

TWENTY-EIGHTH MEETING

OF THE

INTERNATIONAL WHALING COMMISSION

HELD IN LONDON

21-25 JUNE 1976

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THE CHAIRMAN: Ladies and Gentlemen, I call this Twenty-Eighth Meeting of the International Whaling Commission to order. On your behalf I will invite the Minister of State, Ministry of Agriculture, Fisheries and Food, in the United Kingdom to address us. I introduce to you Mr. Bishop.

MINISTER OF STATE, MINISTRY OF AGRICULTURE, FISHERIES AND FOOD, UNITED KINGDOM (Mr. Bishop): Mr. Chairman, Ladies and Gentlemen, once again it gives me great pleasure to welcome you on behalf of Her Majesty's Government to London for the Twenty-Eighth Annual Meeting of the International Whaling Commission. At the Twenty-Seventh Annual Meeting last year you took a major step forward with the introduction of the new management policy, classifying all stocks of whales according to their relative abundance. The less abundant species were, of course, already fully protected. I understand that the numbers of one of those species - the gray whale - have already increased significantly as the result of protection. I think you will agree that this is indeed good news and I hope that we shall soon see an increase in the populations of other fully protected whale species - the blue whale, the humpback whale, right whale and the bowhead.

Welcoming
Address

I think it is equally important that stocks of these species which can at present be taken should be carefully monitored and maintained at levels which will not result in their over-exploitation. I know that you will be listening with great interest to the reports which will be presented to you by your Scientific Committee, which has met during the past two weeks. I know something of the hard work which they

have put in in order to do their job.

The progress which the new management policy represents must now be consolidated. Quotas must be set at levels which enable the world's whale stocks to be given the full and individual management that they need from stock to stock and from area to area. During the past few years in the United Kingdom there has been a tremendous upsurge of interest in and concern for whales which, when well-informed, is welcome support for the conservation policies which the United Kingdom has pursued over many years, both independently and within the International Whaling Commission. Conservation groups and the public have expressed fears that whale stocks may soon become extinct; that whales are being slaughtered in uncontrolled numbers; and that the IWC is failing to do its job properly. I have no doubt whatsoever that these views are sincerely held and reflect the widespread concern of the British public for the conservation of wild life. But I am concerned also that there has apparently been so little understanding and recognition of the work of this Commission. We have pointed out that the United Kingdom has not caught any whales since 1962. We have drawn attention to the United Kingdom support for the Commission since its inception and to the progress which has been made with the introduction of new management procedure. In 1973 we banned the import of the products of baleen whales, whose stocks are significantly reduced. We are now being pressed to introduce a similar ban on the import of sperm whale products by those who claim that adequate synthetic substitutes are available for all their

uses, but we have made it clear that as sperm whale stocks are not in danger account must be taken of the needs of the industries which do depend upon sperm whale products, though we are looking at the position of substitutes.

I am concerned that the Commission itself should be making the most of its achievements by improving its public relations. The establishment of a new and permanent secretariat at Cambridge offers a new opportunity to this end. I feel sure that the Commission will greatly benefit from - at the expense of our loss of - Dr. Ray Gambell, and I know that you will wish to join me in passing our congratulations to him and conveying best wishes to him and his staff.

May I close these brief remarks by wishing you a very successful week at this meeting, which attracts much interest, not only within the United Kingdom but in other parts of the world. You have an opportunity to demonstrate that the governments represented here today wish to conserve, control and manage the world's whale stocks in a wise and responsible manner. If you are successful you will gain the support of governments and individuals all over the world, who recognise the need for a responsible policy of conservation of all our natural resources.

On behalf of Her Majesty's Government may I again extend to you a very warm welcome to London. I look forward to meeting you at the Government's reception this evening.

THE CHAIRMAN: Mr. Minister, Ladies and Gentlemen, thank you very much for that warm welcome, Minister. I am sure that we shall take heed of the things you have been

Chairman's
Address

saying in our deliberations over the next week, and almost certainly we would expect to have 100 per cent. attendance at your reception tonight.

As the new Chairman of this Commission, I consider that the developments over the past 12 months have been very substantial towards achieving our mutual objective of conserving wild species on a global basis. This has been largely due to the work undertaken by the Commission under the chairmanship of my predecessor, the Norwegian Commissioner, Mr. Rindal. There is no doubt in my mind that the adoption of the new management regime was the most critical decision taken in the Commission's history.

From my position as Chairman now it gives me great pleasure to record my appreciation of the work done under Mr. Rindal's chairmanship. Unquestionably this is reflected in the fact that no reservations were entered in accordance with the 90-day rule despite the very significant changes in the Commission's approach and the ramifications that this may have had for some countries.

I should also like to take this opportunity to refer to the work of Mr. Fujita, who is no longer the Japanese Commissioner but who has the distinction of being the longest serving Commissioner, having attended meetings since 1957. As members are aware, Mr. Fujita was Chairman from 1968 to 1970. His deep knowledge of whaling and the Commission activities will be sadly missed.

However, I welcome a very old friend of mine in Mr. Uchimura as the new Japanese Commissioner.

It is pleasing to see that New Zealand has rejoined the International Whaling Commission. I also welcome Mr. McLean as the representative from that country. I would also like to express my gratitude for the work done by Mr. Graham of the United Kingdom since 1968, and the assistance he has given the secretariat over the years. In his place I welcome Dr. Burne as the new Commissioner for the United Kingdom. Welcome is also extended to Ambassador Decerega as the Commissioner for Panama, Mr. Kleu for South Africa and Mr. Basso for Argentina.

It is my hope that I shall see the future work of the Commission proceeding in the same orderly fashion and that the benefits from the measures introduced during the past three years will be more apparent to all. To this end the Commission must have increasing regard for the expertise of the Scientific Committee. I look to all members to co-operate in supplying the data which will enable the Scientific Committee to provide the Commission with the best advice possible.

I must take this opportunity to thank the Chairman and his members for the work they have done throughout the year, which has not been confined solely to the meetings in La Jolla and London. I am sure all Commissioners appreciate that the members of the Scientific Committee acknowledge the responsibility they carry and apply themselves to the problems confronting them on a continuing basis.

I welcome the unanimous appointment of Dr. Ray Gambell to the position of Scientific Secretary, as this appears to me to meet the need for the continuity of supply of data between

meetings, and will enable our Scientific Committee to introduce any fine tuning to the management regime. With the introduction of the new management regime I now see the Commission's principal part as being to satisfy those concerned with wild populations that the Commission has the will and the capacity to ensure that the whale populations of the world are not endangered.

The attacks which the Commission has sustained in the past years have, in my view, not only been largely unwarranted but have been counterproductive to the Commission's endeavours to achieve the precise objectives for which it has been criticised for not attaining. It appears to me that members of the Commission and other groups represented here should be directing their energies towards convincing non-member whaling countries to join the Commission, to accept its management regimes and, in particular, to participate in its conservation and management measures.

During my tenure of office as Chairman I shall regard this as being one of the most important tasks confronting me. I look forward to all organisations represented here today to give me the support I shall undoubtedly need to achieve this objective.

As with any organisation, the International Whaling Commission will be directly affected in proportion to the co-operation, support and expertise of its members. I have already referred to the steps taken to improve the expertise available to the Commission, and it is my sincere hope that the level of support and the co-operation will also improve.

There have been differences within the Commission in the past and this is to be expected in any organisation, but I believe we should approach our problems and resolve our differences in a rational rather than an emotional manner.

As we all know, this is the final meeting for Mr. Reg Stacey. Our Secretary has given long and efficient service to the Commission. We managed to prevail upon him to stay for another month so that he could assist us with this meeting. I do not think it is putting the situation too highly when I say that without Mr. Stacey this Commission would have had great difficulty in attaining its effectiveness and acceptance as an international organisation. I am sure I speak for all associated with the Commission when I ask Mr. Stacey to accept our deep gratitude for a job well done and wish him well in his retirement. Thank you.

As you all know, the Minister is having some difficulty in the Palace of Westminster in regard to pairing. I am sure he would like to stay to hear more of the opening addresses, at least. He did ask to stay to hear mine, for which I am extremely grateful. Having heard it, Minister, you have my permission to depart. (The Minister of State left the meeting)

That deals with Item 1 on the Agenda. I would prefer to skip Item 2 and continue with the opening statements by member countries. Does any Commissioner wish to make a statement? If so, I would appreciate it being confined to five minutes.

Canada?

Commissioners, Ladies and Gentlemen, I should like to begin by extending our very best wishes to our new Chairman and our new Secretary at their first Commission Meeting in this capacity. The Commission has been very fortunate in its choice of Chairman and Secretary in the past and I know that Mr. Bollen and Dr. Gambell will be fitting successors to Mr. Rindal and Mr. Stacey, who filled their roles so ably and so well.

Mr. Chairman, I know you are aware that you are assuming your new duties in the midst of a period of great change in the management of the world's marine living resources. The Law of the Sea Conference is, we hope, drawing closer to a successful conclusion. The consensus which has emerged at the Conference has established the concept of the 200-mile economic zone as the foundation upon which fisheries management structures are being erected. That consensus, of course, touches upon matters that are relevant to the role of IWC.

Much has happened in this area since the last meeting of our Commission. In particular, the coastal states of North America - Canada, the United States and Mexico - have either extended their fisheries' jurisdiction to 200 miles or have made clear that they will do so in 1977. The Canadian authorities have given considerable thought to the question of how these developments will affect the work of the International Whaling Commission. It is the Canadian view that the Commission must at this meeting continue with business as usual, while not losing sight of the international developments to which I have already referred. The Government

of Canada considers that the IWC will have a continuing and important function, both during this transitional period and afterwards. For our part we wish to play a constructive role in ensuring a smooth transition from the old regime to the new with regard to the management of all marine resources, and highly migratory species in particular.

The Canadian Government sees the management of whale stocks during this transitional period as being based on two key elements. The first element is continuation of the work of the International Whaling Commission. This is essential to increase man's knowledge of the world's whale stocks and to maintain and improve upon the regulatory structure that has been developed with a view to proper conservation and management of those stocks. The second element involves drawing on the new concepts which have emerged at the Law of the Sea Conference, both in our approach to the future of the IWC and in the implementation of the jurisdiction of coastal states in extended zones of fisheries' jurisdiction.

In this respect the Canadian Government would draw particular attention to the concept now embodied in Article 54 of the single negotiating text of the Law of the Sea Conference. That document is of paramount importance to the role of the IWC, recognising as it does the right of a coastal state or an international organisation, as appropriate, to prohibit, regulate and limit the exploitation of marine mammals. On this basis the Canadian delegation to this Commission meeting has been instructed to participate fully in the work of the Commission, while making it clear that the

Government of Canada reserves the right to prohibit, regulate or limit the exploitation of whales within the 200-mile fishing zone soon to be established off Canada's coast.

Our participation here is without prejudice to that right, but at the same time our reservation of the right in question in no way weakens or diminishes our commitment to the objectives of the Commission or our determination to contribute in every way possible to the realisation of those objectives at the present meeting. Thank you.

THE CHAIRMAN: Thank you, Dr. Martin. I have two or three hands up at the moment, but I think I saw the New Zealand flag being waved. If so, I think we should give preference to our new member.

New Zealand
Statement

NEW ZEALAND (Mr. McLean): Thank you very much, Mr. Chairman. I am very pleased indeed to attend this Twenty-Eighth Meeting of the Commission as head of the delegation from New Zealand, once again a full member of this body after a lapse - if that is the right word - of eight years. I thank you, Sir, for your welcome. Could I perhaps, as a fellow-Antipodean, express my warmest congratulations to you on your appointment to the chairmanship and best wishes for your term of office.

It seems a mark of the greater effectiveness and influence of the IWC that we wish again to take part in its proceedings. It is also a mark of the increased world concern over the issues we face at this meeting, and that is a concern which is shared deeply and sincerely in New Zealand. Whaling, of course, is part of the tradition and

legend of New Zealand. We live in the heart of the Pacific, the last area of oceanic whaling. We can fully claim that the whale is part of our environment. We believe, therefore, that our influence should be brought to bear to help preserve those species which for centuries have been a resource of mankind but which, through relentless pursuit, are now threatened. Already in the northern oceans whale stocks are greatly depleted. We must not allow the same situation to develop in the southern.

When New Zealand left the Commission in 1968 the international community was perhaps less sensitive than today to environmental and conservation issues. Nevertheless we felt, to be frank, that the Commission was not as effective an instrument of conservation as it should have been. We must bear part of the blame for that situation. However, the past few years have seen a new spirit in the Commission, and new measures which demonstrate a determination to make it a more effective body. My Government wishes to associate itself with this spirit and to lend its support to those new measures. We thus hope we are moving into a new era, one where it is still not too late to halt the damage and omissions of the past.

This Commission was one of the first conservation-minded international bodies established, but during the 1960s it often appeared to do little more than seek to minimise the effects of exploitation of the whale. Even in this field, where the actions of our forebears had such devastating effect, the extent of the environmental crisis was not fully understood. The Commission's attempts to regulate catches

and thus to maintain adequate stocks for continued exploitation of this resource did not prevent a marked decline in some whale species.

Much has changed in the world since 1968. The United Nations Environmental Conference at Stockholm brought home the need for greatly increased attention to the environment. New Zealand was one of the many countries that in the wake of Stockholm set up a new administrative apparatus to improve environmental management. Conservation - whether it be of energy resources or animal species - has now become a feature of international life. The consequent response of governments has in no small part been due to the way in which environmental issues have caught the popular imagination. In my own country this is particularly true of the plight of the whales. This has been a significant factor in New Zealand's decision to rejoin the Commission.

Unfortunately in the past the costs of protection to the environment so often outstripped the value of the benefits sought. Now the onus is on those exploiting the resource to show that their programme presents a minimum threat to the environment. The experience that we have gained in New Zealand in fostering a more responsible attitude to the environment will help to determine our attitude to issues coming before the Commission. Although New Zealand has not been a member of the Commission for some years we have not ignored the subject of whaling. In 1975 the importation of whale products into New Zealand was banned. Now legislation is being prepared that will protect all sea mammals in waters subject to New Zealand's jurisdiction. New Zealand has also

worked at the consultative meetings of the Antarctic Treaty powers and at the Law of the Sea Conference for agreement on new measures which will have the effect of protecting whales.

When New Zealand was last a member of the Commission many of us stressed that uncontrolled whaling operations would endanger species previously abundant. It must be acknowledged that those fears were fully justified. Much damage has been done - we hope not irrevocable. So it is encouraging to see that the Commission has had its victories in seeking to introduce responsible whaling. The adoption last year of the Australian proposal on the classification of whale stocks and the management of individual stocks of each species represents a great step in the right direction.

But for the environmentalists who are taking a close interest in the actions of all our governments, that does not go far enough. We hope that at this meeting we can go further to meet this concern. It is because some whales are so large and so unthreatening that people throughout the world have called for an end to the killing of any sea mammals. It would be foolish to dismiss this as the quixotic cry of a misguided minority. To thousands of people who have certainly never seen a sea mammal, the declining numbers of some species symbolises the wanton environmental destruction that has so often accompanied the exploitation of the world's resources.

Science and technology, it seems, have given man the capacity to husband these resources, but we have failed to muster the collective will needed to apply such measures. Like it or not, the whale is now a symbol of mankind's failure to manage the world's resources responsibly. The attention of

concerned people throughout the world now focuses on the decisions of this Commission, with an intensity none of us would have thought possible when the Commission was established. We should remember this unsettling fact during our deliberations this week.

We look forward to working with members of the Commission over the years ahead and co-operating with them in the important work of this body.

THE CHAIRMAN: I have excused New Zealand, as a new member, from the five-minute rule. It will now come into force and I will call on the Commissioner for Mexico.

Mexican
Statement

MEXICO (Dr. Rozental): In the first place I should like to congratulate you, Mr. Chairman, on sitting at the head of our table. I should like to thank at the same time Ambassador Rindal for a year of excellent work and again also as Chairman of the working group on which I have the honour of sitting regarding the revision of the International Whaling Convention. It is also my Government's pleasure to welcome Dr. Ray Gambell as the Commission's Secretary. We wish him all the best of luck and assure him of all our co-operation in his task. To end the introductory remarks, we also would like to thank New Zealand and welcome them here with us. One of the objectives which Mexico has followed over the years in the Whaling Commission has been the attraction of more members to the Commission - be they whaling members, be they conservationist-oriented members - in order that the Commission be truly representative of the interests surrounding the marine mammals that we protect.

It has been a year since this Commission adopted new

management measures for whales. We have had 12 months' experience and this will be the second time that we will apply these new measures in the allocation of quotas. We must consolidate the new regime and it will be thus most important for us in the course of this week to make sure that the new management measures which were adopted last year are further strengthened and further refined in order that we all are able to reach the goals which we feel should be reached, and that is the protection of those species of whale that require the protection and the fair allocation of the quotas on those species that are not in as endangered a situation as some of them.

