obliged to come to a result, we took a vote. It was a vote taken without any scientific background: the situation could either be one or the other. What happened afterwards was that the United States Commissioner, Dr. White, said that he had been talking to some of his scientists - not the whole Scientific Committee but his scientists - and that there might be some reason not to be too rigid in that area. Therefore, Dr. White yesterday proposed the same thing as you did this morning, Mr. Chairman, only he proposed +300 in Area II instead of +275, as you suggested.

UNITED KINGDOM (Mr. Graham): I should perhaps add that the views of the American scientists referred to by Dr. White yesterday, as I know from informal consultations, are shared by scientists who are certainly not disposed to take risks in relation to conservation. I am really wondering whether, since all the members of the Scientific Committee are fully seized with the data and background of this situation, it would be worthwhile having a very short adjournment: whether they would be able to reach a conclusion in a very short time and let us have it before a vote is taken.

THE CHAIRMAN: May I also remind you gentlemen of the facts: that in reports from the Scientific Committee we are talking about the Antarctic. The figures put up by the Scientific Committee in the papers delivered to us relate to the Antarctic. In the proposal which I made, I included the whole Southern Hemisphere. That actually means that this quota will be utilised not only by the pelagic fleet but also by the land stations. We heard that the land stations took around 1,200 to 1,300 animals, which means that this quota of around 6,000 or 7,000 will be used not only by the pelagic fleet but also by the land stations. This actually implies that the figure which the Scientific Committee gave for the Antarctic will be substantially reduced for the Antarctic pelagic whaling fleet. So we are actually going below the recommendation. If we keep to the recommendation of the Scientific Committee we should remember that it has been put to us as the Antarctic, not to the Southern Hemisphere.

MEXICO (Dr. Rozental): I am sorry, but I must disagree with what you have just said. In the course of the Technical Committee meetings I specifically asked Dr. Allen, as Chairman of the Scientific Committee, whether the figure which the Scientific Committee was recommending was for the total catch in the area, or whether it was just meant to be for the pelagic catch. Dr. Allen, as he very ably does on many occasions, answered in a rather enigmatic form, but he did say that the Scientific Committee had reached its conclusions on the basis of the figure 1,700 being the safe catch for the entire area. There had not been agreement in the Scientific Committee to put that down, but that the Committee had had that as a basis. So I must disagree with you, because I think it does not exactly correspond to what Dr. Allen told us yesterday.

THE CHAIRMAN: Perhaps the ambiguity was a little too large for me to understand.

DENMARK (Mr. Lemche): Perhaps we should look at what the IWC has done until now. If we compare the decisions made until now with the quotas which the IWC agreed upon in 1974, the difference between the quotas in 1974 and what has been decided up till now - I include the Technical Committee recommendations - is around 9,000 whales less.

Dr. ALLEN (Chairman of the Scientific Committee): I think I ought to make one point clear. I am afraid that in the haste of our working, one point in the documentation has not been adequately dealt with. When we distributed Annex J, which was the table with the catch figures in it, I mentioned that this was partly provisional, because we were still discussing a number of items - and I specifically said that the Minke whales in the Southern Hemisphere were one of those. In this form, which was typed and distributed, we put "Antarctic" opposite Minke whales. As you have seen in the final documentation of our report, and as I explained in introducing that report, there was unfortunately absolute failure to agree within the Scientific Committee as to whether this should apply to the Antarctic or to the Southern Hemisphere. We made this very clear in our report, I believe. I regret that in the haste of working I did not point out on behalf of the Committee that the effect of this should have been to make Page 1 of Table 1 of Annex J for Minke whales read "Antarctic or Southern Hemisphere". I believe that this would be the form of that table, which would have corresponded with the final agreed text of the Scientific Committee relating to Minke Whales. Our report says specifically that we cannot agree on whether this should apply to the Antarctic or to the Southern Hemisphere, and according to which way that goes, then the Minke whale figures would apply to either Antarctic or Southern Hemisphere. I regret very much that we have failed to draw your attention to the fact that that amendment should have been made to the table.

THE CHAIRMAN: Thank you, Dr. Allen. FAO?

FAO (Dr. Holt): It is with very great diffidence that I ask for the floor in a Plenary Session when you are discussing a substantive issue. But some of the discussion on the scientific assessments, and particularly the comments that have been made with respect to the 1,700 figure for Area II being possibly a little too low, derive I believe from some calculations that I made last week, and with which several of the Scientific Committee are familiar, but which it has not been able to take into account for reasons of time and also for reasons of dispute over whether the stocks exploited by Brazil are the same as those exploited in the Antarctic.

Now that the Plenary Session has decided the mode by which it will apply a quota in that area as in other areas with respect to the Minke whale, it might be helpful to the Commission, if the Commissioners wish, that I do something which I think Mr. Allen is not able to do, since he is representing a Committee with divided opinions - to explain why, and perhaps within which limits at least I believe the 1,700 is too low, although not much too low, taking calculations made precisely as the Scientific Committee has in fact made them but including all the data relating to the Brazilian catches which the Scientific Committee did not do. At your discretion, Mr. Chairman, if you wish, I could say a little more about that.

THE CHAIRMAN: I think we should be very happy to have your opinion, Dr. Holt. Perhaps you can make it brief, and in a language understandable by everyone concerned.

FAO (Dr. Holt): For me, the matter is rather simple. Without any discussion of the procedures, the conclusions reached by the Scientific Committee in those calculations, there is one thing that was not done with respect to Brazilian catches. The Brazilian catches in recent years were taken into account in part - that was corrected: in fact they were not taken into account at all, which even strengthens my comments. Subsequent to the discussions of the Scientific Committee, I made new calculations taking into account specifically the early catches by Brazil which, according to the Scientific Committee's own logic must have meant that the initial stocks in Area II are

slightly larger than that given in the Report: the real initial stock. That is to say, the stock had already been slightly reduced before the intensive pelagic operation started in Area II in the Antarctic. If you make that correction by simple arithmetic following an extension precisely of the Scientific Committee's calculations, you attain, by taking 5 per cent of the recomputed initial stock, a quota of 1,800 rather than 1,700. There are some other considerations, including, I think, those that have been mentioned by Dr. Allen, although I do not know what the degree of that effect is. There is the fact, which I pointed out, that the males and females of the Minke whale, especially in that area, have not been taken in equal proportions, which could in my opinion raise the permissible catch from somewhere between 1,800 and 1,900. I am in no way trying to propose to the Commission what quotas it should adopt. But in view of the difficulty Dr. Allen clearly has in reporting the Scientific Committee discussions, I hope that that comment might be helpful to the Commissioners.

THE CHAIRMAN: Would it be acceptable to the Commission that the scientists try for 15 minutes to reach a final conclusion on this point? Can you do it in that time, Dr. Allen?

Dr. ALLEN (Chairman of the Scientific Committee): We will certainly try.

THE CHAIRMAN: In order to get this item off the floor, I suggest that we adjourn for 15 minutes and ask the Scientific Committee to concentrate on that one figure.

(The Commission adjourned for 15 minutes)

THE CHAIRMAN: We asked the Scientific Committee to pronounce on all the possibilities of an increase of the Minke whale catch in the Area II of the Southern Hemisphere. Dr. Allen, have you anything to report?

Dr. ALLEN: I have a report from the Scientific Committee which I would like to read to you. It will be circulated in due course. "The Scientific Committee, having reviewed the considerations put before it by Dr. Holt, considers that for the coming season a catch limit of 1,800 for Minke whales for Area II would be appropriate on the understanding

that the Commission intends to apply this catch limit to this area of the Southern Hemisphere as a whole. The Soviet scientists could not support this recommendation and emphasised that further consideration is needed. The position will be reviewed further next year."

THE CHAIRMAN: We now have the recommendation, even if it is not unanimous, from the Scientific Committee, that the figure for Area II in the Southern Hemisphere should be increased by 100, so that the total catch of all Minke whales in the Southern Hemisphere should be 6,810 in the coming season.

AUSTRALIA (Mr. Bollen): I so move.

THE CHAIRMAN: Is there a seconder for the Motion?

DENMARK (Mr. Lemche): In seconding the motion I want to point out one thing, and that is that the Scientific Committee's recommendation now is a political decision saying that initial management stock is 20 per cent. over the MSY levels. That is what the scientists used as a starting-point in their calculations and their interpretation of the Australian amendment. It has been necessary for the Scientific Committee to have a starting-point, but I would point out that that starting-point is non-scientific. However, the scientists have agreed on a figure, and I agree to second the motion.

Dr. ALLEN (Chairman of the Scientific Committee): Perhaps I may briefly explain what is involved in this particular case. In the case of the Minke whales we decided earlier and we have stayed with the general consideration that in all the areas in which such whales are clearly in the initial management category - which includes Area II - we would recommend quotas based on 5 per cent of the initial estimated population size. Dr. Holt's considerations led to an increase in the estimate of the initial population size, and therefore put an increase in the quota which is 5 per cent of that amount. That is what has actually happened in this particular case.

THE CHAIRMAN: If there is no further comment I will call for a vote on the proposal that the Minke whale catch in the Southern Hemisphere for the coming season should be fixed at 6,810.

Those in favour: Australia, Canada, Denmark, Iceland, Norway, South Africa, United Kingdom, USA. Those against: Nil. Those abstaining: Argentina, Brazil, France, Japan, Mexico, Panama, USSR.

THE CHAIRMAN: The Motion is carried by 8 votes in favour and 0 against with 7 abstentions.

That disposes of the Minke whale in the Southern Hemisphere. We turn now to the question of sperm whales in the Southern Hemisphere, Item 5 on the Agenda of the Technical Committee. I call on the Chairman of the Technical Committee to comment on its findings.

AUSTRALIA (Mr. Bollen): All Commissioners should have a piece of paper which constitutes the third page of the Technical Committee Report and is headed: "Item 5, continued: Sperm whales, Southern Hemisphere".

The Technical Committee recommends that the quotas for male and female sperm whales in the Southern Hemisphere and the classification of the stocks should be as set out on this paper.

THE CHAIRMAN: Can you tell us what will be implied when one adds up all the different areas? What will be the total quota for male and female sperm whales in the Southern Hemisphere?

AUSTRALIA (Mr. Bollen): The figures are in Appendix J of the Report: 5,870 males and 4,870 females.

THE CHAIRMAN: This item is now open for discussion, if any. Is there a seconder for the motion?

UNITED KINGDOM (Mr. Graham): In seconding the motion I should like to make one observation, which does not touch on the substance. In other papers we have received, these areas are described as Areas I, II, III and so on. It has been pointed out to me that if we adopted that terminology we should have two sets of areas applying to the Southern Hemisphere which would not be the same but would have the same description. So for the sake of the record I am suggesting that when this recommendation is officially formulated, some other word such as "division" might be used, so that we speak of "divisions" and "areas" and possibly avoid a fruitful source of confusion in further debates.

THE CHAIRMAN: Thank you Mr. Graham. We shall try to follow your suggestion.

USSR (Dr. Nikonorov) (Translated): The Soviet delegation has already stated its position and requests with regard to sperm whales. I would like to make a compromise proposal, the essence of which is that we agree with the recommendations of the Scientific Committee with regard to the quotas for sperm whales both for males and females, apart from males in the East Indian stocks and Central Pacific stock, Areas 5 and 8 as marked on the blackboard, the stocks of which are at the initial level. We propose that if we take the mean of the two proposals, ours and the Japanese on the one hand, and the Scientific Committee's recommendation for these two stocks on the other, the catch limit will be equal respectively. The average will be 1,020. For Area 8, the figure will be 2130. As far as areas are concerned, the Soviet delegation is not going to insist on three areas, and asks the Commission to establish six areas instead of nine. Please regard this proposal of ours as an amendment to the proposal by the Chairman of the Technical Committee.

DENMARK (Mr. Lemche): I am a little confused as to what the proposal is. I could not really hear it because of certain noise, and I am so short-sighted I cannot read the figures at the table. I understand that the Soviet delegation has proposed six areas instead of nine, but I am unable to see the interim relationship between the six areas defined in other connections and the nine areas contained in Annex J, Table 1, on page 2. I require some clarification.

USSR (Dr. Nikonorov) (Translated): For males, Area 5, the Scientific Committee's assessment is 900. The Soviet and Japanese estimates are 1,140. We believe that both methods, that is, calculation by the stock and by fishing efforts, are valid and effective, and we think that the truth lies somewhere in between. The average will be 1,020. For Area 8 the Scientific Committee's figure is 1,260, while the Soviet and Japanese calculations achieve a figure of 3,000. The average will be 2,130. With regard to other areas, the Soviet delegation fully agrees with the Scientific Committee.

Bearing in mind that none of our proposals have so far been accepted by the Commission, we request the Commission to consider the possibility of accepting this quota.

THE CHAIRMAN: You talked about six areas instead of three. Can you explain that?

USSR (Dr. Nikonorov) (Translated): We have received new instructions allowing us to agree to six areas instead of three. We know that some delegations would be prepared to consider this proposal. The Scientific Committee is also considering this proposal now: the sub-group headed by Dr. Chapman.

JAPAN (Mr. Fujita) (Translated): We second the USSR proposal.

THE CHAIRMAN: Your proposal implies an additional 120 animals in the East Indian area and 870 in the Central Pacific area, both being initial management areas.

DENMARK (Mr. Lemche): I am still not able to understand the relationship between the areas in Tables 1 and 2 and the six areas proposed by the Russian delegation. I will not take up time in asking for that to be explained, but I would only ask the Soviet Union the following question. If it is true that their amendment relates only to those areas which are in Table 1 classified as initial management stocks, I will second the motion.

USSR (Dr. Nikonorov) (Translated): It pertains only to male sperm whales, and only to those stocks which, according to the scientific classification, are classified as initial.

THE CHAIRMAN: Does that satisfy the Danish delegate's question?

DENMARK (Mr. Lemche): I hope that somebody knows what is going on. I cannot understand it. There are nine areas in Table 1, and there are six areas in the Soviet proposal. But if the Soviet proposal relates only to those of the nine areas - or split parts of the nine areas for all I know - which are classified in Table J as "initial management stock", I will second the motion.

THE CHAIRMAN: I would remind you that the question of the splitting

up of the different areas is being discussed at present by a small group under the leadership of Dr. Chapman, and that the question has not therefore yet been resolved.

MEXICO (Dr. Rozental): It was on the last statement which you, Mr. Chairman have just made, that I wanted to take the floor. I was not aware that there was a group studying this question for this particular area: I understood that a working group had been set up to study the question of the Japanese proposal. In any case, I would think that before we could take a decision on actual quotas we would have first to take a decision on the number of areas to which those quotas would be allocated - in other words, we were up against exactly the same problem in the Technical Committee and we there decided to first vote on whether there should be nine or six areas. Once we have done that, I think the question of the quotas will become much clearer.

THE CHAIRMAN: May I ask Dr. Chapman whether this question has been discussed in the group you headed?

USA (Dr. Chapman): Our Sub-Committee has unfortunately not yet been able to meet. We intend to discuss both the question of the Japanese adjustment and the possibility of some other division of the allocation for sperm whales in the Southern Hemisphere. I have not made a proposal to the other members of the group. As I say, we have not yet had a chance to meet, but I hope that we shall be able to do so as soon as the Plenary Session breaks. I think it may very well be a fairly quick decision. In that case, we would have something to report at the beginning of this afternoon's proceedings.

THE CHAIRMAN: Thank you, Dr. Chapman. I am happy to hear that my understanding of the situation was not completely incorrect. Under those circumstances, should we leave the topic of the sperm whales in the Southern Hemisphere until we have heard the viewpoint of the Scientific Committee as to the distribution of the areas? (Agreed) We will resume as soon as we have heard from the sub-committee.

We shall now proceed to sperm whales in the North Pacific, and I call on Mr. Bollen to introduce this item.

AUSTRALIA (Mr. Bollen): It is the recommendation of the Technical Committee that in the North Pacific the quotas for sperm whales shall be as follows: for males, 5,200 in an initial management stock, and for females 3,100 in an initial management stock. I so move.

THE CHAIRMAN: Is there a seconder? (Canada)
(Translated)

USSR (Dr. Nikonorov): My delegation wishes to make an amendment.

The figures for catch limits that we propose now are on the blackboard, and we request that the Commission considers them. The quota of 10,000 which existed during the past season is given below. 8,300 was the figure proposed by the Scientific Committee. By the same logic as that of our previous proposal, we request that the Commission establish a quota of 9,150 animals - 5,600 instead of 6,000 males and 3,550 females instead of 4,000.

THE CHAIRMAN: We have before us a proposal that the quota for male stock in the North Pacific should be 5,600 for the coming season, and that the quota for the female stock should be 3,550. Is there a seconder for the Motion? (Japan.)

DENMARK (Mr. Lemche): I would like to propose an amendment to that - something between the recommendation of the Technical Committee and the USSR proposal. For the males, my delegation proposes that the figure be 5,500 and, for females, 3,400.

THE CHAIRMAN: Is there a seconder for the last amendment? ...
As there is no seconder, I call for a vote on the Soviet amendment, supported by Japan, that the male quota for sperm whales in the North Pacific be 5,600 and that the female quota be 3,550.

Those in favour: USSR, Japan: Those against: United States, United Kingdom, South Africa, Panama, Norway, Mexico, Iceland, France, Canada, Australia, Argentina; Those abstaining: Denmark, Brazil.

THE CHAIRMAN: The amendment was defeated by 11 votes to 2, with 2 abstentions.

We shall proceed to a vote on the initial Motion, setting the quota for male sperms in the North Pacific for the coming season as 5,200 and for females 3,100.

Those in favour: United States, United Kingdom, South Africa, Panama, Norway, Mexico, Iceland, France, Canada, Australia, Argentina. Those against: USSR. Those abstaining: Japan, Denmark, Brazil.

THE CHAIRMAN: The Motion was carried by 11 votes to 1, with 3 abstentions. The quota for the catch of sperm whales in the North Pacific for the coming year will therefore be as now decided.

That concludes our discussions on quotas, apart from sperm whales in the Southern Hemisphere, which will be taken up after the lunch recess when we have heard the views of the Sub-Committee.

Under sub-paragraph (vi) of Item 10 of the Agenda for the Plenary Session, we are to discuss the question of open seasons for the taking of sperm whales. Has that problem been tackled by the Technical Committee, Dr. Bollen?

AUSTRALIA (Dr. Bollen): We have not reached a decision on this as yet. I would ask therefore if that particular item could be held over until the next meeting of the Plenary Session.

However, there are two other agenda items with which we could deal if you so wished, Mr. Chairman: Agenda item No. 8 - Report of the FAO/ACMRR Working Party on Marine Mammals -

THE CHAIRMAN: We should be very happy to clean off as many items as possible from the slate.

AUSTRALIA (Dr. Bollen): This has been referred to in the Scientific Committee's Report, and we have nothing to add at this stage. But the work is proceeding.

THE CHAIRMAN: If there are no further comments, we regard the report as accepted by the Plenary Session.

AUSTRALIA (Dr. Bollen): I could also refer to item 18 - Humane Killing of Whales. This was considered by the Scientific Committee, and is set out on page 3 of their report. It reads that:

"The Committee had available the conclusions of IUCN Survival Service Commission Whale Specialist Group on this question of the humane killing at its meeting in Morges in 1974. These were that the explosive harpoon technique, when used efficiently by expert whale gunners, is the best

available for the present for killing large whales in as short time as possible. These conclusions agreed with those of the IWC working party." The Technical Committee agrees with these conclusions and recommends that the Commission make enquiries of appropriate experts about possible new developments in the field of anaesthetics or other chemicals or explosives which might be adopted for killing whales, and also examine ways of improving the efficiency of existing methods. The attention of the Commission is also drawn to the existence of some whaling operations in which an explosive grenade is not used.

It was agreed that the Commission should enquire about the following points in appropriate quarters: the training of gunners, the failure of grenades, new developments in explosives, anaesthetics or other chemicals, the killing of small whales where explosives cannot be used.

THE CHAIRMAN: Is it agreed that the Report be accepted, and that the Commission takes upon itself the tasks that have been assigned to it?
(Agreed.)

USA (Dr. White): Since this item was placed on the agenda last year at the request of the United States delegation I would like to say that we are pleased to see the Commission take this step to enquire into this problem, which we regard as rather important, and we shall be looking forward to the results of this enquiry.

THE CHAIRMAN: Thank you, Dr. White. I am hopeful that, in due time, we shall be able to report to the Commissioners on these proceedings.

AUSTRALIA (Mr. Bollen): Under the heading "Report of the Scientific Committee", the Technical Committee received/a draft set of rules of procedure for the Scientific Committee. The Technical Committee recommends this to the Commission. It is set out on a sheet of paper headed "Rules of Procedure of Scientific Committee".

THE CHAIRMAN: This may be found at the back of the first report of the Technical Committee that was circulated. If there are no objections to these rules, is it agreed that they be accepted by the Commission?

AUSTRALIA (Mr. Bollen): In the first line of the second paragraph, we should like to include, after "FAO", the words "and UNEP", to change "is"

for "are" and, in the second line, the word "the" becomes "they" -

THE CHAIRMAN: I think that these final points may be left to the expertise of the drafting group.

AUSTRALIA (Mr. Bollen): I turn now to the second point of Agenda item 9: Classification of Whale Stocks and their Management - Action arising, including amendments to the Schedule. The Technical Committee placed before the plenary session a draft of the suggested amendments to the Schedule of the Convention on the Regulation of Whaling. I understand that this has been handed to the Secretary and that, together with the Chairman of the Scientific Committee, certain amendments are being made to bring this into line with the decision taken by the Commission late last night, on the value of Z.

THE CHAIRMAN: I suggest that it would be very difficult for the entire Plenary Session to go through and discuss the text of the amendments. It may be necessary to make certain amendments to the language and to clarify certain matters. I suggest also that that should be left, on condition that the general leading lines set out in the proposed amendment be observed, and that the final editing be left to the Secretary and Chairman of the Scientific Committee to find the right wording to suit the Schedule, and also include in the spaces where the stocks are classified the final distinctions of which stocks, and where. Is that agreed?

JAPAN (Mr. Fujita) (Translated): We would like to raise a point concerning the present draft. I raise no objection to the Chairman of the Scientific Committee and the Secretariat working on the draft for submission to the Plenary for our subsequent discussion, if this is found to be necessary.

THE CHAIRMAN: I hope that your remarks will be of a substantive nature, rather than editorial. The Secretary tells me that when we meet again after lunch we shall be able to see a draft of how this would look, in order to have the right wording for the Schedule. Would that be satisfactory?

JAPAN (Mr. Fujita) (Translated): So that, if necessary, we can re-open the discussion?

THE CHAIRMAN: Exactly.

AUSTRALIA (Mr. Bollen): That concludes the Report of the Technical Report, as far as we have completed our work. I think we will require about a further hour and a half to complete the agenda which you allocated to us.