The main reason that I asked for the floor for a statement is regarding something quite similar to what our Canadian colleague has talked about this morning. There have been many important developments since our last meeting in 1975 which in one way or another affect this Commission and the resource that we are administering, but one of the most significant of these developments relates to the new law of the sea, both as it is being codified at the UN Conference - which will be meeting again in about a month in New York - as well as the way in which it is evolving through recent state practice. Several countries - Mexico is one of them - have already extended their fishery jurisdiction by means of an economic zone extending up to 200 miles from its coastline. Other countries have signified their intention to do so in the near future. The results of expanded coastal state jurisdiction over living resource, at the same time as it brings added benefits, significant added benefits, to the countries concerned, brings

with it also an added responsibility with respect to the optimum utilisation of the resources occurring within the economic zone, as well as the conservation of those resources which are subject to over-exploitation or are endangered through the past indiscriminate action of man.

It is because of this that the Mexican Government has decided, and has so done, in its legislation establishing a 200-mile exclusive economic zone adjacent to the coasts of Mexico, totally to prohibit the commercial exploitation of all marine mammals, most especially whales. This has been done in view of the fact that Mexico has traditionally, over the last years, been a protecting country for whales, especially for the gray whale which annually migrates along the coasts of Baja California and spawns and raises its young in the lagoons off that peninsula. We felt that the whaling activities which might take place within the 200 miles of economic zone that Mexico has off its coasts are sufficiently insignificant - if existing at all - that it would not be prejudicial to any country totally to prohibit commercial whaling within the Mexican 200-mile economic zone, and this is why we have proceeded in that fashion.

To end, Mr. Chairman, I do not think that this action - and I would make a special reference to this - is incompatible with the International Whaling Commission or its objectives. Like our colleague from Canada, we feel - as the emerging consensus in the Law of the Sea Conference would indicate - that highly migratory species such as whales should be the subject of regional or international management schemes if at all possible, but we do not feel that this should in any way limit the right of a coastal state to take stricter measures

if it feels these are necessary for the protection of its living resources within the expanded coastal state jurisdiction zone as regards fisheries. Thank you.

THE CHAIRMAN: Thank you. The Commissioner for the Soviet Union.

USSR (Dr. Nikonorov): Mr. Chairman, Commissioners, Soviet
Ladies and Gentlemen, it is a pleasure for me to express Statement
gratitude to the Government of the United Kingdom on behalf
of the Soviet delegation for the traditional hospitality. We
agree with the point of view expressed by the Minister of State,
Mr. Bishop, that at this meeting as at several previous
meetings we shall have to solve many complicated problems
which are of prime importance for the future activities of our
Commission.

During several recent years the joint efforts of members
of our Commission led to the adoption and successful
implementation of many decisions concerning the rational
organisation of whaling aimed at conservation of the species
taken at present, and at restoration of the abundance of the
prohibited species. With this purpose in mind we have to
intensify world research pursuant to the 1972 decision to
carry on a decade of research operations in the world oceans.

All the achievements and certain progress in the work of
the Commission became possible only because of the fact that in
our work we sought decisions which would be agreed upon,
avoiding extreme positions and taking into account the interests
of whaling and non-whaling countries. Being a whaling nation,
the Soviet Union is most deeply interested in the conservation
of whale stocks and in strict international control of whaling.

For this purpose the Soviet Union cut down its whaling fleets from three to two in the past whaling season.

I should like to point out that only in recent years we accepted the new classification of the stocks of whales in the world oceans, a new management procedure which we consider progressive and which has gained universal approval. As a whole we favour the recommendations offered for consideration by the Scientific Committee, which consists of leading experts on Cetacea. However, some of the conclusions and recommendations given in the report of the Scientific Committee are not cogent enough or are not sufficiently scientifically substantiated. They require the special attention of the Commission and objective judgment.

Activities of the Commission should be characterised by the necessary flexibility, reason, mutual understanding and, when necessary, compromise so that we would be able to continue our fruitful work within the framework of IWC. The Soviet delegation will exert every effort to provide for the successful work of the meeting. Thank you.

THE CHAIRMAN: I should have mentioned in my opening address that Dr. Roux of France will not be available for the meeting. Mr. Jacquier will be taking his place and I now call on him to address the meeting.

French
Statement

FRANCE (Mr. Jacquier): The French delegation would like to recall its traditional position, which consists of following the advice of scientists in order to secure the conservation of the species and restore the whale stocks. With that objective in mind it has always been in favour of a moratorium for each species but, in a spirit of compromise,

taking into account the economic needs of some nations, it accepts the principle of an allocation of quotas provided they are founded on scientific considerations.

The French delegation wishes also to make it known that its administration is studying national regulations in order to forbid the use of whale products in France. Thank you.

THE CHAIRMAN: Thank you. The Commissioner for Brazil.

BRAZIL (Dr. De Moura) Thank you, Mr. Chairman. The Brazilian delegation is honoured again to take part in a meeting of the International Whaling Commission. The last two meetings were marked by important improvements in the management of whaling. That is the opinion of those who for many years have followed the work of the Commission. It is also my personal opinion, although I did not have the opportunity to attend meetings prior to the twenty-sixth.

Brazilian
Statement

The improved performance of the Commission has been received with enthusiasm by the Government of my country. I do not agree with the exploitation of a natural resource without maintenance of that resource. We hope that the progress in this field will continue in the Twenty-Eighth Meeting and also in future years.

The Government of Brazil also welcomes the development of discussions on the amendment of the International Convention for the Regulation of Whaling. We believe that in parallel with the improvements of the new management regime it is necessary to give the Commission the means to make it a true international forum for all matters concerned with conservation and exploitation of whales. We do not

believe it is possible to have productive discussions on either matter in isolation. The Brazilian Government is ready to make the maximum contribution to the successful working of this meeting. Thank you.

THE CHAIRMAN: Thank you. The Commissioner for the United States of America.

USA
Statement

USA (Dr. White): Mr. Chairman and fellow-Commissioners, the United States delegation is pleased to be in London once again for the Twenty-Eighth Meeting of the International Whaling Commission. We welcome the appointment of Dr. Gambell as our new Secretary and wish to express our deep appreciation to Mr. Stacey for his long years of hard and dedicated service.

At this meeting we look forward to taking further steps to bring about the full implementation of the new management procedure adopted by the Commission last year to provide for improved conservation and management of the world's whale population. We recognise that the new management procedure is a compromise between those members of the Commission who have wished to see a total cessation of commercial whaling and those who have felt that their continued whaling provides important sources of food and employment in their country. The United States continues to believe strongly that a 10-year moratorium on all commercial whaling is the best means of protecting whale stocks. However, we recognise the achievements of the Commission in adopting the new management procedure. This is a forward-looking system for conservation and management, based upon the best scientific assessments available. We appreciate the fact that all member nations have

agreed to abide by the regulations which flow from the new management procedure. The United States has committed itself to support the new management procedure as long as it continues to be observed by all.

I am aware that some of the findings of the Scientific Committee concerned with quota levels and other management procedures will require all groups to accept recommendations which may be unpalatable. It is my understanding that we are likely to be confronted with quota recommendations above those of last year for some species and below those of last year for others. None the less it is the intent of the United States to support the recommendations of the Scientific Committee, whatever they may be, for unless we do the new management procedure will have no meaning.

Another matter of deep concern and one on which I hope the Commission will take positive action deals with the prohibition that member nations must place on the transfer or sale of vessels or equipment or other assistance to whaling nations which are not members of the International Whaling Commission. We must take action to discourage non-IWC nations from either increasing or commencing whaling and we must further encourage non-IWC nations to join the Commission.

Lastly, it is important that we recognise that many events are now taking place involving broad questions of the law of the sea, as well as individual actions on the part of some nations which may affect the manner in which our Commission may have to operate in the future. We have heard statements from the delegations from Canada and Mexico on

this topic. In the United States the recent adoption of our Fisheries and Conservation (Management) Act of 1976, which extends US fisheries' jurisdiction to 200 miles, could have an impact on whaling off our coasts.

It is for these reasons that we believe that the Commission should take action to ensure adequate consideration of changes in the IWC Convention at an early date.

In closing let me say that we intend to work closely with all delegations to ensure the successful outcome of this meeting. Thank you.

THE CHAIRMAN: Thank you, Commissioner White.

The Commissioner for Japan.

Japanese
Statement

JAPAN (Mr. Uchimura): Mr. Chairman, fellow-Commissioners, Ladies and Gentlemen, first of all I wish to extend my heartfelt congratulations to Mr. Bollen, the new Chairman of the Commission. My delegation has every confidence in his skill and experience to lead this meeting to success. My sincere appreciation is also extended to Ambassador Rindal for his remarkable achievements during his tenure of office as Chairman of the Commission.

I wish also to extend on behalf of the delegation from Japan a warm welcome to our new Secretary, Dr. Gambell, who took office on May 1st. Dr. Gambell, may I wish you every success in your new post. My delegation is indeed pleased to work with you and can assure you of our full support and co-operation. I should also like to say how pleased we are that Mr. Stacey is once again kind enough to remain with us until after this meeting. Mr. Stacey, your continued presence will prove to be a great asset to us all during our meeting here.

Speaking of our delegation, Mr. Fujita - who after a decade and a half is the longest standing member of the Commission - has recently retired from the office which I now hold. I am sure he will be long remembered for his fine personality and for his dedication to the work of the Commission.

I shall briefly touch upon some of our thoughts on the substantive questions of this meeting. As you are aware, the implementation of the new management scheme, which aims at harmonisation between conservation and the utilisation of resources, has demanded great social and financial sacrifice on the part of the whaling nations concerned. Japan is, of course, amongst those hardest hit. Nevertheless my delegation values the decision of the Commission last year, having set out solid rules by which those people who need the resources of food and other requirements can continue to use them without undue apprehension for the future. I am particularly glad that the Commission has finally overcome the barren confrontation that once appeared to have looked the very basis of the Commission's existence.

In going through the required change, our industry has now been reduced to half its size since last year. Two mother ships and a number of the catcher boats have been laid up indefinitely, and over 1,500 people who were working on board have been dismissed. It was a serious blow to our fishery industry. For this very reason our industry watches the outcome of this Commission with vital concern. I share that concern and sincerely hope that the Commission at this meeting will pledge itself to the just and fair implementation of the new scheme, without imposing any excessive or unworthy

sacrifice on the part of those who are to suffer.

My delegation attaches paramount importance to this meeting, on which the future path of whale management is so vitally dependent. It looks forward to working with you in a friendly manner to find solutions acceptable to us all. I sincerely hope that the meeting will be most fruitful. Thank you.

THE CHAIRMAN: Thank you, Mr. Uchimura. Are there any other Commissioners who wish to make an opening statement? If not, I suggest that we take a coffee break and we will continue this open session after coffee with an invitation to observer governments first of all who wish to make a statement.

(Coffee break)

THE CHAIRMAN: I will call on the Secretary to make some announcements in regard to the conduct of the meeting over the next week.

(Administrative announcements by the Secretary)

THE CHAIRMAN: We have a list of Government observers present. They have been invited from Chile, Peru, Portugal, the Netherlands, Spain and Sweden. Are there any of those observers who may wish to make a five-minute statement? Well, we can classify them truly as observers, I guess.

We then move on to those observers who are accredited to the International Whaling Commission. Rather than my reading out the names of all of these people - because some, I understand, wish to make their statement at the conclusion of the proceedings - I would like members to stand up and state

their name and their organisation, including FAO and UNEP. I have a statement in front of me by Sir Peter Scott of the World Wildlife Fund. Perhaps, Sir Peter, you would like to start.

SIR PETER SCOTT (Observer): Thank you very much, Mr. Chairman, and Commissioners for your courtesy in allowing the conservation organisations once more to address you at the outset of your plenary session. It has become a time-honoured custom down the years and, as such, it is almost a ritual dance. I am sorry, Mr. Chairman, that you think our efforts have hitherto been counterproductive. I suppose we are bound to take a different view.

Sir Peter
Scott
(WWF)

Although I am connected with several of the non-governmental organisations represented here today, I speak at present for the World Wildlife Fund. The Convention under which the IWC was set up is just 30 years old, and it is not very encouraging to think what has happened to the world's whale stocks in those 30 years. I think the history books are likely to have some rather rude things to say about it. But to be fair the situation has shown some small signs of improvement recently. We have become aware that prudent conservation measures, even if not adopted by the Commission, are acceptable to an increasing number of its delegates sitting round this table. Down the years we have castigated you and cajoled you and condemned you, and very occasionally congratulated you, but most of us have come to realise that for the time being you are the best we have got, and we are stuck with you; though everyone must realise that there is still something wrong when the decisions on the future of the great whales are made by their exploiters. We have to

reiterate that the world's whales do not belong to the members of this Commission.

So we still call for the total moratorium demanded by the nations at Stockholm in 1972, so as to give all whale stocks a chance to recover. Pending a total moratorium, and in the light of the extreme uncertainties in the sperm whale assessments, we ask that IWC should act on the proposal of the Marine Mammal Working Group of FAO's Advisory Committee on Marine Resources Research to give immediate protection to half the sperm whale stocks. We think too that the FAO ACMRR report should be officially circulated to all IWC members.

We commend the Scientific Committee on its suggestion that the weight criterion be used for quotas, and urge the Commission to adopt it at least for sperm whales. Having said that I must say that we have for a long time been concerned at the integrity of some of the scientific advice which is being and has been given to the Commission. We remain concerned about management based on maximum sustainable yield applied to individual species.

We should like to draw attention to Resolution No. 8 of the General Assembly of the International Union for Conservation of Nature and Natural Resources, held in Zaire last September. A copy of that resolution is before each of you on the table. It enumerates a set of ecological principles to replace MSY as a basis for the management of wildlife resources.

We wonder, Mr. Chairman, what steps are being taken by the Commission to implement the proposal for the International Decade of Cetacean Research. We want once more to stress the

importance of research on living whales.

In conclusion I should like to mention the non-consumptive values of whales. Economic optimisation of resource use requires that such values are taken into account. Preliminary calculations indicate that the contribution of live whales to the economy may well be approaching the money value of the whaling industry itself. This interest is increasing while whaling is declining.

Whale watching from ships and shore, tourist travel, films, television, books and records - all these are factors in the economic equation which, quite apart from the unquantifiable values such as the function of whales in the oceanic ecosystems. There is a whole additional set of values based on ethics - human attitudes to the dangers of extinction and to cruelty, to the lack of humane capture techniques. All these are matters which stir people deeply and for which many of us feel compelled to fight.

It has been said that failure is the path of least persistence. We are committed not to fail the whales. Mr. Chairman, I have to tell you that we intend to persist. Thank you.

UNEP (Observer) (Dr. K. Curry-Lindahl): I represent the United Nations Environment Programme. Mr. Chairman, distinguished Commissioners, Observers, members of the Scientific Committee, on behalf of UNEP I express our appreciation of having been invited to this meeting of the IWC. The United Nations Environment Programme has many reasons to follow closely the deliberations of both the Commission itself and of its Scientific Committee. We welcome last year's

Dr. K. Curry-Lindahl
(UNEP)

decision that the UNEP observer should be invited to serve as Scientific Adviser to your Scientific Committee. You may recall that since its inception in 1972 UNEP has been committed to work for a 10-year moratorium on commercial whaling. This was a recommendation of the 1972 United Nations Conference on the Environment, which was adopted in the same year by the General Assembly of the United Nations. The Governing Council of UNEP endorsed that decision at its first meeting in 1973.

At subsequent meetings of the Governing Council the same position has been maintained. At the fourth meeting of the Governing Council at Nairobi in April this year several governments reiterated their support for the moratorium and for increased efforts for the protection of whales. Many of those governments are also members of the IWC, yet the general moratorium is not on the agenda. That we deplore.

The concern of UNEP's Governing Council for whale resources was expressed at its recent meeting by a unanimously adopted decision on the protection of whales addressed to the International Whaling Commission. The wording of that resolution was as follows:

"The Governing Council requests the Executive Director to approach the International Whaling Commission in order to:

express the Governing Council's satisfaction with recent advances in stock management;
urge increased efforts for appropriate controls of further exploitation of whales at the twenty-eighth session of the Commission;
re-emphasise concern with the conservation of whales as a global renewable resource."

I should explain, in order to avoid misunderstanding, that the expressed satisfaction with recent advances in stock management refers to the fact that some species of endangered whales are protected in all oceans. It does not refer to the continued exploitation of other whales which are not yet being managed correctly. Nor does it refer to the maximum sustained yield concept, which we consider to be an unrealistic approach. The latter is in many cases not only based on misleading data on the size of whale populations, but it also excludes completely such important environmental factors in population dynamics as fluctuations in amount of food supply, migrations of several populations of almost all species of larger whales, social behaviour of whales of importance to successful reproduction and so forth. Fundamental ecosystem factors of a complex nature are not taken into account.

UNEP wishes to emphasise the necessity for a cautious and more realistic attitude by the International Whaling Commission concerning estimates of whale populations until more reliable data exists. It is precisely for this reason that a moratorium on commercial whaling is needed. We feel strongly that particular caution is necessary for the fin whale, sei whale, Bryde's whale and the sperm whale. We also consider the large-scale catches of minke whales an illustration of irresponsible and incautious management.

UNEP hopes that the IWC will not continue to disregard completely the fact that a number of medium large whales, which are seriously endangered by exploitation, need total

protection or at least established quotas for catch limits. This is the case, for example, with the Northern bottlenosed whale.

When managing whale populations it is, in our view, necessary first to restore them to optimum levels as fast as possible and then to exploit the surplus. The moratorium serves such an approach. It would also give time for meaningful research on live whales. At last year's meeting of the IWC I informed you that we were expecting research proposals on whales from FAO's Advisory Committee on Marine Resources Research. We have not yet received those proposals, which we want to consider simultaneously with those we have already received from the IWC.