THE CHAIRMAN: In that case, I do not think we can make further progress in the Plenary Session at present. I suggest therefore that we adjourn, and meet in 10 minutes as a Technical Committee.

(Adjourned)

THE CHAIRMAN : I should like to revert to item 9 of the Agenda: Classification of Whale Stocks and their Management. We had a paper before us this morning which has been worked upon and elaborated, and which contains in effect the pages which will be included in the Schedule. It covers our definition of the different areas, and it also covers our new definition of the three different kinds of stocks. Of course, there may still be small editorial changes in the text, possibly even substantial changes. The paper is therefore open to discussion. I would ask that proposals for small editorial changes should be taken up with the Secretary after the meeting. However, anyone with substantial changes to propose has the floor.

UNITED KINGDOM (Mr. Graham): Although strictly speaking I think this is only a drafting change, it is so substantial as to be worth raising here. My remarks are all concerned with the first paragraph that appears under (a) - A sustained management stock.

This paragraph effectively does two things. It defines a sustained management stock and then describes how to calculate the quotas. I have nothing against the definition of the sustained management stock: that is to say,

"A stock shall not be more than 20 per cent above MSY level, the MSY level being determined on the basis of the number of whales."

I think it would help if the sentence stopped there, and then started again with the next part, which causes me difficulty as drafted here. The next part defines how one defines the quotas. I do not think it is a proviso to the main thing: it is a new provision. The objection that I see to it as drafted at present is that I do not think that it means anything. The reason for this - I say this with respect - is that it has been drafted having in mind the various diagrams that we have seen and discussed, but I do not think that anybody coming fresh to this would have the faintest idea what it was all about - and the lawyers do like to have it. I think that it appeals to what is evidently a straight line on a graph, without defining for example what are the quantities measured along the dimensions of that graph, and so forth. I think that this is not so complicated that we need to appeal to a draft: it is a matter of simple proportion. At the risk of lacking modesty, I think

that when this is redrafted it could be done very much along the lines of what is done in the following paragraph for sei whale stocks, with slight adaptations, so that it would read:

"for stocks at MSY level and 10 per cent below that level, the permitted catch ... in the Southern Hemisphere shall be ..."

After which I think we simply use the same wording, or rather:

"... shall not exceed the number of whales obtained by taking the MSY and reducing that number now by 10 per cent for every percentage point by which the stock ... falls below the MSY level."

I think you would then have two consistent provisions, and then a third sentence would be needed, saying that

"For stocks at or above 100 per cent of the MSY level in this category the maximum permitted catch would be 90 per cent of MSY."

We shall offer these amendments to the Secretariat, but I thought it would be better to explain them here, in case it was thought that some substantial change was being made.

THE CHAIRMAN: I am sure we are all delighted to have Mr. Graham's remarks, and I hope that he will present them to the Secretary for clarification of a very complicated text, as long as the essence of the text is not changed.

JAPAN (Mr. Fujita)(Translated): I have a problem with the sustained management stock. As will be remembered, we have had long discussions on this question. Various proposals were made: one received 11 votes, but was still defeated. My impression is that the present proposal does not necessarily reflect what was agreed yesterday. I would like to have the assistance of the secretariat in providing for us an exact wording of what was agreed yesterday. If my memory serves me correctly, the final decision was based on the Australian motion.

THE CHAIRMAN: Can you tell me where the present text deviates from what was agreed yesterday?

JAPAN (Mr. Fujita) (Translated): We have asked the Scientific Committee to compare the two methods proposed as alternatives: benefits and disadvantages. In the present form the straight line method stands as a

principle, but I think that this has been challenged, and that both methods are a subject for review by the Scientific Committee next year. If my memory serves me correctly, the sentence omits the schedule: the wording should reflect this in an appropriate manner.

THE CHAIRMAN: I take your point very well, Mr. Fujita. It was agreed that the two methods should be discussed and evaluated by the Scientific Committee before next year. On the other hand, I do not think that this obligation placed on the Scientific Committee has anything to do with the schedule. It would be sufficient that the Commission direct the Scientific Committee to perform that extra job, and produce its recommendations at the next meeting of the Commission. This is no part of the schedule, as far as I can see, but merely a directive given by the Commission to the Scientific Committee. If we start to insert this kind of wording into the schedule, it will lose its authenticity.

USA (Dr. White): As this is now written, it does not conform either to the language of the Australian amendment - we find that very significant things have been left out which we regard as being highly important to the Australian amendment last year - or, in the definition of the various stocks, to the definitions given by the Scientific Committee. So this is not merely a problem of drafting: I think we have a more serious problem in wording this in conformity with the decisions that we have taken. I think that Mr. Fujita has a point. I do not know whether other delegations have similar problems, but my delegation certainly considers it reasonably important that this does not conform to some of the things already agreed to. For example, when it comes to an initial management stock, the idea that exploitation should not commence until an estimate of the stock size has been obtained which is satisfactory in the view of the Scientific Committee, has been left out. For example, at the top of page 2, it is stated:

"All stocks of whales shall be classified and managed in one of three categories subject to the advice ..."

while the Australian amendment reads:

"... according to the advice".

That is very substantive, as far as my delegation is concerned. Or, on page 3, in relation to initial management stock, it is stated:

"Efficient commercial whaling shall be permitted ..."

whereas the phraseology should be

"... may be permitted".

Thus I think changes are required here if we are to adopt this at the Plenary.

Perhaps a small drafting group of those delegations having problems could tackle this while the Plenary moves on to other items?

THE CHAIRMAN: I should be only too happy to comply with that request, on condition that the Plenary session can continue its work. It is suggested by Dr. White that instead of thrashing through the wording here at the Plenary session a small drafting group should be set up. Which countries would like to participate in that group? (Japan, USA, South Africa, United Kingdom, Australia). I suggest that these ladies and gentlemen withdraw, and that we continue our work.

We still have to decide upon the quotas for one species: the sperm whale in the Southern Hemisphere. There are two suggestions: the recommendation by the Scientific Committee that the total catch of male sperm whales in the Southern Hemisphere be set at 5,870 and that the total female catch for that area be set at 4,870, and the proposal by the Soviet Union. I must admit that I do not have the exact figures. I would be grateful, therefore, if that proposal could be repeated.

USSR (Dr. Nikonorov) (Translated): The proposal pertains only to areas 5 and 8 by the old classification, and pertains only to males. The proposals are that the averages should be as follows: area 5, 1,020; area 8, 2,130.

THE CHAIRMAN: Are the quotas for other areas to be retained:

USSR (Dr. Nikonorov) (Translated): Yes; as per the report of the Technical Committee.

THE CHAIRMAN: Shall we take the part of the sperm whale population in the Southern Hemisphere on which there appears to be general agreement?

It has been recommended by the Scientific Committee, to the Technical Committee, that the catch of sperm whale females in the Southern Hemisphere be set at 4,870. Will any delegation so move?

DENMARK (Mr. Lemche): On a point of clarification on the USSR amendment, the old classification areas were mentioned. For reasons of clarity, I would like them to refer to "areas", when discussing the Roman numbered areas - that is, the old ones - and "divisions" when discussing the new classifications and, in speaking of "divisions", refer either to page 1, the proposal from the working group to consider allowances, or to the divisions mentioned on page 2 of the same paper.

THE CHAIRMAN: First, I would like to get one figure out of the way: the female sperm whale in the Southern Hemisphere, on which we all appear to agree at 4,870, as recommended by the Scientific and Technical Committees. Is that agreed? (Agreed.) So the catch for the female sperm whale in the Southern Hemisphere for the coming season will be 4,870.

As for the divisions, I think the Soviet delegation, in referring to figures, actually used those contained on page 1 of the report of the Working Group. If you compare that with Table 1, Annex J, presented to us by the Scientific Committee, you will see that No. 8 is Central Pacific and No. 5 is the same as the East Indian. The question is, does the Soviet delegation accept the division of the catch on these nine different divisions which have been recommended by the Scientific Committee and also by the working group which we have set up.

USSR (Dr. Nikonorov) (Translated): As I have already said, the Soviet Union can agree to not more than six areas, due to the difficulties connected with the operation of the whaling fleet. Otherwise, the greater number of areas would be equal to a 50 per cent prohibition of taking whales generally. My delegation is talking about six areas.

THE CHAIRMAN: Let us take this step by step. Rather than talk about the actual quota I think we should take up the question of whether the Plenary Session accept the Soviet proposal that the divisions should be observed as indicated on page 2 of the report of the Working Group, or as

indicated on page 1 of the same paper. I think that this is the first problem that we shall have to get out of the way.

DENMARK (Mr. Lemche): If the USSR amendment relates to the six divisions mentioned on page 2 I will ~~second~~ that amendment.

THE CHAIRMAN: The proposal before us is that the distribution of the sperm whale quota in the Southern Hemisphere be as indicated on page 2 of the report of the Working Group. I would remind delegates that when I asked the Chairman of that group whether the division into six areas as compared with nine would have as a consequence any serious scientific problems, he said that in his opinion there would be no difficulties at all apart from the fairly large area 6, where quite a heavy quota has been assigned.

USA (Dr. White): I have a question to the Soviet delegation, or the Chair - whichever can answer it. The Scientific Committee has recommended nine areas for the sperm whale. My delegation wishes to support that. We recognise the practical difficulties that the Soviet Union has. Is the proposal for a one-year period, then going to the recommendations of the Scientific Committee subsequent to this, so that the Soviet Union can adjust in the period of next year to the nine areas recommended by the Scientific Committee? I am interested in knowing the full implications of this proposal.

THE CHAIRMAN: I am afraid that the Chair cannot answer that question! I will therefore direct it to the Soviet delegation. Is your proposal for six areas in the Southern Hemisphere related only to 1975-76? Would it be possible, after a year, to adapt to the nine areas recommended by the Scientific Committee?

USSR (Dr. Nikoronorov) (Translated): Since representatives of the whaling industry will have to be consulted about this question, I cannot reply at the moment. We should certainly analyse at least the possibility which Dr. White has mentioned. Naturally I shall explain at home that at the next meeting there will be difficulties in establishing six areas, and that the decision is likely to be nine areas.

THE CHAIRMAN: Would it be of assistance to representatives if the proposal of the Soviet Union was amended to read that the division of the Southern Hemisphere for the sperm whales for the 1975-76 season will be the six areas as listed on page 2?

We have a proposal from the Soviet Union that the distribution of quotas in the Southern Hemisphere for the coming season will be in six divisions as indicated by the Working Group. Is there a seconder for the proposal?

(Denmark) I now call for a vote on the Soviet proposal.

Those in favour: Canada, Denmark, Iceland, Japan, Norway, USSR. Those against: South Africa, United Kingdom. Those abstaining: Argentina, Australia, Brazil, France, Mexico, USA.

THE CHAIRMAN: The Soviet proposal that the sperm whale distribution in the Southern Hemisphere for next year should be in six areas as indicated on page 2 of the paper presented by the Working Group is adopted.

We turn now to the next paragraph, referring to the quota for male sperm whales in the Southern Hemisphere, where the recommendation of the Scientific Committee and the Technical Committee is 5,870, and where the Soviet representative has suggested an increase of 990, bringing the total to 6,860, to be distributed according to areas.

DENMARK (Lemche): I would like to ask the USSR in which areas they will allocate the increase - and when I refer to "areas" I am referring to those mentioned on page 2. I could consider, I would be positive, some increase in for instance the Central Pacific area, where we have an initial management stock, that according to the list in Table J, page 2 is 143 per cent over the MSY level and is at 97 per cent of the initial stock level. This is a completely unexploited stock with which we are dealing in the Central Pacific area. Thus, if the Soviet Union could split its amendment, and not package it, I could support some increase at least in the Central Pacific area, and possibly in the Eastern India area, which is also an initial management stock.

USSR (Mr. Nikonorov) (Translated): The remarks of the Danish delegate are correct. Apparently, when voting, these areas will have to be separated. In accordance with the classification adopted, efficient

commercial whaling shall be permitted on such stocks to reduce them in a controlled manner to sustained management stock level. Therefore the first Soviet proposal will pertain to Division 8 in accordance with the new classification of areas.

THE CHAIRMAN: That is not possible. We have just decided that there should be six areas.

USSR (Translation): The new number of this area will be No. 4.

THE CHAIRMAN: I think this is a somewhat complicated calculation. We shall now adjourn for tea, during which time you can work on your calculations.

(Tea interval)

THE CHAIRMAN: The Commission has before it the proposal from the Soviet Union for certain additions to the catch quotas in the areas as defined, where we are operating on an initial management stock. I hope you have been able to use the tea break to work out your calculations.

USSR (Dr. Nikonorov) (Translated): We should like to clarify our proposals for the benefit of those to whom they may not be clear. Our proposal is based on the assumption, or the knowledge, that originally the initial stock in the new Area 4, East Pacific, was 35,000, and that the current stock there is 34,000. In accordance with the classification, the stock can be brought to the level of MSY, that is, to a level of 14,000. So our proposal/to regard the stock in the Central Pacific Area, the new area 4, as initial management stock and to establish a catch limit there for 2,130 animals.

THE CHAIRMAN: Does that complete your proposal?

USSR (Translated): At this stage, yes.

THE CHAIRMAN: Can you tell us how many male sperm whales would be implied over and above the calculation of 5,870?

USSR (Translated): In this area?

THE CHAIRMAN: No; as a total.

USSR: Eight hundred and seventy males.

THE CHAIRMAN: To facilitate matters, perhaps we should go through the suggestions made on page 2 of the report of the Working Group: that the

male catch allowed to be taken in area 1 should be 1,080. Is that agreed?

(Agreed.) Further, that in new area 2 -

USSR (Dr. Nikonorov) (Translated): That is not quite the case -

THE CHAIRMAN: It was agreed that you had variations in two sectors only, but that you accepted the others.

ARGENTINA (Mr. Mirre): I would like to ask the USSR delegation if they can give us the total numbers for the male population, according to the new proposals.

THE CHAIRMAN: So far, they have suggested an increase in the total catch of male sperm whales in the Southern Hemisphere of 870. They appear to have other proposals. That is why I thought we could take up those areas in which there was general agreement.

USSR (Dr. Nikonorov) (Translated): When we get the Commission's approval or disapproval with regard to area 4, we shall then have another proposal.

THE CHAIRMAN: I think that the Commission will be interested in hearing your other proposal for the last area, so that we have a complete picture of what you are actually suggesting. It would be very difficult for us to decide upon one without knowing the implications of the other. Will you please, therefore, tell us your suggestions for further changes in the quota.

USSR (Dr. Nikonorov) (Translated): The only other proposal that my delegation has with regard to this item is that in the Eastern Indian - the first new area - the stock is initial and that the catch limit be established at the level of 1,000.

THE CHAIRMAN: So you are proposing two additions: in Division 1 from 1080 to 1100 -

USA (Dr. Chapman): I think we are looking at two different things, Mr. Chairman. The figures given in the scientific report, which refer to the quotas before any allowances are calculated, are given in Annex J. We are looking at the sperm male, Southern Hemisphere, under 10 per cent column, and for the particular division being discussed the Scientific Committee recommended 900. The Soviet proposal, as I understand it, is to raise that

to 1,000. In either case, there could be an allowance adjustment after that.

THE CHAIRMAN: I am sorry; there have been so many facts and figures that one tends to get a little confused.

USA (Dr. Chapman): I think we should work with the basic figures, rather than those with the allowance adjustments.

THE CHAIRMAN: So it is suggested that the original figure of 900 should be amended to 1,000. (Pause.)

We have received an explanation of how this is to be distributed. I suggest that we take up the whole Soviet proposal, which means that the sperm whale quota for males in the Southern Hemisphere be raised from 5,870 to 6,860. Is there a seconder for that proposal? (Japan) I now call for a vote on the Soviet proposal that we should raise the number of male sperm whales in the Southern Hemisphere by 990 animals.

Those in favour: Japan, USSR. Those against: Argentina, Australia, Brazil, Canada, France, Mexico, South Africa, United Kingdom, United States. Those abstaining: Denmark, Iceland, Norway.

THE CHAIRMAN: We then revert to the original proposal from the Scientific Committee, recommended to us by the Technical Committee, which sets the ceiling for the catching of male sperm whales in the Southern Hemisphere at 5,870 animals. Is there a seconder for the proposal? (Argentina)

Those in favour: Argentina, Australia, Brazil, Canada, Iceland, Norway, South Africa, United States. Those against: USSR. Those abstaining: Denmark, France, Japan, Mexico, United Kingdom.

THE CHAIRMAN: The Motion was carried by 8 votes to 1, with 5 abstentions.

I think the representative of South Africa has something to say about the division of areas.

SOUTH AFRICA (Dr. De Jager): I should like to point out that the vote just cast by the Plenary Session on the division of the Southern Hemisphere sperm whale quotas may have unfortunate consequences for the stocks of males in those areas. In the new Division 6, which is a combination of three

of the other divisions recommended by the Scientific Committee, one of the stocks in Division 2 is only 8 per cent above the MSY level, while the second, Division 4, is believed to have been heavily exploited, although its exact status is a matter of some doubt. The recommended quotas for these two areas - 990 males and 250 males respectively - could therefore easily be exceeded by the quota of 2,651 males. I would therefore suggest that this matter might be reconsidered with a view to avoiding further depletion of individual stocks in this region.

THE CHAIRMAN: Have you any suggestion of how this should be made, Dr. De Jager?

SOUTH AFRICA (Dr. De Jager): Perhaps Dr. Chapman could make a suggestion.

UNITED STATES (Dr. Chapman): This matter was developed as follows. In looking at the divisions for combination in our working group, we looked at the first four which are kept separate, as can be seen on the second page - 5, 6, 7 and 8. The remaining divisions, while they are all S divisions, are in various kinds of state. Rather arbitrarily, we put 9 and 1 together, and the remainder was also in one division. However, when the calculations were made, which was after the working group had disbanded, they showed a very large number in the sixth of the new divisions: an imbalance between that and the fifth. This caused me some concern, as I think I said during my discussion of this topic. I think it would be better to take 5 and 6, and re-divide them as follows: in other words, put into the new 5, divisions 9, 1 and 2, which would then run from 100°W to 20°E , and, into the new 6, old divisions 3 and 4, which would then run from 20°E to 90°E . If that were done, I have made the re-calculations for the catch limits following the same formula - that, of course, was based on the Scientific Committee's report which Plenary has now approved - as follows. The new area 5 - the old 9, 1 and 2 - would be 2,024 for males; 1,992 for females. For the new area 6 - old 3 and 4 - the quota would be 1,562 and 1,368 respectively. That would represent a much better division of those five former divisions, and more or less balance the catches

between those two, in contrast to the present situation where there are approximately 900 in the new area 5 and well over 2,000 in the new 5.

THE CHAIRMAN: I take it that that new distribution of quotas would be acceptable.

I suggest that we now proceed to Item 11: Stocks of Small Cetaceans.

AUSTRALIA (Mr. Bollen): I would refer the Commission to the Scientific Committee Report, paragraph 15. The Technical Committee recommends that the Commission considers initially the management of these small cetaceans, which are taken in deliberate, direct fisheries. Specifically the Committee recommends that any exploitation of species of which the cetacean is the desired product be studied. Study should also be made of the species involved in multi-species fisheries if Minke whales are also a component in the catch. The Committee also felt that there was a need for stock assessment on the species that have been mentioned at the bottom of page 15 of the report, where they present the greatest problem. The Committee also recommend that in view of a possible increasing involvement in studies of small cetaceans, the Sub-Committee on Small Cetaceans be retained as a standing sub-committee of the Scientific Committee. The Technical Committee also recommend to the Commission that all member nations should report incidental kills of cetaceans taken in yellow fin purse seine operations in any areas of their operation. In addition, any other statistics for direct or indirect fisheries for small cetaceans should be reported either in progress reports or to the Bureau of International Whaling Statistics.

THE CHAIRMAN: The action arising out of the report does not appear to necessitate a change in the Schedule. We assume, then, that the Report from the Scientific Committee to the Technical Committee, be accepted by the Plenary Session, and that the work outlined in the recommendations will be undertaken during the coming year, and that we shall return to the question at our next meeting. (Agreed.)

I turn now to Item 12: International Decade of Cetacean Research, and call upon the Chairman of the Technical Committee.

AUSTRALIA (Mr. Bollen): The Technical Committee was informed that the Scientific Committee had developed a programme in this area of work, and that work had been reported to the UNEP, but that for various reasons that report has only just been received by that organisation, and that UNEP would therefore not now be able to consider this for some time. It is unlikely that there will be any action until FAO and ACMRR proposals on cetacean research are also available for consideration in conjunction with the IWC proposals. The earliest FAO/ACMRR proposals would be available after the meeting in December this year. In the meantime, individual member nations could bring pressure on UNEP and initiate their own programme along the lines of the IDCR proposals.

THE CHAIRMAN: It is hoped that during this delay in getting off the ground with our planning, the plans can be even more refined. I would ask member Governments here represented to use their influence with UNEP and also to start their own programmes as far as possible. We shall therefore review this question at the next meeting of the Plenary session.

USA (Dr. Talbot): The United States delegation considers that this research programme is extremely basic to the whole work of the IWC, and that every impetus possible might be given to it. Accordingly, we have discussed the matter with some of our fellow delegations, and we would like to make a proposal for a resolution. The resolution is being handed around at present, and it reads as follows:

"Resolution on the International Decade of Cetacean Research.

Remembering that the United Nations Conference on the Human Environment, Stockholm, 1972, pointed out the necessity of increased whale research;
Considering the recommendation of the 24th meeting of the International Whaling Commission in 1972 established the International Decade of Cetacean Research;

Recognising the decision of the Governing Council of the United Nations Environment Programme in May 1975 requesting the Executive Director to support research on whales and small cetaceans, and

After examining the report of the Scientific Committee meeting in La Jolla in December 1974, which sets out priority areas of research for the IDCR;

The International Whaling Commission recommends that member nations give assistance through vessels, personnel or additional funds as contributions to any part of the IDCR proposals but particularly in the areas of stock monitoring and stock identification in the Southern Hemisphere and

Decides to indicate to UNEP that their assistance would be most useful in aiding IWC member nations in stock monitoring and stock identification cruises in the Southern Hemisphere."

THE CHAIRMAN: I think this is a most welcome resolution. We have been dabbling in these matters for some years, and it has been mainly words. I think this Resolution might be an important step on the way towards realisation of the decade.

CANADA (Dr. Martin): My delegation strongly supports this proposal, including the recommendation that the priority should be given to work in the Southern Hemisphere. We would hope that UNEP would give consideration to the proposal from IWC now before them without unduly delaying their consideration of this matter awaiting recommendations from the FAO/ACMRR group in order that any observations they may have on the IWC recommendations may be considered and reported back to the Commission without any unnecessary delay.