Unfortunately UNEP this year cannot undertake to finance new projects. However, we are prepared to work out research priorities with the IWC and with our colleagues from FAO and IUCN as well as with other specialists on cetaceans.

Finally, UNEP would like to express the hope that the IWC itself will take adequate steps towards the complete revision of the International Convention for the Regulation of Whaling so that this document corresponds to modern requirements and concepts of whale resources conservation and management in a more realistic way than the revision drafts produced so far. This might imply alternative options for cetacean management other than the IWC.

THE CHAIRMAN: Thank you. The next speaker.

Mr. Boerema
(FAO)

FAO (Observer) (Mr. Boerema): On behalf of the Director-General I should like to express my thanks for the opportunity for FAO again to be represented at your meeting.

I should like to join the other speakers in congratulating Dr. Gambell on his appointment as the first full-time Secretary of your Commission. We have greatly appreciated the assistance and co-operation which we have always experienced from your previous Secretary, Mr. Stacey. Dr. Gambell will face a much wider task than your Secretary hitherto and we shall be happy to give any assistance and co-operation we can in fields of common interest. Dr. Gambell is, of course, no stranger to us, not only through our participation in the work of your Scientific Committee, but also because he was the chairman of the ad hoc group on large whales set up by our working party on marine mammals until his appointment as your Secretary. The progress of the work of this ad hoc group has been reported to you during the last session. Your Scientific Committee has taken account of observations in these interim reports as it thought appropriate. The group has now finished its work and its general conclusions have again been made available to the Scientific Committee last week and have played a role in the discussions. They are also available to each delegation and other groups at this meeting.

Dr. Holt who, as you know, is in charge of this marine mammal project will, if called upon to do so, be ready to speak on these conclusions later on under the appropriate agenda item. It should be noted that these conclusions are those of the ad hoc group. They will be submitted to our meeting called the Scientific Consultation on the Conservation and Management of Marine Mammals and their Environment - for short, Mammals in the Sea - which will be held in Bergen, Norway, in the first half of September this year. Thereafter the

working party on marine mammals will prepare its final report based on the ad hoc group's report as well as on the discussions and the results of the scientific consultation.

In view of these developments I do not think there is a need for me at this stage to comment further on the state of the whale stocks and their management. You will find some new thoughts on whale management in the conclusions of the whale ad hoc group, as explained in full in Dr. Holt's paper to the Scientific Committee. These will certainly also be discussed at the Bergen meeting.

In the meantime we appreciate being able to be here again and we will listen to and eventually participate in your discussion with the greatest interest.

THE CHAIRMAN: Thank you. Does any other observer wish to speak?

Mr. Mence
(IUCN)

IUCN (Observer) (Mr. Mence): I am speaking on behalf of the International Union for the Conservation of Nature and Natural Resources. A comprehensive policy declaration in support of a moratorium was issued by IUCN last year and summarised in the statement made by its representative at the last meeting of the Commissioners. IUCN now reaffirms this policy and wishes to make further representations in relation to it. In particular, it maintains its insistence that the Commission adopt the recommendation to use weight criteria for optimum yield assessments, at least in the case of sperm whales. IUCN again notes with concern that substantial whaling continues outside the jurisdiction of the Commission and that no signs of implementation of the proposed International Decade of Cetacean Research are yet evident.

IUCN wishes to bring to the Commissioners' notice Resolution 8 of the Twelfth General Assembly of IUCN, which is being distributed, referring to maximum sustained yield, and to urge that in the light of problems encountered in the application of its new management policy - particularly in cases of extreme uncertainty - the Commission give careful consideration to this resolution. IUCN emphasises that any management procedure agreed to should be fully recognised and implemented by all states of the Commission.

With reference to the uncertainty of sperm whale assessments and the need for a new approach to management, the Commissioners' attention is drawn to Supplementary Report No. 1 to the report of ad hoc Group 1 of the ACMRR working party on marine mammals, and they are urged to study seriously the proposals for an experimental approach to management involving immediate protection to half the sperm whale stocks and controlled exploitation of the remainder.

With regard to the ACMRR working party which, as we have learned, will hold its last meeting at Bergen in September, IUCN is intending to establish an interim committee to provide continuity for scientific review of the management of marine mammals with a view to the development of a new permanent controlling body.

The general conclusions contained in Supplementary Report No. 2 to the report already mentioned refer also to economic non-consumptive values of whales, especially the gray whale. It is pointed out that economic optimisation of resource use requires that such values also be taken into account, noting furthermore that there are yet other non-

consumptive values not quantifiable in economic terms, such as the function of the species in the ecosystem, which need recognition and may prove to be the most important of all.

IUCN has noted with satisfaction progress in the development of vegetable-based substitutes for sperm oil and wax, but urges that technical knowledge be made available to the countries producing and using sperm oil to enable wider preparation of these substitutes in areas where the appropriate plants can be cultivated, and eventually the elimination of the industrial requirement for sperm oil.

Finally IUCN reminds the Commissioners that the natural events their activities are now influencing need relation to a longterm time scale; knowing that the impact of Yankee whaling on sperm whale stocks in the eighteenth and nineteenth centuries was still visible in the 1950s, when pelagic whaling recommenced, it should be recognised that the availability of options to several future human generations is being affected by what is done today.

Mr. Dawson
(Sierra Club)

MR. E. DAWSON (Observer): I am speaking on behalf of the Sierra Club international programme. I am speaking to you today on behalf of citizen organisations from many countries represented on the International Whaling Commission. We continue to urge a moratorium on all commercial whaling as the only really effective means and hope of restoring and preserving whale stocks. We also urge that the use of maximum sustainable yield and other single species management concepts as guidelines be replaced by management schemes that take into account the utilisation of a resource in the context of the total ecosystem, so as to ensure maximum and stable

populations on a continuing basis, minimum risk of irreversible damage and a wide diversity of future options.

We advocate at the very least the following action to be taken by IWC. We strongly urge that stock assessments should not be dealt with in isolation from other species, because of the impact that a change in stock of one might have on the others. In the Antarctic, for example, five species of baleen whales, three species of seals and many species of oceanic birds, several species of pelagic fish and oceanic squid compete for krill as the prime source of food.

Increased growth rates, earlier sexual maturity and increased pregnancy rates in the Southern baleen whale may have resulted from the fact that more food has become available. There will undoubtedly be an effect on baleen whales and other krill feeders if krill is harvested on a commercial basis.

Baleen whales which, in the southern hemisphere, depend almost entirely on krill, would certainly be adversely affected by krill exploitation since there is no alternative food source of sufficient extent and concentration.

We understand that the Scientific Committee at the La Jolla meeting last year began to develop recommendations on the basis of weight in addition to numbers as the criterion for determining sustained yield. Now that a model has been developed by Dr. K.R. Allen which incorporates growth information and can make predictions in terms of number and weight, we urge that the IWC replace population number with weight as the criterion in determining sustained yield. We ask that the IWC publish all calculations relating to the quotas and

provide information on how they are arrived at. If an adequate margin for error cannot be set there should be a zero quota.

We urge in particular that extreme caution be exercised in determining maximum sustainable yield for sperm whales, since MSY is based on a mathematical model that uses a percentage of an initial stock which is assumed to be in a steady state and has not been exploited to any significant degree. We understand that it is difficult to calculate when sperm whale populations are presumed to be in a steady state. For example, little information is available on the structure of harems and how disturbances affect the reproduction rate. Furthermore, the initial stocks are based on 1946 figures which may not be actually baseline initial figures. The initial stock population could easily be under-estimated and thus the fraction that the current stock represents of this initial stock could be over-estimated. The degree of error, according to the FAO ACMRR meeting in April 1976, could be substantial.

Along with initial arrangements to manage exploitation of smaller cetaceans, we urge that the IWC request an appropriate international scientific body to provide research on baseline information and publish the results. Further, we urge that through the IWC, as well as regional fisheries commissions, countries take adequate measures to avoid incidental mortality of small cetaceans. We also ask that the IWC consider regulating whaling operations which are carried out by its members under the authority of non-member states. Moreover, IWC members should agree -

and make known their agreement - not to trade in whale products with non-member whaling countries. We realise that the IWC affirm that whaling equipment, technology and technicians will not be transferred to other countries. We asked at last year's meeting that the IWC consider how it can utilise the research and monitoring facilities of other international organisations. This has been done only to a very limited extent. We urge that the Commission direct the Secretariat to explore additional opportunities to use such bodies as UNEP, FAO through the ACMRR, IUCN and other scientific bodies to supply and disseminate accurate scientific data and monitoring information.

The results of the FAO meeting in Bergen from 31st August to 9th September 1976 on conservation and management of marine mammals and environment promise to be of significant value. We urge that the IWC make certain that the report of that meeting is made available to all members of the IWC and that it be placed on the agenda of the Twenty-Ninth Meeting.

The present international observer scheme does not work well in the case of North Atlantic minke whales because the whole mammal is not brought into the inspection ports, making it difficult to determine catch numbers. We urge the Commission to explore alternative ways to provide adequate inspection. We are also concerned that all members of the IWC are participating in the observer scheme.

Finally we call for a much greater degree of co-operation from IWC countries to make the International

Decade of Cetacean Research meaningful. We therefore urge all IWC countries to devote more resources towards co-operative research efforts. One area deserving special attention is scientific study and monitoring of the effects of various pollutants on whale populations so that this can be taken into consideration in determining management policy.

In my last few seconds, if I may, I will tell you that my statement is supported by organisations from Australia, the United Kingdom, Netherlands, the European Common Market countries, Norway, Canada, the United States, South Africa and Sweden.

Mr. Carter
(ISPA & WFPA)

MR. CARTER (Observer): I represent the International Society for the Protection of Animals and the World Federation for the Protection of Animals. I should like to thank you for this opportunity to speak.

The United Nations State of the Environment report 1974 concludes:

"We must break the cycle of short-term planning that has brought us into our present acute difficulties."

Despite the 1946 Whaling Convention, the facts record that international whaling is among the leading examples of such short-term planning, resulting in a steady depletion of whale stocks. Consequently ISPA and WFPA propose that an independent but competent authority, such as the UNEP, should assume overall responsibility for cetacean exploitation policy and control, with the IWC retaining its administrative and executive functions regarding national quota allocations.

ISPA and WFPA recognise the new management procedure as a significant but belated recognition by the IWC of its obligation to conserve whales. However, ISPA and WFPA maintain that a moratorium on commercial whaling is the most responsible step. Despite the NMP the assumption that all species of cetaceans over-exploited may recover, this remains only an assumption. With the advent of uncontrolled krill exploitation, ocean pollution and other factors, there are too many vital questions left unanswered.

During 1975 lengthy inquiries again highlighted the need for an objective global and enforceable regulation of whaling. An ISPA statement issued to all Commissioners described the activities of a non-IWC-controlled vessel, MV Sierra. On present figures supplied by the Bureau of Whaling Statistics, the number of sei whales taken yearly by this ship exceeds the 10 per cent. annual margin this Commission agreed to establish for sei whales under the NMP during the coming 1976-77 season.

The Japanese Commissioner last year asked that the NMP be implemented with fairness and good faith. To give meaning to this, ISPA and WFPA request that IWC members profiting from whaling conducted outside the authority of this Commission should have these activities taken into account when quotas are fixed.

In recalling that attention was drawn last year to the need for more humane taking of whales, the Commission will note it is on record that ISPA and WFPA have repeatedly raised this matter since 1964. It is hoped that more recent research into cetacean levels of intelligence and

consciousness may now add urgency to this question. ISPA and WFPA note present efforts in the United States of America to amend national legislation that would permit the United States tuna industry to continue killing large numbers of dolphins. Since the US agreed in 1975 to the NMP requirements for research in advance of the exploitation of initial stocks of large cetaceans, it is inconsistent of the US to permit the continuing exploitation of small cetaceans prior to research also. We trust the Commission may examine this question as well as that of the inhumane killing of dolphins by Japan, which is also conducted without adequate prior research into the present status of small cetaceans.

In conclusion ISPA and WFPA endorse what was said at last year's meeting in regard to agreed solutions. These should be implemented with fairness and good faith and, we would also add, a measure of integrity and humanity.

Mrs. Stevens
(Friends of
the Earth)

FRIENDS OF THE EARTH (Observer) (Mrs. Stevens):

Mr. Chairman, Commissioners, Delegates and Observers, earlier this year a young gray whale swam up to a whale-watching ship off Baja California in Mexico and allowed himself to be petted and scratched by more than 30 people. As you may see in the photographs which have been distributed to each Commissioner from the Toronto Star he played gently with the ship's rubber dinghy. He remained frolicking and spy-hopping for 24 hours. They named him Natcho. Let me quote a few words from the article which you all have:

"Estimated to be two years old and to weigh nearly as much as two fullgrown elephants, he played like a

boisterous youngster, rolling, splashing and diving, nudging and butting the rail and obviously enjoying the human attention. At frequent intervals he would suspend himself in a vertical position, slide his giant head from the water to see what his audience was doing, to be scratched and petted. At no time did he make any aggressive move. In fact, his every action was surprisingly gentle, moving his gigantic body only inches at a time when being handled by humans. Periodically he would slide his great head from the sea and allow a jet of water from the stern of the 'Solato' to play on his face or let the ship's 33 passengers stroke his nose, scratch his cheeks.

Nobody, apparently, has been this close to a wild free and uninjured young whale before, and he is acting as no whale has ever acted before. Everything he does is unpredictable and still you trust him. All he has exhibited is friendship and a desire for affection, and he moves the massive muscles of his body like a ballet star. You have the feeling that he could part your hair with his tail flukes and you would never feel a touch on your scalp.

Earlier you had stood on the foredeck of a ship and watched him seize the three-inch anchor line in his mouth and play with it as a dog would play with a rope. Some dog; some rope! When it began to run out, nobody tried to hold it, but when it appeared that he might take it all and then the ship they decided to put on the winch. That, too, might have failed if he had wanted to force the issue, but fortunately he did not. Instead, he gave a few tugs which swung the ship's bow like a weathervane and then let go and came back to play under the craft. Later that night he spent hours romping about with a rubber dinghy, receiving admiration and petting and obviously loving every minute of it. Could this be the start of a very companionable relationship between man and whale, or will he forget us on his long trip to the Arctic this spring? Or worse - meet the wrong people and die because he trusted man?"

This unprecedented overture by a whale might serve to usher in a long hoped for moratorium in the destruction of its fellows. Are we humans capable of being as friendly and as admirably restrained as this powerful and innocent cetacean? We can try. To begin with, countries that reduced their whaling fleets this year can transform or scrap the old whaling equipment to prevent it ever being used again against the whales. Every whaling vessel afloat should now be recycled in the spirit of "swords into ploughshares".

The friends of whales are growing constantly in numbers, strength and determination. We are pledged to see a moratorium on commercial whaling, regardless of the effort required to achieve it. Just this year the Governor of Colorado proclaimed "Save the Whale Week" - an executive order. I will read you just a few words from it:

"Whereas the complexity and variety of life forms that inhabit this planet with us add to the beauty and quality of our lives, whereas whales are just now being recognised as gentle, social and perhaps - next to the human race - the most intelligent animal on earth, whereas modern expensive whaling fleets have systematically driven the largest species of whales to near extinction and are turning to smaller species, as well as smaller and younger members within each species, whereas Japan and Russia account for over 85 per cent. of the 30,000 whales killed each year, whereas the only justification for a continuation of this practice is short term economic profit since virtually all products which are derived from whales have substitutes which do not require the extermination of species" -

the Governor urges all the residents of Colorado to -

"refrain from purchasing Japanese and Russian goods

and services until these countries agree to stop whaling."

The boycott against whaling nations will continue to grow until the harpoons are melted down. Commercial interests will be better served by making that wise decision now rather than hanging on, like other nineteenth century industries, worn out and finally subsiding into bankruptcy. The longer the boycott continues, the longer will it take to reverse its effects. The decision, Commissioners, is yours. Natcho the whale has pointed the way.

FAUNA PRESERVATION SOCIETY (Observer) (Mr. Fitter):

Mr. Fitter
(FPS)

May I start by congratulating the new team of yourself, Mr. Chairman, and Dr. Gambell on your appointments and by thanking the old team of Mr. Rindal and Mr. Stacey for all that they have done in the past years.

A resolution of the Twelfth General Assembly of the International Union for Conservation of Nature, meeting in Kinshasa, Zaire, last September, urged that the concept of maximum sustainable yield as a basis for management of wild life resources should be replaced. We fully support that resolution. The continuing decline in the size of sperm whales illustrates the failings of the MSY concepts. Their quotas were set numerically and did not take into account the catastrophic decline in the biomass of the catch, up to two-thirds over the past 20 years. This is both bad science and bad economics. We urge that future quotas for all cetaceans be set according to the principles outlined in the Kinshasa resolution and that these principles be adopted now, at this meeting, and not deferred for another year.

Increasing concern is also being shown about the stocks

of small whales. Although virtually nothing is known about their populations, a large and unregulated catch forms a significant part of the world's cetacean harvest. We urge that the IWC keep records of all cetacean catches made by its member nations. It is essential for the proper management of cetacean stocks that all catches are regulated, and in such a way as to take into account small whales caught in the process of other fishery operations.