THE CHAIRMAN: If there are no further comments, the Resolution is adopted, and will be dealt with accordingly.

We now proceed to Item 15: Definition of Milk filled whales. A special working group was formed to deal with this question. I call on the Chairman of the Technical Committee to elaborate on this point.

AUSTRALIA (Mr. Bollen): Initially the Technical Committee felt that in the taking of lactating females we should be able to impose penalties and define the problem fairly clearly. However, we found that the legislative problems in most of the countries would be considerable. Therefore, we appointed a working group which examined the problem and came up with a carefully drafted statement, which we recommend should be included in the schedule, which sets out the definitions of lactating sperm whales and Baleen whales. This is clearly set out on the piece of paper established by the Working Group and there are also some housekeeping amendments on the third page. We recommend that this be adopted and placed in the Schedule.

THE CHAIRMAN: I take it that all delegates will have read the report of the sub-group and studied the wording which is supposed to be entered in the schedule. I would ask those Commissioners who cannot accept this paper with subsequent wording for the schedule to raise their hands. (Agreed.) We will therefore regard the recommendation by the working group for the wording to appear in the Schedule regarding the definition of milk filled whales as accepted, and it will so be entered.

I turn now to item 16: International Observer Scheme.

AUSTRALIA (Mr. Bollen): This matter was referred to the infractions sub-committee. They report - and the report is accepted by the Technical Committee and recommended to the Plenary Session - that the observer scheme has been successfully implemented and is working quite satisfactorily and continues to operate that way. We would like to advise the Commission that attempts are now being made for Brazil to exchange an observer with both South Africa and Australia.

THE CHAIRMAN: It is most heartening to see that a scheme that was put into operation some years ago has proved to be as efficient as we had hoped. We will accept the Report, and it will be entered into the Report of the Chairman of this meeting of the Plenary Session.

I will now call on Mr. Bollen to speak on Item 17 - Infractions.

AUSTRALIA (Mr. Bollen): This has also been examined by the infractions sub-committee, and they report that the situation is quite satisfactory. But the problem of lactating whales continues to worry the observers. However, we hope that the amendment that will go in the Schedule will overcome this. There is no specific recommendation to be made on this point.

THE CHAIRMAN: So there is no report of any significant number of serious infractions? Thank you. We agree to receive the report of the infractions sub-committee.

There is one further item on the agenda of the Technical Committee: Open season for the taking of sperm whales. The group is evidently still working, so we shall defer that item until it has finished its labours, and proceed

to item 19: Finance and Administration.

AUSTRALIA (Mr. Bollen): In fact, we have recommendations on the open season for the taking of sperm whales: in 2(c) of the Schedule there is a recommendation that we delete the words "continuous open season" and include "season or seasons together".

THE CHAIRMAN: I stand corrected. Is there any objection to this slight change in the wording of the Schedule? We have discussed it quite extensively in the Technical Committee.

USA (Dr. Talbot): It is my understanding that there is some question about the desirability of this in view of some of the scientific concerns with the question of interference with the reproduction of the whales. I wonder if the proposal could be clarified?

THE CHAIRMAN: The proposal as far as I understand has been put forward by the Japanese delegation in order to facilitate the technical operation of the fleet. It was an original insertion from the old days when a certain regulation was placed on the use of fleets in northern and southern waters. In the circumstances today, with the distances that have to be travelled by the Japanese fleet, this is a serious complication for the rational operation of their equipment, and it was therefore asked from the Japanese side that a certain lenience might be shown for purely technical and functional reasons. Would that meet with the United States request?

USA (Dr. Talbot): My understanding is that there is some considerable question of this, at least with the Scientific Committee, but to clarify it I wonder if we might ask the Chairman of the Scientific Committee to explain the situation.

DR. ALLEN (Chairman of the Scientific Committee): I must ask the Commission's indulgence; having only just returned from the drafting working group I am not quite in touch with what is happening at the moment.

THE CHAIRMAN: We are asking for your opinion on the fact that it has been proposed that the wording "one continuous season" should be changed to read "one or more seasons together".

Dr. ALLEN: I think the same position with regard to the Scientific Committee's opinions exists here as it did with the original proposal, which was to eliminate this clause altogether: namely, that from the scientific point of view we see no particular virtue in length of season as such, but that we are concerned about the question of whether breeding herds would be disturbed. We have no evidence at this time as to whether or not any changed procedure such as is now suggested would lead to this. Obviously, the answer would depend entirely on what kind of operational pattern, in which areas at what seasons developed. We have not got this information and, frankly, without quite a lot of work, even if we had that information we would not be in a position to assess the risks of disturbing breeding herds. So there is again no clear yea or nay from the Scientific Committee. The times, as such, are immaterial: the length of season, whether it is one season or two seasons, are immaterial. The question is simply whether breeding herds are going to be disturbed at particular times and places as a result of a changed operational pattern.

JAPAN (Mr. Fujita) (Translated): As I indicated, and as you kindly explained to the meeting, Mr. Chairman, the Japanese proposal is not intended to change the meaning and substance of the present provisions in the Schedule. We have spent quite a lot of time discussing this question in the Technical Committee, so I request that the Commission proceed to a roll call vote without spending further time on this.

ARGENTINA (Mr. Mirre): Together with other delegations, my delegation shares the preoccupation expressed by the Chairman of the Scientific Committee. We also understand the position of the Japanese delegation. We think perhaps that one way of clarifying our minds would be for the Chairman of the Scientific Committee, having regard to the months, to say the period in which the Japanese fleet will operate in the Southern and Northern Hemispheres, and could then give us a clearer idea of the risks in those seasons. Possibly that would assist us to have a clearer idea of the position.

THE CHAIRMAN: It seems to me that, for the time being, it will be

very difficult for Dr. Allen to give any further explanation on this issue. I therefore suggest that we proceed to the roll call, as suggested by Japan, and that in the meantime the question be thoroughly investigated by the Scientific Committee so that we may have further information and guidance at our next meeting. Will all those in favour of the Japanese amendment raise their hands?

There were four votes in favour, and one against.

THE CHAIRMAN: The Japanese amendment has been agreed. There is a further suggested amendment, to paragraph 3(c), on page 3 of the Schedule, line 5. The Japanese delegation has suggested that the words

"such period of eight months to include the whole of the period of six months declared for Baleen whales except Minke whales"

should be deleted. This would mean literally that there would be no time limit on the catch in that area. Again, this was discussed fully by the Technical Committee.

JAPAN (Mr. Fujita)(Translated): With the deletion of the sentence, 'eight months' limitation should apply to the operation of the land stations.

THE CHAIRMAN: Is there a seconder for the proposal? (Denmark.) Will those in favour of deleting that sentence of the Schedule raise their hands?

There were six votes in favour, and none against.

THE CHAIRMAN: The change in the Schedule is therefore accepted.

AUSTRALIA (Mr. Bollen): There are two more items of our agenda on which we have not yet reported. I would like to draw attention to Agenda Item 10(c): Opening and Closing Dates of Antarctic Season, and 10(d): Consequential amendments to the Schedule. It is the recommendation of the Technical Committee that there be no change in the opening and closing dates in the Antarctic.

THE CHAIRMAN: As was suggested by Dr. Allen earlier today, this question has been debated for eight years without any changes taking place. No change has been recommended. Is it agreeable to the Commission that the

opening and closing dates of the Antarctic season be retained as they are at present? (Agreed.)

AUSTRALIA (Mr. Bollen): With regard to Item 5: Review of previous season's catches, the Technical Committee reviewed the report from the International Bureau of Whaling Statistics and agreed that it should be passed on to the Plenary Session for information.

THE CHAIRMAN: Is that agreed? (Agreed.)

AUSTRALIA (Mr. Bollen): There is one further item which is not on the agenda. A working group in the Technical Committee was set up to consider allowances. Commissioners should have a paper which refers to the findings of that working group, where they set out how allowances should be determined for sperm whales in the Southern Hemisphere. These have been read before. It allows a 5 per cent catch limit for sustained management stocks, 10 per cent of the catch limit for sustained management stocks between 95 and 115, and so on. We recommend that the **calculations** from this regime be included in the Schedule where they apply to Sei whales, Minke whales and sperm whales.

THE CHAIRMAN: And also that these variations be inserted in the Schedule itself, on the condition that the total catch for any species shall not exceed the total quota? That would be the same wording as we already have in the Schedule, so I assume that that would be acceptable. (Agreed.)

AUSTRALIA (Mr. Bollen): Mr. Chairman, when you are finalising the report of the Scientific Committee, we shall have a few items to mention. However, that concludes the report of the Technical Committee.

THE CHAIRMAN: I am afraid that we still have the text for the classification of the whale stocks in abeyance: I hope that the group which is working on that will shortly conclude its work.

(Chairman of the Scientific Committee):

Dr. ALLEN / The group has completed its work, and a draft is being prepared at the present time. I am afraid it will be a very rough, partly handwritten draft which will be Xeroxed, because we needed to have something as quickly as possible for the Commission to work on.

THE CHAIRMAN: In the meantime, I suggest that we proceed to Item 19: Finance and Administration. With respect to (a): Progress on

"Implementation of Strengthened Secretariat" I would like to mention to the Commission that the Commissioners have met in private session, when it was decided that a new advertisement for a permanent secretary would be issued as soon as possible, in the hope that a candidate could be found before early Spring.

I call upon the Chairman of the Finance Committee to comment on the remainder of this item.

Mr. GOULD (USA) (Chairman of the Finance Committee): The first order of business of the Finance Committee was a review of the statement of income and expenditure for the year ended 31 May 1975. The Committee examined the items of income and expenditure and the Secretary drew attention to the increase in expenditure on all items. On the income side, the Committee noted that contributions from three countries were still outstanding. It is now my understanding that one of these nations is current with its contribution. While the Committee recognises that this tardiness may to some extent be due to differing fiscal years, it wishes to emphasise the importance of prompt payment of contributions and recommends that the Commission should again ask member countries to ensure that payment is made in accordance with the Commission's regulations.

We then moved on to estimate of income and expenditure for 1975-76, and the rate of contributions. The Committee considered the draft estimate of income and expenditure for 1975-76. Since this was prepared a number of proposals which would involve expenditure in the coming year were under consideration, and the Committee took the view that it would be prudent to retain the accumulated balance at its present level and assess the rate of contribution by contracting Governments on the same basis as in 1974-75. A revised estimate is appended, at Appendix B. This provides for an increase of £800 in salary for the present part-time secretary. In addition to the rise in comparable salaries in the United Kingdom since the last meeting, this increase takes into account the increase in work that he will be required to undertake as the proposals for strengthening the secretariat are implemented during the year. Total expenditure at the time of the Committee's meeting was estimated at £27,940,

and the Committee recommends that the contributions of contracting governments should be assessed to realise the same amount of income as for 1974-75, namely £28,200. There is a proposal before the Commission that the whale marking contribution should be increased from £1,000 to either £1,500 or £2,000. It is also understood that the Scientific Committee is submitting proposals for contracting out work on statistical assessments and for publishing its report and other papers separately from the Commission's annual report.

It is difficult to form a reasonably adequate estimate of these additional costs at this stage, but the following amounts are suggested: for the contracting work, £7,500; for the publications, £3,000. Further, the Committee was informed by the Canadian Commissioner that the contributions received for the publication of the report of the sub-committee of the Scientific Committee on small cetaceans, which the Commission decided to support at the last meeting, was still 30,000 dollars short of the call, and the Committee decided to recommend that the Commission should make a contribution of £1,200 representing 10 per cent towards the cost of this publication.