It is also important to regulate shore-based whaling stations in exactly the same way as pelagic fleets; nor should member nations enter into trade in whale products with non-members of the IWC.

We further urge that the Commission accept, without serious amendment, the advice of their scientists and do not raise quotas for extraneous considerations. Last year's Antarctic catches, for instance, suggest that there were not enough whales; only 80 per cent. of the sei/Bryde's whale quota was taken.

Finally, may I refer to a statement just made by the Commissioner for Japan, who referred to the great sacrifices his country had made to enable the new policy to be carried out. I suggest that this goes to the root of the differences between the voluntary bodies and the Commission. If a community refrains from eating its seed corn this can in no way be regarded as a great sacrifice. But this is just what we are doing in conserving the whale stocks of the world.

THE CHAIRMAN: If that concludes the addresses by

Observers, I thank you one and all for your comments.

It is now about lunchtime. I consider that we should now adjourn and recommence in a plenary session, in the closed session, at 2.15, when we will proceed with Agenda Item 2. At some time in the afternoon I would expect the plenary session to complete its work and possibly - depending on our deliberations - the Scientific Committee, the Finance and Administration Committee and possibly Mr. Rindal's working party on the Convention can commence work as soon as possible after the completion of the first session of the plenary session. We now adjourn until 2.15, when only accredited members will be allowed to be present.

There is a comment here from the Chairman of the Scientific Committee, who is thinking of holding a Scientific Committee meeting at two o'clock. You may, Dr. Allen, call them back from lunch early, but I would like to continue with the plenary session and allocate the work so that all the other people around the table can commence. How do you feel?

Dr. Allen has accepted that the Scientific Committee starts work at 2.30.

MEXICO (Dr. Rozental): Mr. Chairman, I should like to ask a question and to make a comment. The question relates to the hours at which you intend to convene the meetings normally. The Secretary mentioned coffee break hours but omitted to mention when we would begin and when we would end the morning and the afternoon sessions from now on - plenary sessions, that is.

The second thing is that I should like to repeat, as I did last year, the objection of my Government to the fact that the International Whaling Commission meets in secret session in plenary. We are in no way in agreement with that. We have on several occasions mentioned our disagreement with this procedure and we would again reiterate that disagreement. We have nothing to hide and we would perfectly well be willing to meet in public session with as many people as are interested in attending.

THE CHAIRMAN: Thank you. Your second point is noted. On your first point, I think it is usual for us to meet at 9.30 in the morning unless there are reasons, as the week proceeds, to commence earlier or later. For the time being we start our work at 9.30 in the morning. The lunch-time break will depend to some extent on the progress we make on a particular agenda item, whether it is in the plenary session or in the technical sessions, but I would envisage breaking for lunch at 12.45 and commencing after lunch at 2.15, and breaking up in the evening - tonight and tomorrow night, in view of our social engagements - no later than 5.15 to allow people to get back to their hotels and go to these receptions. That is my view. If any other Commissioner has any strong views on this matter it might be worthwhile hearing them now.

USA (Dr. White): I should like to add a voice of support to the comment made by the delegate from Mexico. I think it is anachronistic that our plenary sessions are not open to the public. We have nothing to hide.

THE CHAIRMAN: There may be at some stage in our meeting an opportunity for the Commissioners to meet as we did last year. If that can be arranged, no doubt this matter will be discussed.

(Luncheon adjournment)

THE CHAIRMAN: So far we have dealt with general items 1 and 3 on the provisional agenda. What I want to do now is to confirm this agenda and according to the rules of procedure I need a nominator and a seconder that the IWC/28/1 paper - the agenda - be adopted. (Moved by Denmark, seconded by Canada). Thank you.

Adoption
of Agenda

What I propose to do now is to go through the agenda items and allocate them to the different committees for consideration, or those that remain with the plenary session.

We move on to Agenda Item 4 - the appointment of committees. According to the rules the Scientific Committee and the Technical Committee are formed by nomination from the different countries. I will deal with the Scientific Committee first by asking the Secretary to call the roll, and those people who wish to be on the Scientific Committee to answer "Yes". Let us start. Australia - yes. Argentina?

Composition
of Scientific
Committee

ARGENTINA (Mr. Basso): No.

BRAZIL (Dr. De Moura): Yes.

CANADA (Dr. Martin): Yes.

DENMARK (Mr. Lemche): Yes.

FRANCE (Mr. Jacquier): No.

ICELAND (Mr. Asgeirsson): Yes.

JAPAN (Mr. Uchimura): Yes.

MEXICO (Dr. Rozental): No.

NEW ZEALAND (Mr. McLean): Yes.

NORWAY (Mr. Rindal): Yes.

PANAMA: (absent)

SOUTH AFRICA (Mr. Kleu): Yes.

UNITED KINGDOM (Dr. Burne): Yes.

USSR (Dr. Nikonorov): Yes.

UNITED STATES (Dr. White): Yes.

THE CHAIRMAN: We have the Chairman of the Scientific Committee here. I assume that at the appropriate time, Dr. Allen, you will arrange a suitable time for the Scientific Committee to reconvene.

We will call the roll for those people who wish to be on the Technical Committee. Australia - yes.

Composition
of Technical
Committee

ARGENTINA (Mr. Basso): Yes.

BRAZIL (Dr. De Moura): Yes.

CANADA (Dr. Martin): Yes.

DENMARK (Mr. Lemche): Yes.

FRANCE (Mr. Jacquier): Yes.

ICELAND (Mr. Asgeirsson): Yes.

JAPAN (Mr. Uchimura): Yes.

MEXICO (Dr. Rozental): Yes.

NEW ZEALAND (Mr. McLean): Yes.

NORWAY (Mr. Rindal): Yes.

PANAMA: (absent)

SOUTH AFRICA (Mr. Kleu): Yes.

UNITED KINGDOM (Dr. Burne): Yes.

USSR (Dr. Nikonorov): Yes.

UNITED STATES (Dr. White): Yes.

THE CHAIRMAN: Under the rules of procedure it is the Finance and Administration Committee Chairman's prerogative to select a Finance and Administration Committee. I have selected for this committee Canada, Japan, Norway, United States of America and the USSR. I take it that those countries are quite prepared to act on the Finance and Administration Committee.

We now move on to the allocation of the work to those different committees. What I suggest, fellow-Commissioners, is that you write down on your agenda paper alongside the numbers the initials of the committee to which we think the different agenda items should be allocated.

Starting with Item 5 - Reports of the Scientific Committee - this of course must in the first place be considered by the Technical Committee. I should like to take this opportunity to ask the Scientific Committee Chairman, Dr. Allen, of the progress he has made with his scientific report and when he will be in a position to present a part if not all of that report to the Technical Committee?

DR. ALLEN: The Scientific Committee has made fairly good progress with its work this year, considerably better than last year. We have completed our work on much the greater part of our report. We have only one major item still outstanding for discussion, and that is the Antarctic sei whale stocks. We have a great deal more work to do on that. However, our report is complete on most of the other items. It is in for typing at the present time and we are hoping that it will be available for distribution.

either late today or early tomorrow. We intend to make available as much as is complete so that the Commission can carry on without waiting for the few outstanding items.

THE CHAIRMAN: Thank you, Dr. Allen. We move on to Agenda Item 6, which is the Report of the Technical Committee, which will not be available until the Technical Committee has finished its deliberations, so Item 6 becomes a plenary session item.

Item 7 is the Report of the FAO/ACMRR Working Party on Marine Mammals. This item should be referred to the Technical Committee. It will be listed on the new agenda for the Technical Committee, which should be available from the Secretariat first thing tomorrow morning.

Item 8 - the Classification of Whale Stocks and their Management - is a matter for the Technical Committee, which includes a report of the Scientific Committee and the action arising.

Item 9 - Whale Stocks and Catch Limits - is also a matter for the Technical Committee.

Item 10 - Review of reporting requirements, Southern Hemisphere, and Smaller catcher vessels taking minke whales in the Northern Hemisphere and so forth is also a matter for the Technical Committee.

USA (Dr. White): Mr. Chairman, in connection with Agenda Item No. 10 I assume that as in the other agenda items we shall be hearing the report of the Scientific Committee first on that. Is that correct?

THE CHAIRMAN: That is right. Agenda Item 11 -

Stocks of Small Cetaceans - which involves again a report from the Scientific Committee should be allocated to the Technical Committee.

Item 12 - Reporting requirements for the direct and indirect take of Small Cetaceans - again should be a matter for the Technical Committee.

Item 13 - International Decade of Cetacean Research - will also be referred to the Technical Committee.

Agenda Item 14 - Distribution of quotas among the member countries - is a matter that has been placed on the agenda by the Commissioner for Brazil. This matter refers specifically to the Convention and particularly Article 2(c). I feel that before we deal with this in the plenary session I should like to seek the views of Mr. Rindal's working party on the Convention, that has been meeting through the year and also it met on Friday. Mr. Rindal, how do you feel about my referring this to your working party and, if so, could you convene your group to consider this item before it is considered by the plenary session?

NORWAY (Mr. Rindal): If it should be the wish of the Commission we shall be happy to have a small meeting of our group to look at this particular point and report back to you when we give you the report of the work we have performed so far during the year.

THE CHAIRMAN: Thank you, Mr. Rindal. Are there any objections to that course of action? I take it there are no objections so we will proceed on that basis. This will be reported back to the plenary session by Mr. Rindal's working group.

Agenda Item 15 - Adherence of non-member whaling countries - I think is a matter specifically for the plenary session. Do you all agree? I see no objections so we will deal with this in the plenary session.

Agenda Item 16 - Prohibition on the transfer of whaling vessels and equipment and so on - is a matter which I think should be referred to the Technical Committee. If it is your wish I will have this placed on the agenda for that committee.

Item 17 - Co-operation with FAO and other organisations - I think this is a matter which can be dealt with by the plenary session without reference to any other committee.

Item 18 - International Observer Scheme. This, as in the previous years, should be referred to the Technical Committee.

Item 19 - Infractions - is also a matter for the Technical Committee.

Item 20 - Humane Killing of Whales - also is the business of the Technical Committee.

Item 21 - no decision by me. It is a matter for the Finance and Administration Committee to consider these items (a), (b), (c) and (d) and report back to the plenary session. So this item will appear on the agenda for the Finance and Administration Committee, as also will Agenda Item 22 on the Rules of Procedure and Financial Regulations, concerning amendments. That is also a matter for the Finance and Administration Committee.

Item 23 - Report of Finance and Administration Committee - naturally is a matter for the plenary session when the

Finance and Administration Committee completes its work.

The Twenty-Seventh Annual Report is a matter to be considered by the plenary session. That is Item 24. Item 25 - proposed amendments to the International Convention on for the Regulation of Whaling and its Schedule - there is (a) and (b) there - and in regard to (b) the United States has given you a paper regarding the timing of the conference of plenipotentiaries to renegotiate the Convention. I would like to refer this one also to your working party, Mr. Rindal. Could you deal with this matter as well as the previous item that we have allocated?

NORWAY (Mr. Rindal): Yes, Mr. Chairman, I hope to be able to present you with a paper showing what has happened during the last year on this particular item during the later part of the plenary session, as the document is still not completely prepared.

THE CHAIRMAN: Thank you, Mr. Rindal. Item 26 - Date and Place of next Meeting - is naturally one to be considered by the Finance and Administration Committee and it will be reported back to the plenary session towards the end of our work-in on Friday.

The arrangements for a Press Release - Item 27 - is also a matter for the plenary session, and Item 28 - Any Other Business - is also a matter for the plenary session.

I have two courses of action to take here and I seek your guidance whether we consider Items 15 - Adherence of non-member whaling countries, 17 - Co-operation with FAO and other organisations - whether we deal with these now or do we defer them for another meeting of the plenary session and

immediately at this stage break up into our committee meetings. Finance and Administration - I feel that there is more work involved in that committee this year than in previous years. We are up for more money. We have to find more money. We have to consider the developments on the scientific side. In view of the fact that the Scientific Committee has not quite completed its work, may I suggest from the Chair that we adjourn this plenary session now and break off into the Scientific Committee meeting, the Finance and Administration meeting and also Mr. Rindal's working party.

If your delegations have the manpower to service those three committees, it would certainly speed up the work of our Commission at the moment. I want to point out that half a day has gone by and no constructive work has been done on the agenda. I am not saying that no constructive work has been done, but the agenda has not been touched at this stage. If it is your agreement, Gentlemen, I would like to break now and the Scientific Committee meet in its own room, Mr. Rindal's group could meet in this room, and Mr. Secretary, where can the Finance and Administration Committee work? Could they meet in the Chairman's room? That is the Waterloo Room.

I am planning to reconvene the plenary session on Wednesday afternoon and I would hope that progress is made in the different committees so that we can make headway in dealing with this rather long agenda. I would appeal to you and say that time is short in this week we have here. The number of people is becoming greater. The agenda is becoming

more involved, and the scientific work is becoming greater in depth. I would hope that in our discussions in our committees and in the plenary session that we keep the number of words down to the absolute minimum. That also goes for the Chairman.

SOUTH AFRICA (Mr. Kleu): We would rather prefer the working group not to work at the same time.

THE CHAIRMAN: The same time as which committee?

SOUTH AFRICA (Mr. Kleu): As the Technical Committee.

THE CHAIRMAN: The Technical Committee will not be meeting this afternoon. The Technical Committee will be convened in the morning in this room at 9.30. I will go over that again. It will be the Scientific Committee in its own room; Mr. Rindal's working group on the Convention in this room and the Finance and Administration Committee in the Waterloo Room.

THE SECRETARY: We cannot do that. The Finance and Administration Committee includes some of Mr. Rindal's members.

THE CHAIRMAN: I made the point earlier - is there any inconvenience in any of the delegations because of manpower - that the Finance and Administration Committee and Mr. Rindal's committee meet at the same time. Does anybody see any problems in doing that? Is that agreeable? That is agreeable. I would ask the Canadian delegation to convene the Finance and Administration Committee in the Waterloo Room immediately when I break up this meeting, and I would ask that the Iceland delegation convene a meeting

tomorrow morning at 9.30 in this room, of the Technical Committee. Mr. Rindal will carry on with his meeting in this room.

USSR (Dr. Nikonorov): It would be difficult for the Soviet delegation to participate at the same time in Mr. Rindal's group and the Scientific Committee and at the same time at the Finance Committee.

THE CHAIRMAN: I wanted to make sure that everyone had the opportunity to speak in the different groups. The objection is the clash between the Scientific Committee and Mr. Rindal's - not Finance.

USSR (Dr. Nikonorov): Not three at the same time, Mr. Chairman, this is the difficulty.

THE CHAIRMAN: Can you accommodate the Scientific Committee and the Finance and Administration Committee?

USSR (Dr. Nikonorov): Yes.

USA (Dr. White): Mr. Chairman, it may very well be that the working group under Mr. Rindal will not take a lot of time. Perhaps you could have a short meeting of that working group followed by a meeting of the Finance and Administration, and have the Scientific Committee meeting at the same time, and in that way get meetings of the three groups but in a sequence so that the delegations which cannot cover three meetings can cover two.

THE CHAIRMAN: Would this suggestion by Dr. White be acceptable? As Mr. Rindal has only two agenda items to deal with, that he continue on in this room, deal with those two items and then we continue with the Finance and Administration meeting? Is that acceptable?

NORWAY (Mr. Rindal): I think, to facilitate matters, it will not be difficult for the group on the Convention to postpone its meeting for a couple of days, to accommodate everyone. What we have to do now is very short and very easy to finish off. So if you do not mind and if it would help it might be better to postpone the meeting of the group on the Convention for a couple of days.

THE CHAIRMAN: I agree that. It is most important that the Finance and Administration Committee commences its work as soon as possible. I think the Finance and Administration Committee should consult with the Chairman of the Scientific Committee on the Scientific Committee's requirements as far as research is concerned. With your agreement I will accept the advice of Mr. Rindal, that we defer for the time being the work of his group. Is that all clear to everybody?

BRAZIL (Dr. De Moura): Our delegation would prefer to have the working group to meet as soon as possible to discuss Item 14.

THE CHAIRMAN: We are arranging for the Technical Committee to meet at 9.30 tomorrow. I will be guided by Mr. Rindal whether he could get his group together by nine o'clock tomorrow. The Commissioner for Brazil, Mr. Rindal, wants to have this item dealt with as quickly as possible. Would you be prepared to get your group together at 9 a.m. tomorrow?

NORWAY (Mr. Rindal): That would be admirable. I suppose we should be able to finish our work in about half an hour's time, so if we could meet here at nine o'clock tomorrow on this particular item we would precede other groups

and everything should be all right.

THE CHAIRMAN: Is that acceptable? I think we are in the clear now. Mr. Rindal's group on the Convention will meet here at 9 a.m. tomorrow, and now we are going to break up into the Finance and Administration Committee and the Scientific Committee.

I declare closed this first session of the plenary session. Thank you.

THE CHAIRMAN: I declare this second session of the plenary meeting open. I think we should start by handling the two items which were referred to Mr. Rindal's working party on the Convention. We allocated to Mr. Rindal Agenda Item 14, the distribution of quotas among the member countries, and also Item 25. Mr. Rindal, are you in a position to make any proposals from your working party in regard to Agenda Item 14?