In addition, there is the possibility that the full-time secretary may be in a position to take up his post earlier than 1 April, the date appearing in the estimates. This additional expenditure could be met from the accumulated surplus which, at the beginning of the year, stood at £19,503. In addition, the transfer should be made for a working capital fund for which the financial regulations provide, leaving a surplus at the end of the year of approximately £3,000. The Committee gave some consideration to the possibility of proposing changes in the formula for assessing contributions of contracting governments. One of the suggestions discussed was that the percentage derived from countries with an historical interest in whaling areas should be increased from 25 per cent to 35 per cent and that the percentage based on catches of the previous season reduced from 25 per cent to 15 per cent, and that, in addition to their mandatory areas, countries should be given the opportunity of voluntarily adding other areas for the basis of their contribution. It was decided to suggest to the Commission that this was a matter that might more fully be considered at the 28th meeting, with the object of providing a more equitable distribution

of the cost. The assessment of the contributions of contracting governments for 1975-76 is shown in Appendix C.

THE CHAIRMAN: Are there any comments so far on the report presented by the Chairman of the Finance and Administration Committee?

CANADA (Dr. Martin): On a point of clarification and amendment on the bottom of page 2, with reference to the publication on small cetaceans, the total cost of this publication was 29,000 dollars and the recommendation by the Committee was that the IWC should pay 10 per cent of that cost: about £1,200.

THE CHAIRMAN: Speaking as a representative of one of the countries with an historical interest in whaling, I think that the suggestion on page 3 should be seriously studied and taken up for further consideration at our next meeting. I hope other countries with the same inglorious background will be of the same opinion. Can we now proceed to paragraph 4?

Mr. GOULD (USA) (Chairman of the Finance Committee): The Committee then studied the question of the revised financial regulation. Rule 2 of the Financial Regulations provides that they shall become effective as from the date decided by the Commission. Approval was given at the last meeting to a substantial revision of the regulations to relate them to the strengthened secretariat. The Committee recommends that the revised regulations shall become effective as from the date that the full-time secretary takes up his post.

THE CHAIRMAN: Is that agreeable to the Commission? (Agreed.)

MR. GOULD: We then proceeded to the question of a fidelity bond, or insurance. The Committee recommends that with the appointment of a full-time secretary and the transfer of the management and accounting of the Commission's funds from the Ministry of Agriculture and Fisheries, the Commission should arrange for those officers authorised to make payment to be bonded against the loss or fraudulent use of these funds. This, which is understood to be the practice of comparable international organisations, would require an annual premium of something between £50 and £100.

THE CHAIRMAN: Are there any remarks concerning this security measure, which I think will be quite necessary? (Agreed.)

Mr. GOULD: The question of Rule 17, the Commission's office was taken up. This rule requires that the seat of the Commission shall be in London, England. It has been accepted by the Commission that its office shall be in Cambridge, and the Committee recommends that the Rule shall be amended by deleting the words "London England" and substituting the words "United Kingdom".

THE CHAIRMAN: That seems to be a logical consequence of what has already been decided. If there is no objection, the Rules will be so amended. (Agreed.)

Mr. GOULD: We then took up the question of the Report of the Working Party on Amendments to the Convention. The Committee took note of the Report of the working group on amendments to the convention, and the general feeling was that the subject was not a financial or an administrative matter, and decided that it should be referred back to the Commission for discussion.

THE CHAIRMAN: The document has been placed before you. The Working Group has met on two occasions, and has carried the work as far as we believed it possible. We recommend that the Commission accept the paper for eventual further discussions. Our great stumbling block of course was the fact that the Conference on the Law of the Sea has not finished its work, and we therefore found it impossible to suggest any area to which the new convention should be applicable.

USA (Dr. White): I am not sure whether this is the appropriate place in which to raise this question, but since it relates to the Convention, I will raise it now. One of the things which has concerned us is the question of transfer of whaling equipment from one country to another. My delegation would like to indicate that we think this is an important matter, and we hope that it might be placed on the agenda next year. If this comment is out of order, I will be glad to raise it in another place.

THE CHAIRMAN: We discussed the problem, and I think we found a late resolution which would be mutually acceptable. However, if you wish it to be

placed on the agenda next year, you should remember the 90 days' notice.

USSR (Dr. Nikonorov) (Translation): Where was the question of equipment mentioned?

THE CHAIRMAN: It was a new proposal that the ships' and other equipment pertaining to whaling should not be allowed to be transferred to countries which conducted whaling in contravention of the rules and regulations of the International Whaling Commission. You will find the words in the relevant document.

CANADA (Dr. Martin): We would like to discuss further the question of the report of the Working Group on Changing the Convention. I am not clear whether that should take place now or under Agenda Item 23.

THE CHAIRMAN: I think the Finance and Administration Committee's Report has dealt with Item 23, so any remarks which you want to make would be appropriate at this time.

CANADA (Dr. Martin): We have two points of substance. The first has to do with paragraph 6 of the report of the Working Group, the last part of which refers to the idea of deferring further action on this matter until some conclusion has been reached at the Law of the Sea Conference. We feel, in view of the long time factor involved in this process of conferences ahead and ratifications beyond that, that it would be advantageous to keep the ball rolling on this exercise, so that it would go hand in hand with the considerations at the Law of the Sea Conference. So I would hope that paragraph 6 might be amended in an appropriate way, which I could discuss with the Secretary, to suggest that it would proceed in an orderly way during the next year or two, keeping in mind the developments at the Law of the Sea Conference.

THE CHAIRMAN: Thank you, Dr. Martin. It may be that the wording was a little too pessimistic.

CANADA (Dr. Martin): My second point relates to the procedure that we might follow in taking further action on this Working Group report. It would be unreasonable to suggest that it can be dealt with in any depth in discussion at this meeting, but it would appear to us that this document should be made available to Member Governments with a view to their study of the

document, to indicate whether or not it is reasonable at it stands, or whether, if they have proposals for amendment, these could be incorporated in the document. We would think it advisable that this would take place over the next four months in order that some further action could be taken before the next annual meeting of the Commission by which time the Law of the Sea discussions may well be further advanced.

The procedure that we would suggest following that is that the document as modified in the light of the distribution to member Governments of IWC, could be given a further distribution, and we would suggest that there are a number of alternatives here. If it is wished, we have a piece of paper that could be distributed indicating some alternatives for distribution of this document that might take place before the next meeting of IWC. We have a listing of countries in four categories and, with your approval, sir, we would distribute this list around the table.

THE CHAIRMAN: Thank you Dr. Martin.

AUSTRALIA (Mr. Bollen): There was some discussion in the Working Group as to whether we should draft a new convention or amend the existing convention by protocol. We found that there could be a problem in the former, of because/the relationship between the Whaling Convention and the Convention on Trade in Endangered Species of Wild Fauna and Flora. Article 14, paragraph 4 of the latter is directed towards the existing whaling convention, and provides that

"A state party to the present Convention, which is also a party to any other treaty, convention or international agreement which is in force at the time of the coming into force of the present Convention, and under the provisions of which protection is afforded to marine species included in Appendix 2, shall be relieved of the obligations imposed on it under the provisions of the present Convention with respect to trade in specimens of species included in Appendix 2 that are taken by ships registered in that state and in accordance with the provisions of such other treaty, convention or international agreement."

Whales are not included at present in Appendix 2, but there is no reason why they should not be included in future. I think that over the next 12 months we

should obtain a legal opinion on what is the relationship between Article 14 and our convention in respect to having a new Convention, or whether we should only amend the protocol. I have said this merely to have it in the record: I trust that the matter will be looked at during the next 12 months.

UNEP (Dr. Curry-Lindahl): I would like to comment with regard to the revision of the Convention. (Agreed.)

Although I realise that a comment or suggestion from a UN organisation does not carry much weight in this Convention, I would dare to make a proposal. Before doing so, I would like to remind you of the fact that, as you will be aware, several organisations and Governments have been rather critical of the present Convention, so that it might be expected, when a revision has been undertaken by the Commission itself, that it should be orientated more towards conservation than towards whaling interests. I refer particularly to the clause in Article 5 concerning the greater rights against majority decisions, which in reality makes the Commission inoperative.

However, I think that in the preamble at least it would be desired, at least by many governments and organisations incorporating the unit, that a more conservation-minded mentality could be expressed. I would like to suggest that, in the first paragraph of the preamble, the following words should be added -

THE CHAIRMAN: We are not discussing the text of the Convention. I asked you, Dr. Lindahl, to make some general remarks on the text, not to make any revision to it.

CANADA (Dr. Martin): Our proposal is that following responses from member Governments of this Commission, a letter with this draft attached, pointing out the suggestion of a plenipotentiary conference and requesting comments, might be sent to alternative lists of Governments. On the sheet which has just been circulated, there are four suggestions. First, the members of I.W.C.; secondly, a group of non-Members who are conducting significant whaling operations; thirdly, a list of non-Members who do not conduct operations directed at whales but who have stocks of commercial interest off their coasts;

and, fourthly, part of that same list, namely those countries that have stocks of commercial interest off their coast in which operations directed at catching these stocks are now, or have recently been, conducted. These would be alternatives from which a list could be drawn for our suggestion of a distribution some time during the coming year. The Canadian view on this is that it might go ^{to} the first list, the second list and 3(b) - those countries that would appear to have the most direct interest in this matter.

THE CHAIRMAN: Is it agreeable to the Commission that the text as suggested by the Working Group be distributed to the Governments of the Commissioners here present, and that it be further distributed to the countries suggested by Canada; and that we might comment on the text within the next half-year; and that the question should be retained on the agenda for the Commission for next year for further review?

JAPAN (Mr. Fujita) (Translated): The document which is being proposed to be submitted to a number of countries is still a document of a working group of this Commission - the Commission of itself has not considered it. There are a number of areas which need further consideration, and I am afraid that it is premature for this Commission to distribute a draft revision of convention to countries outside the IWC member countries.

THE CHAIRMAN: I must admit that to a certain extent I agree with Mr. Fujita.

AUSTRALIA (Mr. Bollen): I have no objection to the wider distribution, but I think it is a matter of timing. This working group has, I think, been representing in general the departments of fisheries, or environment, or technical or professional groups or departments. In the case of Australia, I would like the Department of Foreign Affairs, which is responsible for our treaties, to examine this before it has wider distribution.

Thus I revert to my original point: that I would quite welcome the distribution to the Governments whom we represent here. But I should have thought that the comments of those Governments could be taken on board before it is distributed to a wider group.

CANADA (Dr. Martin): That was our proposal sir: that it would go initially to member Governments of this Commission, and that no further action would be taken until the responses from Governments could be considered. We were hoping that this could be done within a reasonable period of time, say three or four months.

THE CHAIRMAN: Would you then suggest that the Working Group should hold another meeting, go through the responses and try to incorporate them as far as possible in the text which could then be reconsidered and sent around?

USA (Dr. White): I merely want to support the proposal of the Canadian delegate.

THE CHAIRMAN: Dr. Martin, how do you foresee that this could be done? Should we leave it to the nominated Permanent Secretary, or should we have a working group to try to incorporate possible changes?

CANADA (Dr. Martin): I think the initial exercise is distribution by the Secretary to member Governments. Whether or not there would be a need for another session of a Working Group would depend on the responses received. If there were significant proposals in addition to those developed by the Working Group, I would think a session of that group would be desirable.

DENMARK (Mr. Lemche): In my country it would mean that our bureaucracy would be hard put to it to discuss this at this stage of the Law of the Sea Conference. I would like to ask the Chairman of the Working Group if he feels that the composition of the working group reflected so many different aspects of the member countries in this convention that member Governments only would need to reply to the square brackets in the draft. I understand that the square brackets contain the sentences upon which there could be no agreement. This would ease our task.

THE CHAIRMAN: I think that we should follow the procedure suggested by Canada, that this document be distributed to the member countries of the convention, that their possible reaction should be recorded by the secretariat, who would then, in co-operation with the Chairman of the Commission, decide the further steps that should be taken; whether it was necessary to have another

working group to finalise the text and whether it would be advisable at that time to proceed along the lines described by Dr. Martin. Is that agreed?

USA (Dr. White): On a point of clarification, is the draft convention going to be sent out to all members of the IWC?

THE CHAIRMAN: Exactly.

USA (Dr. White): Comments will then come back.

THE CHAIRMAN: Yes.

USA (Dr. White): What happens then?

THE CHAIRMAN: We do not know at present how many different comments might come in.

USA (Dr. White): Should we not agree that, following examination of the comments, this material ought to go out to other countries so that they have information about this, beyond the IWC members?

THE CHAIRMAN: Do you mean that we should send out the text as it stands now, with the comments of the different countries inside the Convention?

USA (Dr. White): Presumably there are a number of members of this Commission who are not on the Working Group, and the purpose of sending it out to members of the Commission is to give them a chance to look at the work of the Working Group before anything further is done. But I think that the suggestion of Canada that subsequent to this it ought to be sent to other countries is something that we should decide upon. I think that we want to give this wide distribution afterwards.

JAPAN (Mr. Fujita) (Translated): The procedure proposed by the Chairman appears to us to be very reasonable: that the draft convention be sent out to IWC member countries for comments and proposals, after which it would be quite natural for the working group to go through those comments and proposals and attempt to consolidate them into a single text or other appropriate form. The Commission should then review the draft to decide what kind of distribution would be most appropriate for these purposes. At the moment, I am quite sure many of the Commissioners are not quite sure of the substance of the proposals of the Working Group, and that is premature for

us to decide what kind of distribution would be suitable for our purposes. Thus I support the Chairman's proposal that further steps should be decided upon following receipt of the responses of IWC member countries.

THE CHAIRMAN: I think it would be premature, and if by sending out the present text, with all the different possibilities, we get further additional comment, I think it would not be advisable to send out to countries a text which lists a series of different texts for different items. With all due respect to the proposal of the United States and Canada, I think that a certain time lag has to be introduced. We do not want to send out a flimsy paper from the Commission to a series of countries giving all possible variations of the text before us. Again, I suggest that we send it to members of the Commission; that we record the changes that the different countries might suggest. If it proves that there are so many different suggestions that it is necessary to have a working party, that working party should be set up, and the whole thing reported back to the Commission at its next meeting.

We know full well that it cannot become operative until the Conference on the Law of the Sea has finished its work, and I do not think that time is so pressing that it is necessary to send out a text that has not been thoroughly worked over by our legal experts.

I now call on Mr. Gould to refer to Item 25 of the Agenda: Date and Place of next meeting.

Mr. GOULD: The Commission's rules provide that the annual meeting shall be in London, but that the Commission may decide that once in three years the meeting may be held elsewhere. No invitation has been received from a contracting government to hold its meeting in another country, and the meeting in 1976 should therefore be held in London. The Committee recommends that it be held during the week beginning 22 June 1976, which we understand will not conflict with ICNAF meetings.

THE CHAIRMAN: As there does not seem to be anyone who wants us, we shall be very happy to come back to London again, and that we shall continue to have the beautiful weather of the past few days.

Mr. GOULD: I would like to add my personal appreciation of the Finance Committee's forbearance on any errors of commission and/or omission on my part. I am sure that Commission members will realise that they arose primarily for two reasons: the first my lack of experience in this area, and the second, I am afraid, through sometimes appalling stupidity. I would like to add that those two reasons are not necessarily listed in order of importance.

UNITED KINGDOM (Mr. Graham): There is one point on which I seek clarification - and I am sorry that I did not raise it at the appropriate time. Paragraph 3 of the report mentions a number of items involving additional expenditure which should be considered. I am not quite clear about the decisions on some of these - and I am particularly concerned with the proposal that the contribution on whale marking should be increased from £1,000 to £1,500 or £2,000, since the United Kingdom organises the whale marking operation. I feel therefore that we should have the decision of the Commission on this question. What is the figure that should be worked to during the coming year? From the statement of account there appears to be a sum of only £1,000, which would imply no increase in the present contribution. If that were the Commission's decision, I take it that it would limit seriously the work that could be done in this field.

THE CHAIRMAN: What is the recommendation of the Scientific Committee as to the amount that we should contribute to the whale marking question?

DR. ALLEN (Chairman of the Scientific Committee): I am afraid I must ask for clarification.

THE CHAIRMAN: You will see from the Report of the Finance and Administration Committee, that the contribution of the Commission to the whale marking programme has been listed between £1,000 and £2,000. We are asking your guidance as to which figure the Scientific Committee had suggested as the correct figure for that purpose.

DR. ALLEN: The view of the Scientific Committee was that it would be appropriate if the amount were increased to £2,000. This would restore approximately the situation that prevailed for quite a long time in which the Commission's contributions and the United Kingdom's contributions to

this programme had been approximately equal. Naturally a smaller increase would still be helpful in this situation, and what we said was that we recommended £2,000, or in any case not less than £1,500.

THE CHAIRMAN: It seems to me that for once the financial situation of the Commission is fairly in the black. Would there be any objection to the proposal that the Commission pay to the appropriate authority the sum of £2,000 as a contribution to whale marking for the coming year? This would of course imply certain variations in the budget. (Agreed.)

Mr. GOULD: Somehow my Committee overlooked the fact that next year is a Leap Year, which as we know is a dangerous time for bachelors. That being so, the 22nd would fall on a Tuesday, so this date should be amended to read Monday, 21 June, 1976. (Agreed.)

THE CHAIRMAN: I now call for a Motion that the Report of the Finance and Administration Committee be received by the Commission. (Australia). Is there a seconder? (Argentina). The report has been received. May I thank Mr. Gould, Chairman of the Finance and Administration Committee, for his admirable work? I do not think that his stupidity has been overwhelming!

As Dr. Allen said, we have now received a somewhat sloppy paper on the classification of stocks. I take it that all those countries particularly interested in this text have co-operated in its final formulation, and I suggest that it be adopted, unless there are any particular comments to be made.

Dr. ALLEN (Chairman of the Scientific Committee): I think there are two points in particular to which attention should be drawn. First, on page 3, there is an error, due to the speed at which we had to work, in the order of certain of the paragraphs. Under (b), initial management stock, the first sentence defines it as

"a stock more than 20 per cent of MSY stock level above MSY stock level".

At that point, would you please take in the handwritten paragraph immediately following the typed material, beginning

"commercial whaling shall be permitted ..." down to

"without risk of reducing them below this level." -

in other words, reverse the order of those paragraphs.

There is one point of possible substance on which the Working Group decided to refer to the Commission. On page 2, at the end of the typewritten section and at the beginning of the handwritten part, may be seen, in square brackets the words for the 1975-76 Antarctic season and for the 1976 season in all other areas inserted at the beginning of that first sentence. The point was that the rest of the text, which was taken from various resolutions of either the Scientific or Technical Committees, specifies that the particular situation for Sei whales in the Southern Hemisphere should apply to 1975-76 only. That is stated in two places, but it does not say whether or not the general ruling applies only to 1975-76 or indefinitely: in fact, as actually written originally it would apply indefinitely. This may well be the Commission's wish. Presumably it will in any case be reviewing the matter in a year's time. We just felt that by putting in the initial paragraph we should ensure that the Commission did review the matter next year.

THE CHAIRMAN: I am quite sure that there is no question of this classification of stock not being reviewed next year.

Dr. ALLEN: In that case, my personal recommendation would be to omit the words in square brackets.

THE CHAIRMAN: Is it agreed, therefore, to omit the words in square brackets, with the firm promise that the whole exercise shall be reviewed next year to see how well it has worked?

JAPAN (Mr. Fujita) (Translated): We had a lengthy discussion yesterday on this question, and a number of alternatives were presented. Finally we reached a conclusion. But my understanding is that both what might be called the Allen scheme and the Sei whale scheme will be reviewed next year. We have not passed judgment on which of the two should become a general rule to continue indefinitely. So I think what is stated here does not reflect what was agreed upon yesterday if the words in brackets are deleted. I could agree to the deletion of the whole paragraph, if that is the wish of the Commission.

ICELAND (Mr. Asgeirsson): I would also like to see the words in square brackets retained, and would prefer that the square brackets were deleted.

There is a further point that I want to make. I refer to the classification of sustained management stock, where it reads:

"When a stock has remained at a stable level for a considerable period under a regime of approximately constant catches it may ..."

I am afraid that I should have to insist on retaining the word "shall". In this respect, I would refer you to the report of the Scientific Committee, where the word "shall" appears. The Scientific Committee appears to have no reservations as to this stock being a sustained stock.

THE CHAIRMAN: I see the point of the Japanese reservation. They would like to have an assurance on paper that the two methods of putting down the assessment should be taken up for further consideration next year. If there is no objection to this point, we shall retain the sentence which now appears in square brackets. (Agreed.) The delegate of Iceland also appears to have a good point: the difference between "shall" and "may" is not very large, but it gives a different impression. If it is agreeable, therefore, we will strike out "may" and insert "shall".

CANADA (Dr. Martin): We note in about three places, the first being at the top of the second page, that the categories are subject to the advice of the Scientific Committee. The responsibility of course is with the Commission, and "taking into account" is probably more appropriate than "subject to". This appears in two other places in the text.

THE CHAIRMAN: I agree that to subject ourselves too much to the Scientific Committee might be too much of a good thing. We are still the Commissioners, so I would suggest that the wording proposed by the Canadian delegate should be adopted.

USA (Dr. White): I believe the Australian amendment says "according to the advice of the Scientific Committee", rather than "subject to". I thought that that was the wording agreed upon in the working group.

THE CHAIRMAN: According to this copy, there are two versions: "subject to" at the bottom, and "according to" at the top. Would "according to" be more acceptable to the Canadian delegate?

CANADA (Dr. Martin): My expert adviser says that we should use "taking into account".

DENMARK (Mr. Lemche): I understood that by retaining the sentence in the square brackets this paper only stands one year. So perhaps we could defer discussion until next year?

THE CHAIRMAN: Again, I think Dr. White's point is correct. Australia has always said "according to". I think we should leave it at that for the year, and eventually change it when we go through the whole text next year. It must be admitted that the text as received here now is somewhat difficult, and it is a good thing to know that we have a good opportunity to improve it in a year's time.

CANADA (Dr. Martin): We would change to "according to" in the other relevant places as well.

THE CHAIRMAN: In that case, of course, "according to" would be substituted for "subject to". (Agreed.)

THE CHAIRMAN: I think that that concludes the agenda items, apart from item 26: -

AUSTRALIA (Mr. Bollen): When I concluded the report of the Technical Committee I mentioned that there were a few small items that we had received from the Scientific Committee that should be drawn to the Commission's attention. If you are agreeable, sir, I would like to suggest that Dr. Allen briefly report on these two outstanding items, which are of concern to his Committee. This relates to item 6(ii) of the Agenda.