NORWAY (Mr. Rindal): In principle, Mr. Chairman, I shall do so, but I do not see Mr. Stacey here and I have not the report before me, so I shall have to go hunting for him first before I can actually give you the result of our deliberations.

THE CHAIRMAN: Mr. Stacey is going down to the office to get it now. This means that you cannot deal with the other item as well - is that right? Item 25. Let us check to make sure you have received other papers. I have before me 28/14, Finance and Administration Committee report. I also have 28/4, the report, or part of the report, of the Technical Committee. I have a statement here by someone - I do not know who it is - to me - I am sorry, it is the Commissioner from the Soviet Union.

For the benefit of the Commissioners, what I am trying to do this morning is to deal with those items which do not involve the scientists on your delegations. When we reach that point in time where we do need your scientists we will adjourn and have them rejoin us, if necessary.

It has been pointed out to me by Mr. Stacey that there is only one copy of this available at present for each delegation.

Working Group
on the
revision of
the Convention

NORWAY (Mr. Rindal): In accordance with the decision of the Commission at the Twenty - Seventh Meeting the document supplied by the working group setting out suggested changes in the Convention was circulated to member Governments for comment. Replies were received from six of these Governments and have been considered by the working group. Many of the changes suggested in the replies were of a minor character. The Governments were clearly not in a position to form definite views on certain sections of the Convention until the outcome of the Law of the Sea Conference was known.

In view of this the working group decided, at a meeting held on 18th June, 1976, to recommend that those member Governments that had not replied should be sent the papers containing the comments already received, and asked to send their comments to the Commission within four months. The Secretariat would then prepare and circulate to the Commissioners a new document incorporating all the substantial comments received, together with the draft of a covering letter intended for non-member Governments suggesting the convention of a meeting of plenipotentiaries to elaborate the new International Whaling Convention. If no objections were received within a further period of four months, the Chairman of the Commission would then circulate the document to the non-member Governments who conduct significant whaling

operations or who have stocks of commercial interest off their coasts.

If objections should be received within the four months' time the Chairman would refer the matter to a further meeting of the working group, which he shall convene.

A further meeting of the working group was held on 22nd June to consider Items 14 and 25 (b) of the Commission's agenda - distribution of quotas among member countries and the timing of a conference for plenipotentiaries, which had been referred to it by the Commission - that the amendment proposed by Brazil, with the word "may" substituted for the word "shall", should be incorporated in square brackets in the document to be circulated to Governments together with two alternative proposals, also in square brackets:

- (1) sub-paragraph 2(c) of Article 5 of the Convention be deleted; and
- (2) add a new sub-paragraph which would provide that in the event of member countries being unable to agree on the allocation of quotas between them, a panel of Commissioners should be asked to assist in resolving this difficulty.

The group took the view that changes in the Convention might be necessary following recommendations by the Law of the Sea Conference, and the question of the timing of a meeting of plenipotentiaries would therefore have to be deferred until the Twenty-Ninth Meeting of the Commission.

THE CHAIRMAN: Thank you, Mr. Rindal. I take it that you have dealt with both agenda items - Item 14, distribution of quotas between the member countries, and

also Item 25, the proposed amendments to the International Convention for the Regulation of Whaling, progress report and timing for the conference and so on.

To keep this on a formal basis, let me deal first of all with Agenda Item 14 - the distribution of quotas among the member countries. This appears in the second paragraph of the statement read by Mr. Rindal. Has any Commissioner any comment? The Commissioner for Brazil - are you happy with that situation?

BRAZIL (Dr. De Moura): As a matter of fact, we consider this as two different situations. One is our proposal for the amendment of the Convention. Another is the discussion of the problem itself in the Commission. As far as the amendment of the Convention, we were quite pleased. But in relation to the other point I should like to make some statement.

**Brazilian
Statement on
allocation
of quotas**

The Brazilian delegation asked for this item to be included in the agenda of this meeting to call attention to the need to find a way in which the Commission would be able to solve the problem relating to the allocation of quotas among member countries. With the introduction of a new management regime in which stocks are regularly assessed and the quotas are defined by stock areas, obvious facts associated with quota reduction, at least in the following years, the bilateral or multilateral negotiations, apart from the Commission's allocation of quotas, become a difficult test or lead to tests between member countries. We have a good example of this situation. I refer to the negotiations between Brazil, Japan, South

Africa and the USSR. It was not possible for the Brazilian Government to come to an agreement with these countries in negotiations on quotas of minke whales and sei whales in the Southern Hemisphere in the period 1975/76. Brazil and the Governments of the other countries have different viewpoints as to what quotas should be allocated. On our part we defend our criteria which we believe are more consistent with the new management regime. This is the difference between our difficulties in negotiation in this matter.

I do not want to extend the discussion of this matter at this time because I intend to raise it in the Technical Committee, when it will be appropriate.

Finally, I would like to stress that the questions which arise now are not only of our interest. It is very important for the future of the Convention.

THE CHAIRMAN: Thank you. Does anyone wish to comment? Well, on this matter we are apparently quite happy to proceed with what is written here. You propose to raise this at some stage in the Technical Committee when the quotas concerning you are discussed. Is that right?

BRAZIL (Dr. De Moura): Yes.

THE CHAIRMAN: Is it the wish of the other Commissioners that we leave the item at this point?

USA (Dr. White): We just want to indicate that our interpretation of the last paragraph here is that we will decide at the next meeting on the timing of the meeting of plenipotentiaries. Is that the interpretation that is given to this paragraph?

THE CHAIRMAN: I am trying to deal with Agenda Item 14 - distribution of quotas among member countries. Mr. Rindal has introduced both items when he presented his paper and I am dealing with Item 14. I take it, by the lack of discussion, that the Commissioners are quite happy with the report by Mr. Rindal's group on this particular issue. I hear no objections so that is the position in regard to this item. This is accepted.

I now move on to Agenda Item 25 - proposed amendments to the International Convention for the Regulation of Whaling and its Schedule. The progress report has been referred to. Now we come to the timing of the conference and I give the floor to the Commissioner for the United States.

USA (Dr. White): I just want to indicate that our interpretation of the last paragraph is that we will decide, at the Twenty-Ninth Meeting, on the timing of the meeting of plenipotentiaries.

THE CHAIRMAN: Would you like the wording changed to be more definite in this?

USA (Dr. White): If other people are willing to accept that interpretation, I do not see any need to change the wording. However, other interpretations could be read into it.

THE CHAIRMAN: I will say from the Chair that the interpretation here is that the timing of the meeting will be decided at the Twenty-Ninth Meeting. This session is taken verbatim and it will be in the records. Thank you.

CANADA (Dr. Martin): The wording of the working group report is consistent with our view that the subject can be discussed at the Twenty-Ninth Meeting of the Commission, but I do not think we could commit ourselves to be in a position of deciding at the Twenty-Ninth Meeting the timing of such a meeting of plenipotentiaries.

THE CHAIRMAN: Mr. Rindal, would you have a view on this?

NORWAY (Mr. Rindal): I think that in view of the uncertain circumstances surrounding a decision on the question of a meeting of plenipotentiaries, it will be a little premature to say today that by next year we will be able to decide definitely whether and when the meeting should take place. It may well be that the complications will develop to such a degree when next summer comes that we are able to decide definitely on the time for the convening of such a group, but at the present time I think it is very difficult to say that we should be able to do that a year from now. So that I think that the intention of the last paragraph here is that the question be taken up for discussion at the next meeting, and possibly for a decision as to what time the meeting should be called.

THE CHAIRMAN: Does anyone else wish to speak on this point? Dr. White, we have two people who are not quite so sure.

USA (Dr. White): I was just giving voice to what I thought the sub-committee had decided. If Mr. Rindal reports that the sense of the sub-committee was as he has indicated, then I would merely suggest that our interpretation

should be "decide if possible" at the next meeting.

THE CHAIRMAN: We will decide, if possible, at the next meeting. Does that complete that item? Does anyone wish to comment any further? That completes Item 25 of our agenda and I should like to thank Mr. Rindal and his working group for the time and effort they have put into this particular matter and this subject. They have met through the year and I should like particularly to thank those people who constituted the working group that met here in London. In regard to Mr. Rindal, he agreed at the last meeting to continue with this work and I should like to have it recorded in the minutes the appreciation of the Commission for the work he has done.

We now move on to Finance and Administration. The first item to deal with here is Agenda Item 23, report of the Finance and Administration Committee. It is necessary for us formally to receive the report. I therefore call on the Chairman of that Committee, the Commissioner for Canada, to so move.

Report of
Finance and
Administration
Committee

CANADA (Dr Martin): Mr. Chairman, I move that the report of the Finance and Administration Committee be received. (Seconded by Denmark)

THE CHAIRMAN: Thank you. The report has been received. We can now move on to Item 21, which is the main report of the Finance and Administration Committee. Dr. Martin, could you report from your committee, please?

CANADA (Dr. Martin): In this discussion we shall be dealing with four documents, should you wish to put

these together. One will be the Finance and Administration Committee Report IWC/28/14. We shall be making reference to the Financial Statement by the Secretariat, Document 11, which was distributed earlier in this meeting. We shall be making reference to the Rules of Procedure and Financial Regulations and we shall be making reference to the Commission's Twenty-Sixth Report, which I presume members have.

We just completed the work of this committee at the end of the day yesterday and there are some minor amendments which I will refer to as we go through the report. Since the typing and reproduction was not completed until late last night we have not had an opportunity to discuss this report in committee, and I hope that the other members of the committee will take any opportunity to draw to our attention any amendments that they would see necessary to reflect the views of the committee. In the interests of time running on we have pushed ahead with this report without taking that final step.

We had a very helpful group in the Finance and Administration Committee, very sympathetic and hard-working; met during lunch hours. We are particularly grateful to Mr. Stacey, who is not mentioned here, who is our scribe and general adviser. We had the benefit of input from our new Secretary, Dr. Gambell.

In the first section you will see reference to the implementation of the strengthened Secretariat, with the appointment of a secretary and an executive officer. The arrangements are virtually complete for our move to Cambridge by August of this year, at which time the

additional support staff will be appointed, and of course some expenditure will have to be made for the purchase of the necessary office furniture and equipment to move ahead with the work of that secretariat in Cambridge.

In No. 3 you will see a reference to the statement of income and expenditure for the year ended 31st May 1976 and that is in 11(a), to which I referred. We went through the expenditures for the past year and you will note a total of £32,000, with a transfer of £10,000 to the working capital fund. It is most important to build up the working capital fund in order to bridge the gap between the end of a financial year and the receipt of contributions from member Governments. The working capital fund will also be necessary for outstanding expenditure which we expect to incur by August of this year in establishing the secretariat. So the committee recommends that the statement you have in 11(a) be approved.

THE CHAIRMAN: Would you like me to deal with that now, Dr. Martin?

CANADA (Dr. Martin): Yes, Mr. Chairman, I think that will be helpful.

THE CHAIRMAN: You have a recommendation. Do I have a seconder to that recommendation that the statement of income and expenditure be approved? (Seconded by Norway) Any comment? I take it that the Commission approves of this statement.

CANADA (Dr. Martin): Proceeding to No. 4, the estimate of income and expenditure for 1976/77. You will see this as 11(b) in Document 11 which I referred to, with

an estimate of expenditures prepared by the secretariat. The committee went through this document in detail, noted the importance of the secretariat being involved with the marine mammal work at ICES, attending the Bergen conference workshop on marine mammals, travelling to Sandefjord in order to work out collaborative arrangements with the Bureau there and to develop ideas for a longterm orderly transfer and access to the statistical information at the Bureau. Attention was drawn to the increasing rather high cost of publications. It was recognised, in establishing the secretariat, that it was extremely important to develop our reporting, not only of the work of the Commission itself but its Scientific Committee; that is interpretative writing related to the work of the Commission that can be disseminated on a much broader front than the 240 copies or so that are now distributed.

In this connection it is proposed that in addition to the normal free distribution that will be necessary to member Governments, charges should be imposed for the more extensive distribution of publications that we foresee.

The question of distribution of the annual report at an earlier date was noted. You will see in the annual report before you that we are running almost two years behind in the reporting of our annual meetings and covering our financial statements, and it is hoped that mechanisms can be developed to speed up this process with a permanent secretariat.

We felt that serious consideration should be given at next year's meeting to changing the financial year from

1st June to 1st April. This would have some advantages in providing a financial statement which is already audited at the time of the meeting of the Commission, and the Secretary was asked to develop a case for this and to invite member countries to give consideration to the question. If it is a proposal for serious consideration in the light of further discussion, it should be on the agenda 60 days in advance of the next meeting of the Commission.

It was noted that there should be an amendment of the financial regulations in order to provide for a forecast of the budget some 60 days in advance of the Commission meeting in order that countries would have an opportunity to consider this matter in advance of their attendance at the Commission meeting. In accordance with the notice given in advance of this meeting we have proposed on page 3, in the last paragraph, that the financial regulations paragraph 6 be amended to read as follows:

"The budget estimate for the ensuing year shall be in the hands of each contracting Government and each Commissioner at least 60 days before the annual meeting of the Commission and the statement of income and expenditure for the immediately preceeding year as soon as possible after the close of the financial year."

We were aware that there might well be a good deal of concern amongst Commissioners over the substantial increase in the size of the budget in order to accommodate the secretariat operating independently in new quarters, and we noted in discussion that it appeared to us to be a very tight budget and that the only possible flexibility was in the furniture and office equipment category, where you will

see an item of £12,000. We considered the possibility of spreading this cost over two or three years by making use of the working capital fund, but that fund is so small at the present time that it is barely adequate to accommodate the bridging problem between the end of the financial year and the receipt of contributions, and the special problems in getting moved to Cambridge, so we are not recommending that the working capital fund should be used for this purpose. We are, indeed, recommending an overall budget of £81,000 - £81,775 - and this would result in an assessment of contributions from contracting Governments totalling £61,950.

Since this overall budget is related to the contributions of member Governments, I propose to carry on through that item rather than to stop now for consideration of the size of the budget.

THE CHAIRMAN: The only comment I should like to make, Dr. Martin, on this Appendix B is that they are estimates of income and expenditure for the year ending 1977, not 1967.

CANADA (Dr. Martin): That is correct. It should be amended to 31st May 1977. Thank you.

On the question of contributions of member Governments, this has been a problem discussed in the Finance and Administration Committee over the past two years. We had authority from the Commission at last year's meeting to give reconsideration to a new formula for the distribution of assessments amongst member Governments. The committee considered a

proposal presented by Canada and that proposal is attached as an Appendix C to this document. In the Canadian consideration of what might be done in the light of the discussion in earlier meetings to have a more reasonable distribution of costs, we took into account the reservation raised by Japan when the present formula was introduced, saying that as the quotas changed with time the formula now in existence - which is very heavily dependent on exploitation in the past - should be re-examined.

In thinking of ways of making adjustments we facetiously considered such possibilities as thinking of numbers of interventions made at meetings of this kind or contributions that would be inversely related to the size of delegations coming to the meeting - thinking that with very small delegations they should have additional funds which could be put into the operation of the Commission. But seriously we felt that the most effective move might be one away from contributions based on historic exploitation to the idea that is of increasing international interest these days, and that is contributions based on areas of stewardship or responsibility, which would be measured in relation to the number of contiguous oceans and, of course, the addition of interest in the Antarctic, and the only simple formula that we could arrive at for that was membership in the Antarctic Treaty.

So the proposal is to replace the 25 per cent. associated with historic exploitation with the same 25 per cent. associated with areas of stewardship or responsibility.

Thirdly, we have been basing the contribution on the most recent exploitation on numbers of large whales taken. In view of the great differences in sizes of whales we thought it would be more equitable to use weight of whales in order that the assessment could be related to the numbers of fins and minkes and so on taken by member Governments.

If you will turn to the last page of the Finance and Administration report you will see the net effect of the proposal we have in mind. Page 12 of the report. You will see that on the basis of £62,000 assessment to member Governments half of this would be a flat rate, amounting to £1,938 per member Government. On areas of responsibility, which would be 25 per cent. of the total budget, you will see a listing of numbers which we interpret to be the number of oceans associated with each member Government, plus their membership in the Antarctic Treaty. It is our view that this should be the minimum number of areas of responsibility associated with each member Government, but in addition to this countries should have the opportunity to add areas of interest up to a maximum of seven, the seven being the six areas that we have been traditionally concerned with in the calculations, plus the Arctic. So a country that has a definite assignment of, say, three but wanted to add voluntarily areas of interest should have the option to do so up to a maximum number of seven.

Moving on to the third column, the distribution of the 25 per cent. associated with the most recent catch, would result in the percentages in one column by weight, and this is translated into pounds. When you add all these up you

come to the second last column so that you have the minimum contribution of about £2,600 and a maximum of £10,500. In the final column you have to adjust the heading to read the "Total based on the present formula" - in other words, the final column is the one that appears at the end of your Document 11. In the last column of 11(c) you will see the Secretary's calculation of assessments that would be made by country based on the existing formula, and the new proposal is shown in comparison with that and it is the recommendation of your committee that this new formula should be adopted as a more reasonable distribution of assessments in the light of the changing times.

THE CHAIRMAN: Would you like to adjust those figures, Dr. Martin, on the bottom of that column?

CANADA (Dr. Martin): You will note in the last column, the bottom three numbers should be shifted around. In the case of USSR the number is 12,952. In the case of the United Kingdom it is 3,127. In the case of the USA it is 2,532. You will note the overall effect is a decrease in the level of contribution amongst the whaling nations and an increase in the level of contributions by most of the countries that are not whaling - certainly not all of them.

I would remind you again that these proposed figures are subject to adjustment in the light of making sure that our tentative calculations are accurate in relation to the statistics, and they are subject to adjustment should any country wish to be identified voluntarily with a greater number of areas of stewardship.

I think that takes us to another end point in the report, and you may wish to stop at this point for

discussion and any action the Commission would wish to take on the budget and the allocation of contributions by member Governments.

THE CHAIRMAN: Thank you, Dr. Martin. This is Agenda Item 21(c) and (d), that we are dealing with together. Does anyone wish to comment?

MEXICO (Dr. Rozental): I should like first to thank Dr. Martin and his committee for the work that they have done on all the items which they had on their agenda. Some of these items are difficult and require a great deal of consideration and I am sure that they worked very hard to produce the results which they have brought to the Commission.

Mr. Chairman, if you will allow me I should like to make my remarks on the last item which Dr. Martin has presented, namely the consideration of the contributions by member Governments to the IWC budget, the formula for assessing the annual contributions. I should like to say first that I am a bit puzzled by the document which was distributed to us because there is an Appendix C on page 13 of the document, which speaks of the formula for assessing annual contributions and it says that the attached paper has been prepared by the Canadian delegation. It then says that a paper is also attached which gives, for the purpose of comparison, calculations on an estimated budget of £56,400 based on oil production, 1948-74, in place of the areas of interest calculation and on oil production and weight in 1973-74. I am a bit confused as to what this oil production means. Are we talking about OPEC countries or are we talking about

whale oil? I assume it is a typographical error, but I am not sure. Perhaps before I continue Dr. Martin could clarify that for me.

CANADA (Dr. Martin): For purposes of work in the committee, the secretariat had produced an additional table based on whale oil production which we thought might be a useful alternative if it did not appear to be helpful in any way through the development of any new approach to the problem, and I note that it was not included for distribution to the Commission. Mr. Stacey indicates that this could be made available to you should you find it useful.

MEXICO (Dr. Rozental): Thank you for that clarification. The reason I asked that question is that it is the custom in some international organisations to consider petroleum oil production as possibilities for setting quotas and that was why I was a bit curious as to whether this had become a criterion.

Regarding the procedure, I realise that last year the Commission considered the possibility of modification of its formula for assessing financial contributions and that this year the Financial and Administration Committee considered this question. However, unfortunately - perhaps due to the fact that the set-up of the Commission works in such a way that we always get our documents on the day of the meeting itself - I have only this morning received the Canadian proposal for amending the IWC formula. Dr. Martin was kind enough two nights ago to give me a little preview of what was going on, but only right now have I actually seen the document, seen the formula. I would submit, quite aside

from the substance of the matter, that it would be for me impossible to make any decision regarding this question having received the document on the next to last day of the meeting. This is a rather important decision that has to be taken by the Commission and it would certainly have to be studied by my governmental authorities at home before any decision could possibly be taken regarding my acceptance or even rejection of a change as important as this. It would have been, I think, considerably more helpful if the Canadian delegation had seen it possible to distribute or to advise member Governments prior to this meeting of its intention to present a new formula, and perhaps we could have had some bilateral or even some type of consultations beforehand. Unfortunately this could not take place so I should like to make a reservation as far as the procedure is concerned.

But going to the substance, I find it much more important than the procedural question. I should like to make the following comments. The new formula which incorporates a new element which has been called in the document "areas of responsibility" and by Dr. Martin, the Chairman of the Finance and Administration Committee and author of the proposal "areas of stewardship" - I have asked for a small dictionary and unfortunately I have only a little one so you will forgive me if the definition I give you of "steward" is not as complete as I would have liked it to be. Stewardship and steward in English, as far as this dictionary says, is "one who manages another's property". We have always felt that whales are the common heritage of mankind. We have always felt that whales should be the common property of

mankind. If it were so that countries were to be given the responsibility - if my country, for example, was to be given the responsibility of managing this common heritage, this common property, I would be perfectly satisfied and I would be perfectly happy to recommend to my Government that a criterion such as areas of responsibility or areas of stewardship be created in the assessment of contributions to an organisation such as this. Unfortunately, Mr. Chairman, it is not the case. Although it is the case that my country does not engage in commercial whaling, although it is true that my country has traditionally taken the side of the whales and taken the side of conservation of whales and the non-commercial exploitation of whales, that voice has been rather lonely and sometimes accompanied by two or three other delegations, but it has been a rather lonely voice compared with the total number of countries that participate in this Commission. So I could not possibly see my way through to recommending to my Government that now something has changed in the IWC that has given Mexico a stewardship over the whale. We have absolutely no stewardship over the whales. We have consistently voted against the increasing of quotas. We have consistently voted in a different way from most of the members of this Commission. And we have unfortunately always been on the losing side. Having been on the losing side - you will forgive me if I am a poor loser - I do not feel it is in any way justifiable that my Government should now be told that having lost consistently in this Commission and having consistently found that its position was a minority position, a rather small minority position, that now we should turn

around and say, "But you have stewardship over the world's whales and therefore you should now increase your quota because you happen to have two oceans off your coasts where whales are found and therefore you should pay more".

Additionally to this I should like to point out that the new formula - at least as it is presented to us today - brings up such anomalous situations as, for example, the fact that under the new quota Mexico would have to pay more to the IWC than Brazil. I am sorry to bring this up. I do not want in any way to single out a country, but it is the one that comes closest to my mind. Brazil, aside from having to pay a larger quota to all international organisations than Mexico to which we both belong engages in commercial whaling and derives an economic benefit from whaling activity. I cannot for the life of me see why Mexico should have to pay more to the IWC than Brazil, when Brazil is actually deriving an economic benefit from commercial whaling, quite aside from the question of Brazil's relatively larger development than Mexico and the fact that it pays a higher quota in the international organisations to which we both belong.

There are other similar examples, but I wanted to take one in which you could more or less compare the sizes and the relative development of the countries, but there are other examples. This leads me to the conclusion that this has not been sufficiently studied, that this formula has been presented - and we thank the Canadian delegation for thinking of a formula; as they say in their document, they are not wedded to it, it was presented for purposes of discussion -

but I am afraid that I could not possibly accept it. If the Commission feel that they must take a decision on this new system it would have to be with my negative vote. I would urge that perhaps the best way of proceeding would be that we all take this home with us, we all look at it, we all submit it to our competent financial governmental authorities and we come back next year and create either a special working group or participate in the Finance and Administration Committee that is going to consider this item. I did not even know that they were going to consider the item in such detail this year. Then we shall be able to take a rational and perhaps a little more thought out decision.

THE CHAIRMAN: Thank you. I thought the Commissioner for Iceland wanted to comment.

ICELAND (Mr. Asgeirsson): I am not going to enter into discussion about the interpretation of the word "stewardship" nor to discuss the principles behind or against the opinion expressed by Mexico that whales are a common heritage of mankind, and inferred from that that we should have the right to harvest them, but I wish very briefly to state what is the position of my delegation both with regard to the principle we have and with regard to the amendment proposed by Canada.

The Icelandic authorities are finding it increasingly difficult to raise the money we have to contribute towards the cost of the Commission. You will appreciate, I hope, the fact that if we take, for example, a per capita calculation then for every £1 that nationals of some of the member countries pay towards the cost of the Commission,

the Icelanders pay as much as £100 or £1,000. This is a per capita calculation. We think that both the present formula and the formula proposed by Canada put too much emphasis on what they call responsibility or area of interest, I do not care which, and also the catch. In addition to this we think that the flat rate amount is also rather high.

We had intended to prepare better for this item of the agenda prior to the meeting and we had intended to present the Commission with our proposal, but unfortunately due to lack of manpower and money we did not manage to do this. I must say that whatever will be accepted at this meeting - whether we accept to maintain the old formula or accept the new one - we shall have to do this with the reservation that we come back to this matter again next year. We will use the time better perhaps this time and we will prepare something and send it out and distribute it among the member countries well in advance of the next meeting.

In addition I should like to mention one point and through you to put a question to the Canadian Commissioner. In the table in Appendix B Iceland is credited with two areas of responsibility. I should like to ask what areas those are. I thought that there was only one area of responsibility that could be attached to Iceland.

CANADA (Dr. Martin): All the numbers will be subject to checking with member Governments, but we had assumed that Iceland had an interest in the Atlantic and the Arctic.

FRANCE (Mr. Jacquier): I should also like to say,

as the Commissioners for Mexico and Iceland said, that I am not in a position to accept at this meeting so radical a change in the scale of contributions and the difference in method of calculation of contribution without having referred back to my authorities in France. These kinds of thing are too complicated to be decided just seeing a paper in the morning and deciding it two hours afterwards. The question of contribution must always go, in my country, to the Finance Ministry, which is not accustomed to replying within half an hour, but rather within one year, sometimes more. I would suggest that this question be put on the agenda for the next meeting, that all proposals - because I assume that that will not be the only one - be distributed well in advance so that we can take a decision in all knowledge of the case.

I have another point, Mr. Chairman, but I think it is better not to mix all the problems. I should like to make a statement about the budget for next year. Perhaps I could do it later.

THE CHAIRMAN: Yes. Thank you.

SOUTH AFRICA (Mr. Kleu): Mr. Chairman, I find myself in exactly the same position as the distinguished delegates who have just spoken, so I should just like to add my voice to what they have said.

NEW ZEALAND (Mr. McLean): I have the greatest of sympathy with our distinguished colleague from Canada. The difficulty of trying to devise a new formula in current financial and economic circumstances is almost insurmountable. I must say too that I do have some sympathy with the

concept of stewardship. I think I mentioned in my own speech at the beginning that New Zealand recognises that it is in a zone where there has been a great deal of commercial whaling and where the whales are a heritage in our environment. But by the same token, Mr. Chairman, I must say that the New Zealand position is one where we would favour a total moratorium in that environment to protect the whale in that environment. By the same token our membership of the Antarctic Treaty is essentially bent towards conservation - protection, for scientific purposes - of the fauna in the Antarctic area. So while I must enter the usual reservation about the difficulty of giving our firm approval without referring the matter to the people in the Treasury who have to decide these things, I should like also to make the point that my colleague from Mexico has made, that there is another consideration as well as stewardship; it is the time-honoured one of user pays. It seems to me that it is rather difficult in this situation to get beyond that. I am not certainly entering any reservation about the type of contribution or level of contribution that New Zealand might make. I think it would probably be acceptable. But I find some difficulty with the way that the formula has produced the sort of outturn which looks rather odd in a logical sense, when we are considering the actual purposes of this Commission.

UNITED KINGDOM (Dr. Burne): Could I first join other delegations in thanking the Finance and Administration Committee for the hard work they have done here. I think the United Kingdom position is much the same as outlined by many

other delegations. On the face of it, if I understand the figures correctly, the suggested United Kingdom contribution under the Canadian scheme would go down. This, of course, is welcome to me sitting at this table because I am sure that our Treasury is no less exacting than the Treasuries of other countries. But the Treasury is not interested simply in the sum but the principles behind it, and these would have to be examined not only in relation to the previous principles which have operated in this Commission for the assessment of contributions, but also for those existing in other international organisations. So I would join other delegations who have suggested that we should defer this item until next year.

Could I ask you, Mr. Chairman, whether it is your intention that other delegations are urged to submit their own proposals for the division of the budgetary cake?

DENMARK (Mr. Lemche): I have nothing against the Danish contribution in the size of £3,177; maybe my Ministry of Finance will have objections, but that will apply to everybody, I think. Nor I am objecting to the fact that we are allocated three areas of responsibility or interest, in spite of the fact that a country like Japan is allocated only two areas of interest.

Having said this I would suggest - not in order to confuse things here but just putting the idea forward - many of the objections and concerns expressed by previous speakers might be overcome in changing the weight of the different columns. For instance, that the flat rate amount should be weighed as only 25 per cent. and the catch per weight column should be weighed 50 per cent.

JAPAN (Mr. Uchimura): First I wish to thank Dr. Martin and other members of the Finance and Administration Committee for their achievements which were presented to us this morning. I was a bit puzzled to hear the statements made by various delegations that the Canadian proposal was quite new to us, but it should have come as no surprise to any of the delegations which sat last year, because the idea of the Canadian proposal was presented last year. My delegation is here in expectation that this proposal would be raised at this meeting and is prepared to make any in-depth considerations of the question.

First, let me say that we support the Canadian proposal - no, let me be correct - I should like to support the proposal made by the Finance and Administration Committee. I think it is quite obvious we have here two different philosophies on the conduct of international whaling. We are not quite united. I do not think Mexico is on the losing side; he is on the winning side on many problems. At least we are united here on one thing - the strengthening of the International Whaling Commission - and we should feel more responsibility, including financial responsibility, towards contributions to this cause. If that is the case I think that a more equitable distribution of the contribution should be introduced. That is the view of my delegation.

Here I must also mention my reservation should we fail in the amendment of the present allocation formula. Japan has to make reservations on the increase of the total budget. In order for us to accommodate the increase in the budget I think it is essential for us to see that a more equitable

allocation of the budget is achieved.

USSR (Dr. Nikonorov): Undoubtedly the Committee for Finance and Administration has done a great job, headed by Dr. Martin. We are not taken off the alert by the suggested method of the proposal. These methods are not the only ones possible. We can think of other alternatives, but I believe that the methods proposed here are feasible. In principle, they could be supported. What we should like to point out is that the total sum of contribution goes up drastically and we are faced with a unique case when the curve of catches goes down but the curve of payments and contributions goes very much up, which is not quite logical. We believe that under this formula the sum of allocations allocated for the USSR is overestimated. If we happen to operate under the new proposed formula we shall be able to decide finally and have our final opinion on this matter only at the next meeting.

MEXICO (Dr. Rozental): I wanted to point out that in Appendix D on the last page of the report of the Finance and Administration Committee the last three countries on the list are unfortunately inverted in order. It seems to me rather strange that the United States was to be paying £1,200 and the USSR £3,000.

THE CHAIRMAN: That has been corrected. Did you get the correction?

MEXICO (Dr. Rozental): I am sorry; I did not hear it.

I want to make one additional statement. With regard to what was said by the distinguished Commissioner or delegate

from Japan, I have an ideal solution for him. If we all want to be on the winning side the best thing we can do is to stop catching whales, disband the IWC and nobody would have to pay anything.

USA (Dr. White): We recognise the difficulty of the other delegations in having to decide on a budget with a document that arrives this late. On the part of the United States we are prepared to accept any reasonable amount and any reasonable form of allocation.

The point I want to make most strongly, however, is that as a Commission we have decided to strengthen our secretariat and it is going to cost more money and the money will have to come from some place. The money we are asking for is not a lot of money. The total annual expenditure of this Commission is equivalent to the value of about several dozen whales. We are giving licences here in this Commission for taking thousands of whales. I find it rather strange, therefore, that we are not able to deal with the problem of financing of this magnitude. I think that we must, at this meeting, come to some decision so that financing for the Commission for the remainder of this year is decided upon before we leave, even though there are reservations upon the part of many Governments, which we recognise. Otherwise I really do not know what it is we do to keep the Commission going over the course of the next year. Perhaps the best thing to do is to refer this back to the working committee at the present time and ask other Governments to participate, to see whether there is not some more equitable formula which

can be acceptable to all, or perhaps go back to the present formula and make a decision recognising that there will be many reservations on the part of Governments.

ARGENTINA (Mr. Basso): I want to thank Dr. Martin and the Committee for the work done. Secondly I just want to put on record that my delegation has no authority whatsoever to accept this new proposed formula now. I wish to convey this proposal to my Government and give the competent authorities a chance to look into the matter, so I join other delegations which think that the proposal should be put on the agenda for our next meeting.

THE CHAIRMAN: Thank you. It is obvious that we cannot finalise this before the coffee break. I have a question posed at me from the United Kingdom and we have to decide on where we are going. We will break for 15 minutes and come back with a concrete proposal as to where we go from here.

(Coffee break)

THE CHAIRMAN: We resume this second session of plenary. It is my intention to complete this agenda item as soon as possible. I should like to speak as the Australian Commissioner on this point and make it quite clear that everybody around this table, with the exception of New Zealand, last year pressed for improvement in the secretariat services, the increasing of people and setting it up on a proper basis. Accordingly I think everybody has

to pay for an improved secretariat to meet the requirements and the wishes of the different countries with their different policies. It is for the secretariat to provide the information for those people, with their different views on the matter of whaling. As far as the total amount goes for running a secretariat on a fulltime basis, in Australia we call it peanuts; and I think it still is peanuts being a rather small amount that is required to run an organisation. You have seen, Gentlemen, over the week the difficulties we have had in getting material here on time and having work done on time. We are running on a shoestring. It is most inefficient. And here we are, about one and a half days to go and only about a handful of items have been cleared on our agenda. I think it is befitting for everybody here to realise the importance of this International Whaling Commission and be prepared to pay these very reasonable amounts to project your views on the future of whaling throughout the world.