Dr. ALLEN: I shall be brief. There are three matters involved. The first is that the Committee recommends to national groups that the existing sighting programme for protected species should be extended to cover all species - that is, to include commercially exploited species. The detail of this is in the Scientific Committee's report. We should like the Commission's endorsement to that.

You have already heard of the other two matters informally through the Finance and Administration Committee. The first is our request for funds for

a contractor to undertake work on the statistics and provide them to us in a better form. This has arisen as a very urgent need from the extra responsibilities that now lie on the Scientific Committee, with its new tasks under the new management procedures. It is essential that we should have better-organised data in this way. The third point is a recommendation that the Commission should adopt in principle at least the idea that it separates its scientific reports from the Administrative Report, and that it seeks to distribute its scientific reports on a subscription basis which would mean producing very many more copies which would then be sold on a subscription basis. It would meet a great deal of demand from a number of points of view, and might actually be a better financial deal for the Commission in the long run.

THE CHAIRMAN: I think that some of those points have been met under Article 3 of the report of the Finance and Administration Committee, where the sum of £7,500 has been set aside for contracting and the sum of £3,000 set aside for publications.

The Secretary has made me aware that I have slipped up on Item 22: Twenty-sixth Annual Report. The draft report is before you as document I/C/27/8. I call for a Motion that this report be accepted by the Commission.

CANADA (Dr. Martin): I so move.

THE CHAIRMAN: Is there a seconder? (Australia.) The Report is accepted.

The Rules of Procedure prescribe that at this stage of the meeting a new Chairman should be elected.

ICELAND (Mr. Asgeirsson): I take great pleasure in proposing that the Australian Commissioner, Mr. Bollen, be elected to fill the post that you, Mr. Chairman, have served so well over the past three years. We have all admired the way in which Mr. Bollen has chaired the Technical Committee at this meeting, and I am convinced that he will continue the good work that you have been doing and serve as Chairman of this Commission to the satisfaction of all the members.

THE CHAIRMAN: Is there a seconder? (Denmark.)

Mr. Bollen was elected Chairman.

THE RETIRING CHAIRMAN: May I commiserate with you, Mr. Bollen, on your new job to which you have just been elected? As this is the last time that I shall sit at this side of the table, I would like to thank you all for your understanding and helpfulness, and for not making the job too complicated. I have enjoyed and appreciated the job, and if I have been a little short at times, I beg your indulgence. Thank you for your co-operation throughout these three years. I now ask the new Chairman to take over the Chair.

AUSTRALIA (Mr. Bollen): I think the Rules of Procedure provide that the new Chairman does not take office until the end of the meeting. There is still another item on the agenda. I would like to take this opportunity of thanking my fellow commissioners for the faith they have in electing me to the office of Chairman of such a distinguished organisation as this. I feel extremely grateful and rather humble about the whole affair. I shall try to do my best during the next three years. Thank you all once again for the trust you have placed at me.

At the same time, Mr. Chairman, I should like to add to what my colleague from Iceland has said with regard to yourself. You have chaired this Commission for three years - I would say the three most difficult years for the Commission, particularly last year. I think you should be congratulated on the progress you have made with the Commission during those three years. I think this meeting has made a real step forward in the management of the whalestocks of the world. A lot of credit must go to you, not only during the time during which you have been conducting meetings but for the work you have done outside sessions. I know that you have travelled extensively in different parts of the world, carrying out the duties and functions of Chairman. What is more, you have striven hard to make sure that the Commission is more acceptable to the general public. In my view, Mr. Chairman, you have succeeded admirably in this particular work. I am sure I am speaking on behalf of all the Commissioners and all others present in saying that we would like to congratulate you on three wonderful years as Chairman of this Commission. (Applause.)

THE RETIRING CHAIRMAN: If Mr. Bollen still does not wish to take the Chair we can deal with Item 27: Arrangement for Press release. I believe that this has customarily been left to the Chairman and Secretary, to draft a short notice to the Press on what has developed during our meetings, and to give details of the results. Is that agreeable? I shall have the pleasure of meeting the Press in 10 minutes, and shall try to explain as best I can what has transpired - without any details, I can assure you!

AUSTRALIA (Mr. Bollen): I should like to have a Vice- Chairman of the International Whaling Commission.

THE RETIRING CHAIRMAN: I can well understand that: I have been very happy to have a Vice-Chairman - and a very able one.

CANADA (Dr. Martin): We have been giving a good deal of thought to this matter. We feel that we are still in quite a critical stage in the Commission's work, and that we are trying to follow through with the establishment of a permanent secretariat, with the selection of a permanent secretary, with the work of the amendment of the Convention, which will undoubtedly eventually lead to another session of Plenipotentiaries. We are all aware of the very great contribution you have made, sir, on a week-to-week basis in piloting along the work of the Commission and close contact with the Secretary. It is our proposal that if you would be willing, for the next important year in the life of this Commission, to serve as Vice-Chairman of the Commission, it is with great pleasure that I move that this be the case.

THE RETIRING CHAIRMAN: Thank you, Dr. Martin. This is a most surprising development. I agree with you that it has been an advantage to be close to London. It has also been an advantage to have a most generous Government which has footed all my bills. If it is your desire, I shall be happy to accept the nomination - on one condition: that I am not automatically chosen Chairman of the Technical Committee next year.

AUSTRALIA (Mr. Bollen): It gives me great pleasure to second the Motion of my colleague from Canada. As the new Chairman, I should like to delegate to you the duties of bringing the Convention along, as well as electing

the new permanent secretary. As you appear to have unbounded amounts of money at your disposal for whaling matters, I would hope that you will accept my offer that you do this on my behalf while I am 12,000 miles away.

THE RETIRING CHAIRMAN: Thank you, Mr. Bollen. I am quite sure that we shall be able to establish the most close and friendly relationship, and that there will be no complications.

AUSTRALIA (Mr. Bollen): I declare closed the nomination for the position of Vice-Chairman.

THE RETIRING CHAIRMAN: Thank you for your confidence: I shall try not to disappoint you.

There is one item remaining on the agenda, under Other Business. As in previous years, you know that the observers have been given the choice of addressing us either at the beginning or at the end of the meeting. One of the observers chose to address us at the end of the meeting - I hope she is more favourably disposed to us now than when she came a week ago. I call upon Miss Joanna Gordon Clark, of Friends of the Earth, for her comments.

FRIENDS OF THE EARTH (Miss Gordon Clark): I would like to thank you, Mr. Chairman, for giving Friends of the Earth Ltd. the opportunity of addressing the Commission at this time. I would also like to thank the Secretariat for allowing us to observe the Commission's deliberations this week.

For the 27th year in succession, the confusion about the validity of the data and the models has allowed politics and economics to decide the issue. The marked difficulty encountered by the Scientific Committee in arriving at its recommendations acceptable to the Commission this year highlights this confusion. Last year the Commission declined to accept the moratorium that the United Nations voted for overwhelmingly in 1972. We have always supported this moratorium because, among other reasons, we clearly saw the need for a period during which research could be carried out. Such research is as urgently needed as ever to define within at least a quantified margin of error the size and dynamics of the whale population. We therefore welcomed the USA proposal, and trust that a major input of funds will be allocated by member nations, especially those that whale, or import whale products.

Last year the Commission accepted a compromise to the moratorium - a compromise between the interests of whales and the whalers. This year, the compromise has been compromised, especially in the case of Sei whales in the Antarctic. We have awaited the outcome of this meeting to see if the Commission would act within the spirit of the Australian amendment. How can the Commission expect to gain our confidence and respect if some of their members continue to accept the recommendations of the Scientific Committee only where it suits their purse. Good initiatives have been reduced to small progress; thanks not a little to the efforts of the delegation of Mexico, we have seen lower quotas for fin and Bryde's whales, and protection for some stocks. We trust that no objections will be raised to these improvements within the 90 days. On the other hand, no changes have been made to the size limits, which may particularly affect the sperm whales, and weight has once again not been used in calculating MSY. No allowance has been made for the specialised biology of sperm whales. The models used for their MSY are still unproven.

A higher rate of exploitation than that recommended by the Scientific Committee for Antarctic Sei whales has been adopted. Furthermore, we believe that all the quotas set are still optimistic, and that the pelagic fleets will again be unable to reach the area quotas. In theory, no whale stocks exploited following this 27th International Whaling Commission meeting should show a need for protection in future if the calculations are correct. The operation of the Australian amendment will be proved invalid if this is not so. We have already expressed our very grave doubts on the validity of MSY calculations as applied to whale stocks. We also note that the Russian and Japanese delegations have indicated a reduction in their whaling fleets? What is to happen to the vessels so disposed of? Will they go to IWC member nations? This matter should be discussed by the Commission next year.

It is clear that the Commission cannot serve two masters: the whales and the whalers. We recognise the intensive efforts made by many Commissioners, including the Commissioners for Russia and Japan, to achieve an effective

reconciliation of these conflicting interests. These efforts have failed. Regretfully we have come to the conclusion that for the International Whaling Commission as presently constituted, this was inevitable. We therefore recommend that the United Nations, via an appropriate agency, take on responsibility for whales as a common heritage resource.

We would note that if the Governments of the world do not take proper charge of the world's whales, the moves that have already been begun by non-governmental groups to take direct action on behalf of the whales are certain to increase. We urge representatives of FAO, UNEP and all nations present today to expedite a new United Nations convention as quickly as possible.

DENMARK (Mr. Lemche): When I go home and tell people in Denmark what was the outcome of this meeting, I shall say that the main thing was that the decisions up to now had resulted in a decrease of around 9,000 whales compared to the quotas decided upon last year.

THE CHAIRMAN: Thank you Mr. Lemche: I think that that was most appropriate.

The agenda having been fulfilled, I have the honour to hand over the Chair to Mr. Bollen.

Mr. Bollen (Australia) took the Chair

THE CHAIRMAN: I think that this is the time at which we should thank our hosts, through Commissioner Graham, for providing the facilities here today, apart from the hospitality which we had on Monday evening. I think we are all very well aware of the problems associated with running international meetings, and making every effort which they have, to make it convenient for us to operate here, the long hours that have been worked by different people. I would like you, Mr. Graham, to convey to the United Kingdom Government the sincere thanks of the International Whaling Commission for providing the facilities not only during this week but throughout the year. I would like you also to thank the Ministry of Agriculture, Fisheries and Food for the efforts that they have put in behind the scenes.

I think the Commissioners would also like me to thank Mr. Stacey once again for the work that he has done over the past 12 months. It seems to me

d. that, as the years go by, and Mr. Stacey is wanting to retire, his work is
ling becoming more onerous and he is doing more and more, instead of less and less.
However, he does not seem to be getting any older, and he seems to be bearing
up quite well. It was my privilege in February to spend some time with him
in Tokyo and, judging by his performance there, he is certainly not getting
older. He lived up to the hospitality that you always get when you are in
Japan. Thank you very much, Mr. Stacey. Would you convey to your staff the
thanks of all the Commissioners and people here for their untiring efforts
to help us get through this meeting, and the courtesy which they have shown.
(Applause.)

rk MR. STACEY: I shall be very pleased indeed to pass on the message
that you have just given me for the staff. Although it is my staff, or at least,
com- they work for me, they do work extremely hard. They are very harassed, and we
work in the most difficult circumstances. I am very grateful for the
t recognition that you have shown.

With regard to your personal remarks to me, I am very pleased to serve
this Commission, and although I have been saying that I wanted to retire, when
the time comes I know that I shall do so with the greatest regret.

THE CHAIRMAN: I now declare the 27th Session of the International
Whaling Commission closed.

E N D