I think that there is no need for the Finance and Administration Committee to go back to work again. I cannot see where they will get any further. I see that money is required. Within two months we could be out of money to be running the secretariat at all. I think that we have to be quite bold in our approach to this and find a solution very quickly to keep, as it were, the show on the road.

I think there are a few more speakers who may want to speak to this point. New Zealand.

NEW ZEALAND (Mr. Keating): May I just clarify

New Zealand's position apropos of your comment, Mr. Chairman? We are not concerned about the amount that we as an individual country will pay. In rejoining this organisation we want to contribute our fair share towards the finances. What my Commissioner was concerned about was the way in which this proportion was being worked out. We would support the need. One of the reasons why we rejoined was because - other than our wish to make sure that whale species were being conserved - that a fulltime and properly organised secretariat was being introduced into this organisation. We would fully support that the future of this organisation depends very much on the operation of a professional fulltime secretariat. We would wish to associate ourselves with this and thereby contribute to the secretariat.

NORWAY (Mr. Rindal): Mr. Chairman, I would like to support your views as stated a little while ago. I think it is only just that we should remember that already in 1972 we decided on what is now happening. It has taken us four years to get to this point where we are now. The bill is finally presented. It is a very modest bill. We cannot risk that all the responsibilities we are taking on to deal with the work of the new Secretary and his staff should fail because we are not able to pay up the small amounts which our idealism or reality has taught us to do.

ICELAND (Mr. Asgeirsson): I appreciate that we are running out of time. Therefore I will be as brief as I possibly can. I cannot resist throwing out one idea of how to solve the problem of contributions. I am not asking for any comments on this idea, but merely asking the Commissioners

and delegates to think about it until the next meeting. Many of our member countries are members because they consider it the main objective of this Commission to implement a total protection for all whales so that they can live in peace in all oceans. These same countries are also members of the United Nations because they want to contribute towards the peace for man on this earth. Would it not be logical for these nations to accept the UN formula on the contributions towards the cost of that organisation also for this Commission? Although I am not in favour of a moratorium, I find the UN formula rather attractive. It is based on the gross national product. I feel it is very just that those who have most money should pay the most. This is also the method used by most countries in taxing their citizens in order to pay the cost of their communities.

THE CHAIRMAN: I am about to refer this matter back to the Chairman of the Finance and Administration Committee. Do I understand that Japan still wishes to speak? No. Thank you. Dr. Martin, can you see any way out of this impasse at the moment?

CANADA (Dr. Martin): Mr. Chairman, in the light of the discussion I gather it is premature to consider a new formula for the allocation of contributions amongst member Governments. We had hoped, in the light of all the discussion we had at earlier meetings, that we would be in a position to deal with this matter at this meeting, but it appears that it will be necessary to consider this matter during the next year and look at the formula proposed - and any other alternatives that may be brought forward as a means of solving the

problem.

Putting that issue aside, I think the real problem is the size of the budget. Through our commitments at earlier meetings we must have been aware, in coming to this meeting, that the size of the budget would be at least doubled. Looking at all the ways and means of cutting costs, we feel that it would not be prudent to reduce the budget below the £62,000 level proposed. We pointed out that the only area in which we can see any flexibility at all would be in some use of working capital fund, and I think it has been clearly pointed out that it would be very dangerous so to reduce the working capital fund, in that bridging the operations of the Commission pending the receipt of contributions from member Governments we need the amount of money we have in the working capital fund just to keep things going for the next couple of months.

If we do not reach agreement on a total budget of about £62,000 or something very close to it, I think we are going to be in very great difficulty in this Commission. This is not a large amount of money compared with the operation of other commissions. One must consider this in relation to the costs of participation in a meeting of this size. Those costs in many cases are higher to member Governments than the contributions made to the Commission. One of the things that should be recognised, as I see it, is the change in the value of the pound. Last year we were developing a budget based on a pound being worth \$2.4 and now we are dealing with a pound worth \$1.7. So the amount of money that is being requested to carry on with a more effective operation of this Commission

with a strengthened secretariat that has been approved some time ago and carefully implemented over quite a long period of time is something that I think this Commission should take very seriously in considering the proposed budget that is before you today.

THE CHAIRMAN: Thank you. I think I can reply to the United Kingdom Commissioner now. I would see that over the next 12 months the secretariat should be in contact with all the Commissioners and their Governments on any proposed longterm scheme for obtaining contributions from different countries, so that everyone has an opportunity - which they do not have in a selected Finance and Administration Committee under our rules of procedure. I think that can go ahead.

But I suppose my great concern at the moment is money to carry on the work of the Commission in the immediate future. I am just wondering whether we can adopt the budget and the contributions from contracting Governments - Agenda Item 21(c) and (d), so that we can be sure of financial support. Is that the way to proceed do you think, Dr. Martin?

CANADA (Dr. Martin): I think so, yes.

SOUTH AFRICA (Mr. Kleu): I have now had a little more time to think about this. First, it is clear to me that if the money is really required to make this Commission more effective, I think we should accept the principle - not the principle, but the budget - that the budget should be accepted. Secondly, we come to the point of where the money is to come from. It has either to come from countries in terms of the old formula or from the same countries in terms of the new

formula. To me it seems as if only the second point, of how the formula works, is in doubt. I think there should be no hesitation that we should accept the idea that we have got to strengthen the administration and supply the necessary facilities. That is absolutely clear to me. We have either got to find the money in terms of the old formula or in terms of the new formula. There may be doubts in the minds of some of us as to whether the new formula is absolutely acceptable or not, but in my view we should first of all accept the budget as such, and secondly apply our minds as to how this money is to be found. To my mind it should be either on the basis of the old formula or on the new formula, whichever is the most acceptable to delegations.

THE CHAIRMAN: Thank you. I should have mentioned that the finance for the continuation of the work of the Commission could still be based on the old formula; after all, that has been accepted. I think that lots of countries want time to examine the new formula, and I think that that is reasonable. Is it possible, Dr. Martin, for us to raise the money on the old formula for the forthcoming year and give people time to consider the new formula? If I could get that agreement at this meeting, would that keep us in business?

CANADA (Dr. Martin): I believe so. I think I would agree with the suggestion made by South Africa that we first of all attempt to have approval of the overall budget and secondly a decision on whether or not we shall carry on with the existing formula for another year.

FRANCE (Mr. Jacquier): Unfortunately I am obliged

to enter a reservation on this, because we had no possibility to show it to our Finance Ministry and we have very strict instructions. In spite of that I would say that I realise that this budget is a very small one, that the increase which is in percentage is coming from the former decisions of the Commission so that I shall not impair the adoption of the budget. But I think all this trouble could have been avoided if the budget had been sent before. It would have been very easy for us to explain such an increase to our Finance Ministry. I would press that we adopt the change in the financial regulations which is proposed by the Finance and Administration Committee. Nobody has talked about it, but I would urge that we adopt this change which is given in the first page of the report of the Finance and Administration Committee.

THE CHAIRMAN: Thank you. Let us get back to the agenda. Will you move, as Chairman of the Finance and Administration Committee, that the budget for 1976-77 be adopted, Dr. Martin?

CANADA (Dr. Martin): I move the adoption of the budget indicated in the report resulting in the allocation amongst member countries of contributions totalling £62,000.
(Seconded by South Africa)

THE CHAIRMAN: We have a seconder from South Africa, Norway, Iceland, Denmark - I do not think we need a vote on that. Is it the wish that we adopt the budget as moved and seconded? All in agreement. The budget is adopted.

What is the next stage, Dr. Martin - that we move on to consideration of contributions from contracting Governments?

Would it satisfy your committee if we refer this material back to the countries for further consideration and with an invitation that they supply their own views on the matter and any other formulae or criteria that they may have to be placed in the hands of the secretariat within four months so that this can be worked over by the secretariat and re-issued to the Commissioners for further consideration in the hope that there would be a fairly comprehensive paper available for the Twenty-Ninth Meeting next year?

CANADA (Dr. Martin): I so move, Mr. Chairman, with the understanding that the allocation of funds for the coming year would be based on the existing formula.

(Seconded by Iceland)

JAPAN (Mr. Ichimura): I think the point is the intake of areas of responsibility into the new method. In present circumstances the International Whaling Commission is confronted with the position that to take such a category into the share of the contributions of member countries it might be quite adequate and meet the present circumstances.

THE CHAIRMAN: I have a motion that the procedure to be followed over the next 12 months, as I mentioned a few moments ago, and that the contributions required for the forthcoming year, should be based on the existing formula. I have a proposer and a seconder for that. Are you all in agreement? I see no dissenters. It is so agreed. Thank you very much. That deals with Agenda Item 21.

JAPAN (Mr. Ichimura): My delegation would like to reserve our position.

MEXICO (Dr. Rozental): Also, Mr. Chairman.

THE CHAIRMAN: Thank you. We move on to Agenda Item 22 - rules of procedure and financial regulations, proposed amendments. This was referred to the Finance and Administration Committee. Could you please introduce it, Dr. Martin?

CANADA (Dr. Martin): We have already dealt, on page 5, with one amendment to the financial regulations and I need not read that again. It deals with the problem of advance notice of change of budget and the proposal that the provisional budget would be circulated 60 days in advance of the annual meeting.

Moving on to page 5 of the report -

THE CHAIRMAN: Can we have that amendment approved by the Commission separately and that can be put out of the way. You are moving acceptance of those words on page 3 of your report, which read:

"The budget estimate for the ensuing year shall be in the hands of each contracting Government and each Commissioner at least 60 days before the annual meeting of the Commission and the statement of income and expenditure for the immediately preceding year as soon as possible after the closing of the financial year."

That is the amendment to paragraph 6 - the first sentence of paragraph 6. (Seconded by United Kingdom) Also seconded by France. Do we all agree that this amendment shall be made? No objections. The amendment will be made. Thank you.

CANADA (Dr. Martin): Turning to page 6, you had advance notice. Rules that should be considered - in the case of Rule 4 it is pointed out that this rule is adequately covered now with the new Rule 3 and it is recommended that

this should be deleted and the subsequent rules renumbered. Do you wish me to carry on with the list of rules or to deal with them one at a time?

THE CHAIRMAN: I think we will proceed on the way through, but if anyone has any objection as we go along would they please record this. We may have to come to a vote but we will try to handle them all at once.

CANADA (Dr. Martin): Under Rule 8 there was a proposal that it might be appropriate to add the words "and other cetaceans". It is the view of the Finance and Administration Committee that this could be deferred until such time as the overall responsibilities of the Commission become clear.

It is proposed, under this rule, that a sentence be added to the effect that the Secretary shall be an ex officio member of the Scientific Committee without vote.

Under Rule 11 there is a minor amendment proposed, with the Committee recommending to add the words "tax assessment" in the second sentence, which would then read:

"The Commission shall fix the terms of employment, rate of remuneration, including tax assessment, and superannuation and travelling expenses for members of the secretariat."

Under Regulations, Section 5, paragraph 12, the Committee recommends that the paragraph be amended so that it is consistent with the approach taken in other Commissions and I will read at the bottom of page 6:

"There shall be established a general fund, a working capital fund, a miscellaneous fund and a research fund. Moneys derived from annual payments from Contracting

Governments shall be credited to the general fund. Staff assessments and contributions from new Contracting Governments, as provided in Section 4, paragraph 11, shall be credited to the miscellaneous fund. Moneys in this fund may be used to meet expenditure falling to the general fund pending the receipt of annual contributions from Contracting Governments. The amount in the fund shall be transferred to the general fund on the first day of the financial year to reduce the amount to be appropriated in the administrative budget."

There should be the addition of the word "voluntary" before the next sentence:

"Voluntary contributions and moneys made available to the Commission for research and scientific investigation by Contracting Governments, international and other organisations shall be credited to the research fund."

This is a fund over and beyond the general fund that we have been discussing this morning.

"Moneys derived from other payments from Contracting Governments, interest on capital invested and any miscellaneous income, including the receipts from the sale of publications, shall be credited to the working capital fund."

THE CHAIRMAN: Thank you, Dr. Martin.

NORWAY (Mr. Rindal): A small remark, Mr. Chairman, to make this clear. To the uninitiated at least it seems as if the scientific investigation would be taken up by contracting Governments. I would suggest that we say:

"Voluntary contributions and moneys made available to the Commission by Contracting Governments, international and other organisations for research and scientific investigation shall be credited ..."

THE CHAIRMAN: Thank you, Mr. Rindal. Dr. Martin, will you move that those amendments be made to the rules and financial regulations?

CANADA (Dr. Martin): I so move, Mr. Chairman.
(Seconded by the United States) Are we all in favour? No objections. Those amendments will be made.

Will you proceed, Dr. Martin? You still have another amendment, I understand, here, under 10.

CANADA (Dr. Martin): We were asked to consider amendments to the rules of procedure in order to improve the efficiency with which the work of this Commission is conducted. It was noted in the procedure for amending the rules of procedure that this would have to be dealt with at next year's meeting, and the proposals that we have to present can, in so far as is possible, be dealt with by the secretariat, with the understanding that the formal action on amendment of rules would take place a year from now.

On the subject of agenda, it is proposed that in addition to having a draft agenda distributed 100 days in advance to Commissioners for comment, and any additions with annotations they wish to propose, there should be an annotated provisional agenda distributed 60 days in advance of the meeting. The addition of annotations is significant there. Included in the annotations should be a brief description of each item. In so far as is possible, documentation relevant to the agenda should be referred to in the annotation and sent to member nations by the secretariat at the earliest possible date. This implies that in so far as possible documentation will go out well in advance of the meeting.

In the case of the report of the Scientific Committee it is recommended that this should be completed and available to all Commissioners by the opening date of the annual meeting of the Commission.

THE CHAIRMAN: You are moving that this be put forward for the next meeting.

CANADA (Dr. Martin): Finally, on the next page, the Committee also considered the inclusion of the Chairman's report of the most recent meeting in the annual report for the year just completed, and suggested the Secretary should aim at adopting this practice at the first opportunity. It was agreed, in view of the possible amendments to rules and financial regulations for the next meeting, that reprinting of the booklet on rules of procedure and financial regulations should be deferred until after the next meeting, and those amendments approved at this and the previous meeting promulgated by an addendum sheet.

I would move the consideration of these new rules of procedure at the next meeting of the Committee.

THE CHAIRMAN: Thank you.

MEXICO (Dr. Rozental): Since this is being moved to be deferred until the next meeting or to be considered at the next meeting I would like to add that the Commission should request contracting Governments to make observations prior to the next meeting regarding these draft rules as well as any other draft rules of procedure which they feel should be incorporated into the Commission's rules of procedure. I say this because for the moment it seems to my delegation that these

new draft rules, albeit good, are insufficient. Being about to spend about twice as much money for a permanent secretariat and having taken on a fulltime Secretary, I think that this Commission should be a bit more demanding than using the words "should be", "should be", "in so far as possible", "should be", "at the earliest possible date" and so on. I think we must draft a set of rules of procedure which lay down a schedule which must be followed, both by the Commission and its committees and by its Secretary for each annual meeting.

THE CHAIRMAN: Are you seconding Dr. Martin's proposal?

MEXICO (Dr. Rozental): No, Mr. Chairman. I am not I am making a comment.

THE CHAIRMAN: Actually I should have ruled you out of order before I had a seconder.

MEXICO (Dr. Rozental): Mr. Chairman, I am asking that there be an additional element brought into Dr. Martin's proposal.

THE CHAIRMAN: You are suggesting an amendment to his recommendation.

MEXICO (Dr. Rozental): If you want to put it that way, yes.

THE CHAIRMAN: Would you accept that amendment, Dr. Martin?

CANADA (Dr. Martin): Yes.

THE CHAIRMAN: Now, taking in the motion by the Chairman of the Finance and Administration Committee and the addition added by the Commissioner for Mexico, do I have a

seconder? (Seconded by South Africa) Are you all in favour?

Contrary? Carried.

Dr. Martin, there was another item that we allocated to you in the opening session, and that was Agenda Item 26 - the date and place of the next meeting. Have you a report on that?

CANADA (Dr. Martin): Yes, Mr. Chairman. On page 5, item 7, date and place of the next meeting:

"The Chairman of the Commission informs Commissioners that the Government of Australia wish to invite the Commission to hold its Twenty-Ninth Meeting in Australia. The Australian Government has offered to provide all services in Australia required by the Commission and the only cost falling on the Commission, so far as can be foreseen at present, will be the travelling and subsistence expenses of the Secretary and Executive Officer and the transport of papers, records, etc."

The Committee recommends that this generous offer should be accepted with the best thanks of the Commission and that the meeting be held in the week beginning 20th June 1977, a date which is understood to be acceptable to the Australian Government.

THE CHAIRMAN: Do we have a seconder? Several.

(Seconded by the Soviet Union) Before putting this to the vote I should make some explanation of what is involved here. The first class fare to Australia for the Secretary and the Executive Officer, if they are going, will be something like £2,000 return. I have been told that they do not travel first class, so there will be a considerable reduction on that. It is a long way to be travelling second class, that is all I can say. It is about 25 hours of flying time.

The other point that I can make is that the date beginning 20th June is quite acceptable, and the reservation has been made in the Lakeside Hotel in Canberra for that week. Arrangements have also been made for your Scientific Committee to meet beforehand at the headquarters of the CSIRO, of which Dr. Allen is an officer. That is also in Canberra. We have arranged for the Scientific Committee to move from CSIRO to the Lakeside Hotel on the morning when the Commission commences on 20th June. The whole service will be on the first floor of the building. We encourage people to stay at the Lakeside Hotel. The more we can obtain the greater reduction or concession we hope to obtain in the tariff. I should warn you that June is the middle of the Canberra winter. We are 100 miles from the Australian Alps and you had better bring your winter woollies.

Apart from that I think you should have in your brochures handed out at the beginning of the meeting some literature on the Lakeside Hotel, which is of international standard and about three years old. I think you will be quite comfortable there. Canberra is rather a scattered city and if you stay at other hotels you would not necessarily be within walking distance, except in two or three instances.

I will put it to the vote as proposed and seconded that the next meeting be held in Canberra at the time suggested here. All in favour? Any objections?

ICELAND (Mr. Asgeirsson): May I just thank the Australian Government for its kind invitation to the Commission to meet in Australia.

THE CHAIRMAN: Thank you. This will be the first time the Commission has ever met in the Southern Hemisphere, I understand. I cannot see any objections so that is carried.

Dr. Martin, I think we gave you one additional item of work, did we not, in regard to administration and functions of the committee, or is that covered?

CANADA (Dr. Martin): I think we have covered that at the bottom of page 7. As pointed out by the delegate from Mexico we did not have time to give adequate consideration to this. It is hoped that during the next year this matter of the instructions to the secretariat and the general operating procedure for this Commission should be given careful consideration.

THE CHAIRMAN: Dr. Martin, on behalf of the Commissioners and delegates here I should like to have recorded our sincere thanks for the work that you and your group have done on this. We all understand that this is a committee which is appointed by the Chairman and you do not have any volunteers. You are just conscripted into the work. I am extremely pleased with the way the work has been done so expeditiously and in depth. I certainly think that it augurs well for the same sort of representation at the next meeting for the same Finance and Administration Committee. I understand you are coming to Canberra, Dr. Martin.

CANADA (Dr. Martin): I hope so, Sir.

THE CHAIRMAN: Thank you once again. We now move on to Agenda Item 5. It is necessary formally to receive the report of the Scientific Committee. I would ask Mr.

Acceptance of
Scientific
Committee's
Report

Asgeirsson, as the Chairman of the Technical Committee, to move that the Scientific Committee report be received. There are a few outstanding items but I feel that we cannot proceed with the work of the Technical Committee until we formally receive the Scientific Committee report.

ICELAND (Mr. Asgeirsson): Yes, I will so move; that is to say, what we have got of the Scientific Committee's report. It is not completed as yet, as you well know. We have waited for more than two days for this report and this has delayed the work of the Technical Committee considerably. What we have got I move that we adopt.

THE CHAIRMAN: We cannot adopt; we only receive the report. Do we have a seconder for receiving the Scientific Committee report? (Seconded by Norway) That deals with Agenda Item 5.

Prohibition
of transfer
of vessels
etc.

As I mentioned earlier this morning I want to deal with those items which do not necessarily involve the scientists who are still meeting in their Scientific Committee. I am wondering, Mr. Asgeirsson, whether you could deal with Agenda Item 16 - the prohibition on the transfer of whaling vessels and equipment and so on. Do you have a recommendation from your Committee?

Report of
Technical
Committee

ICELAND (Mr. Asgeirsson): Yes, Mr. Chairman. I wish to refer you to the report of the Technical Committee, which is only a tentative report. It is not completed, as you mentioned yourself this morning. You will find point 11 on page 7 of that report concerning the prohibition on the transfer of whaling vessels and equipment. This item has been

dealt with by the Technical Committee. I do not think I have to read what is said in this report. It states exactly what happened in the Technical Committee. As you can see, the committee recommends a resolution prepared by the USA, subject to minor changes in wording to be agreed between the USA, Canada and Australia. I do not know whether these three countries have made those minor changes in the wording.

THE CHAIRMAN: It is in the appendix to your paper, is it not, Mr. Asgeirsson?

ICELAND (Mr. Asgeirsson): Yes, but I am asking if the appendix appearing with the report has been amended - the resolution.

THE CHAIRMAN: While this is being checked by the countries concerned, can we move on to Agenda Item 20 - humane killing of whales; can you deal with that? Page 8 of your report.

ICELAND (Mr. Asgeirsson): I think we can. The Technical Committee endorses the recommendations of the Scientific Committee put forward on this page. Again, this was subject to minor drafting changes and again I shall have to ask if those drafting changes have been made. I see the Secretary nodding. I would then move that the plenary adopts this recommendation as it appears on page 8 of our report.

THE CHAIRMAN: Thank you. Do I have a seconder?
(Seconded by Australia) Are you all in favour? No objections. That recommendation is adopted.

CANADA (Dr. Martin): On the subject of humane killing of whales there were some minor wording amendments in

paragraph 1 raised at the Technical Committee that do not appear to be incorporated. In the last line - it is concerning the use of chemicals in the slaughtering process.

THE CHAIRMAN: Have you got the exact words?

CANADA (Dr. Martin): "Concerning the use of chemicals in the slaughtering process".

Prohibition
on transfer
of vessels
etc.

THE CHAIRMAN: It will be included in the Commission document. The Secretary wants to comment on the transfer of whaling vessels and equipment.

THE SECRETARY: The item which is noted as Appendix B - resolution of the International Whaling Commission etc. - the only amendment to this document is in the very last paragraph. (Brief discussion with Chair)

Three minor changes now. On the first page, the section starting with the third "whereas", on the second line, delete "designed for whaling operations or". On the following line: "to be used for " - delete "such" and replace with "whaling operations". So that section will read:

"Whereas the sale, charter, transfer, loan or delivery of vessels, equipment or supplies likely to be used for whaling operations".

In the final section, the paragraph identified by (c): Financial aid for whaling operations. There is a colon there and the whole of the rest of the paragraph should fall down, so that it applies to all the sections above it. It is a comment on all the sections above, not just paragraph (c).

Those are all the corrections, Sir.

THE CHAIRMAN: Mr. Asgeirsson, that is your motion, is it, that this be adopted?

ICELAND (Mr. Asgeirsson): Yes, Mr. Chairman.

What the Secretary has just explained is in line with what was adopted by the Technical Committee, and I so move.

THE CHAIRMAN: Thank you. Do I have a seconder?

(Seconded by Norway) All in favour? Contrary? Carried.

Mr. Asgeirsson, I hope that we can make a commencement on Agenda Item 8, or can we deal with Agenda Item 7? Are you ready to talk about the report of the FAO ACMRR working party on marine mammals?

Report on
FAO/ACMRR
working party
on marine
mammals

ICELAND (Mr. Asgeirsson): Reference to this agenda item is to be found on page 2, point 4, in the Technical Committee's report. I must admit that I myself had the feeling that we had not completely dealt with this item in the Technical Committee, but when I read my report I see that we have in fact done this. So if this is the understanding of all the members of the Technical Committee who are present here I would move that the recommendation appearing in our report should be adopted. That is to say, that the Secretary be desired to attend this meeting in Bergen. (Seconded by the United Kingdom)

THE CHAIRMAN: All those in favour? Contrary?

Carried.

Now, Mr. Asgeirsson, as the Chairman of the Technical Committee, can you proceed with your recommendations from the Committee on Agenda Item 8. If you wish to deal with the stocks, quoting the classification and the quotas, you can deal with these under both 8 and 9. Proceed which way you wish.

Amendments to
Technical
Committee's
Report

ICELAND (Mr. Asgeirsson): The Technical Committee has dealt with some of the stocks, classified them and put quotas for those who are in the sustained or initial category. But before we go to this question I must ask you if we should go through the Technical Committee's report because there are a few amendments I would like to make to that report.

THE CHAIRMAN: I think we should take those first.

ICELAND (Mr. Asgeirsson): On page 1 (a) you will see rules of procedure. This item was not put to the Technical Committee. It was taken care of by the Finance and Administration Committee, so it should be deleted from our report.

THE CHAIRMAN: Thank you. Canada - are you speaking as the Chairman of the Finance and Administration Committee?

CANADA (Dr. Martin): In that capacity or any other, Mr. Chairman, I believe that the Scientific Committee is considering rules of procedure for the Scientific Committee independently of those we consider for the Commission.

THE CHAIRMAN: I understand, Mr. Asgeirsson, that Dr. Allen is dealing with this. They have had a sub-group appointed and they expect to be presenting a short paper to your committee in the near future. So we will leave it in.

ICELAND (Mr. Asgeirsson): All right. I was about to make the same comment about little (d) - Commission's contributions to whale marking. This was not discussed in the Technical Committee, as yet. The same also applies to (n) - the last of this paragraph.

If you then turn to page 3, in the third line, the USA proposed and Mexico seconded the motion. I would prefer to

see the words "UK scheme" instead of "UK proposal". Two lines above we use the word "scheme" and as a matter of consistency I think we should replace the word "proposal" with the word "scheme".

Moving down on this page to (ii) - initial management stock. "No change is recommended". It is true that no change is recommended as to the definition of this category, but the delegation from Japan indicated that they would like to propose a change or amendment in regard to sperm whales in the Southern Hemisphere. We have not dealt with this item as yet. So with this reservation - I just wanted to point this out to you. I think you should amend the report accordingly.

If we move to page 5, it is a sentence beginning on page 4 - "These unclassified stocks ..." I should like to see the first three words of page 5 deleted - "the scheduled classification" and instead I should like to insert the words, "implementing catch quotas recommended by the Scientific Committee and endorsed by the Technical Committee".

In the middle of page 5, where it says:

"The stocks identified above in the North Atlantic have declined as shown in Appendix A, and it is recommended that the necessary wording be inserted in paragraph 5 of the schedule" -

I think that this will have to be deleted from this report.

I hope that we can insert it again when we give you our final report, because this has not been dealt with yet in the Technical Committee.

THE CHAIRMAN: We take out that paragraph?

ICELAND (Mr. Asgeirsson): Yes. Finally, on

page 7, I have a similar change to make as on page 5. I would propose that the words in the second and third lines, beginning:

"and, if this category is adopted by the plenary session".

I propose that we delete these words and instead we insert the words:

"and, leaving it to the plenary to decide if and how these quotas can be implemented".

The reason for this is that it is, in our opinion, entirely up to the plenary to decide what to do with this and therefore we do not want in our report to make references to categories which we do not have. It is up to the plenary if they want to make new categories or not. Shall I proceed?

Classification of Stocks

THE CHAIRMAN: You want to proceed now on the classification of stocks? Thank you.

ICELAND (Mr. Asgeirsson): As I said earlier, the Technical Committee classified most stocks of the North Pacific and North Atlantic. You will see the classification proposed by the Technical Committee on pages 4 and 5 of our report. You will see that the North Pacific stocks have been classified in the following way: fin whales, protection stock; sei whales, protection stock; Bryde's whales, initial management stock. We deferred the decision on minke whales but sperm whales, both male and female, were classified as initial management stock. Do you want me to stop here?

THE CHAIRMAN: I think so - unless someone wants to comment. I do not think we have a motion covering it all. I think you take them in their groups, and that would be one

group to recommend to the plenary.

ICELAND (Mr. Asgeirsson): So I move that this classification be adopted by the plenary. North Pacific.

(Seconded by the United Kingdom and Japan)

THE CHAIRMAN: All in favour? Contrary? Carried. Mr. Asgeirsson, would you move on to the next section on that page, covering the North Atlantic.

ICELAND (Mr. Asgeirsson): The North Atlantic stocks were classified in the following way: fin whales - East Greenland and Iceland stock was classified as sustained management stock; West Norway and Faroe fins were classified as protection stock; Newfoundland, Labrador fins were classified as initial management; and the fin whales of Nova Scotia were classified as protection stock. We have not yet determined exactly what the areas involved are, but I will draw your attention to the fact that in the present schedule we do not classify these areas. For the time being I think it is all right to adopt the areas called by names, but, as I said earlier, I hope that at a later stage we can come up with a definition of these areas. Shall we deal with the other stocks as well or shall we take the fins separately?

THE CHAIRMAN: I do not think there will be any objection if you move on to the sperm whales.

ICELAND (Mr. Asgeirsson): Sei whales would be next on our list. We classified the sei whales as follows. The Nova Scotia sei was classified as protection stock. That brings us to the Minke whales. The minke whales in the area North American coast - this area has also been

referred to in the Scientific Committee report as the Canadian East Coast, so everybody is clear on that - this is sustained management stock. Minke Wales in East Greenland - and this should be East Greenland, Iceland, Jan Mayen area - sustained management category. Minke whales in the East Atlantic - and this area has been referred to as the Svalbard, Norway, British Isles area - we put in the sustained category as well. But we deferred the decision on the West Greenland minke whale stock, so we shall have to come back to that later.

Finally we placed the sperm whales in the sustained management category.

THE CHAIRMAN: Thank you. (Seconded by Canada)

All in favour? Contrary? Carried.

Unclassified
Stocks

ICELAND (Mr. Asgeirsson): This is all the classification we did. There are, however, a few stocks which the Scientific Committee did not feel it was able to classify at all, therefore they were not classified by the Technical Committee. However, for three of those stocks the Scientific Committee recommended a catch quota. This recommendation was endorsed by the Technical Committee, but as I explained before we leave it to the plenary to decide if and how these quotas can be implemented. The stocks involved are shown on page 5 of our report, under the heading North Atlantic. These are the fin whales of North Norway, where the Scientific Committee recommends that if catches should commence again - there are no catches now, as we understand it - the average of past years - 61 animals -

should not be passed. So the recommendation would be a quota of 61 for this stock.

The sei whales in the area Iceland, Denmark Strait - the second of these unclassified stocks - the recommendation there is 132 whales.

The third unclassified stock we have not dealt with as yet. I think there is some agreement that we recommend some catch quota in the same way as we have with the other two, but we have not agreed on exactly what quota that will be, so we shall have to come to that later again.

MEXICO (Dr. Rozental): I should like, through you, Mr. Chairman, to ask the Chairman of the Technical Committee something. I understand he is making changes to the last part of page 4 and the first part of page 5 regarding this question, but unfortunately I think that the first sentence in the last paragraph of page 4 is incorrect. It says:

"The Committee noted that the Scientific Committee had been unable to place some stocks into any of the three management categories".

Then it goes on to list these stocks of fin, sei and minke whales. In effect what happened was that the Scientific Committee did recommend that they be placed in a category and the Technical Committee somehow sort of decided that they should be unclassified. But the recommendation from the Scientific Committee was that they be classified as sustained management stocks. That refers to those stocks for which a quota is being proposed by the Scientific Committee itself. We discussed this in the Technical Committee and we decided that this would be referred to plenary as our Chairman has

pointed out. It is, in fact, incorrect to say that the Scientific Committee had been unable to place some of these stocks in any category because, in effect, they did place some of these stocks in a category.

DENMARK (Mr. Lemche): I have an additional comment which is also a comment on what the delegate from Mexico said. If you look at page 25 in the Scientific Committee's report there is a West Greenland fin stock, which I think should appear here in our Technical Committee's report on page 5 - under North Atlantic, under North Norway, Spain, Portugal and British Isles. I think this West Greenland fin stock should also be there. I do not know where else to place it. If we do so I think that is exactly a point where the Scientific Committee did not put it into any stock.

ICELAND (Mr. Asgeirsson): With regard to the last comment, I had not reached the stage of mentioning the unclassified stocks for which no quota was recommended. As to the remarks made by Mexico, I think that it would be appropriate to ask the Chairman of the Scientific Committee - he is not here, is he - then I would like to ask the Mexican delegate to point out in the Scientific Committee's report exactly the recommendations of a classification for these stocks.

MEXICO (Dr. Rozental): Referring to this document which was the resume of the Scientific Committee's report regarding classification and quotas, unfortunately there is no page numbering on these documents but it is actually the second page of the document -

THE CHAIRMAN: Excuse me a moment. We are just considering whether we should get the Chairman of the Scientific Committee in here or refer this particular point back to the Technical Committee to examine again, rather than get into a Technical Committee discussion at this meeting.

MEXICO (Dr. Rozental): This is not a Technical Committee matter. The Technical Committee has decided to refer it to plenary, because it was not able to decide it in Technical Committee. If you will please allow me to finish what I was saying - the Chairman of Technical Committee has asked me what document I am referring to and I would like to clear that up because it is important to look at the documents.

On the second page of the document we have the sei - North Atlantic, Iceland, Denmark - placed by the Scientific Committee in a sustained management classification under "S" and a quota of 132 is recommended. On the following page the minke whales in West Greenland are placed also in a "S" sustained management classification and a range of 230 to 415 for the quota was proposed by the Scientific Committee. The only one that was not classified, so far as I can see, by the Scientific Committee is the North Norway, Spain, Portugal and British Isles fin whales in the North Atlantic because there was no quota set for them, but the ones for which quotas were set were classified by the Scientific Committee.

ICELAND (Mr. Asgeirsson): I am afraid that the distinguished delegate from Mexico does not have the right papers in his hands, so I would refer you to the Scientific Committee's report proper. The paper he referred to was an

appendix to that report. On page 22 of that report he will see that fin whales of the North Atlantic - the Scientific Committee says that there are not sufficient data available this year on which to classify the stock. So the Scientific Committee did not, in fact, classify the stock.

The same applies to the other two. On page 23 of the Scientific Committee's report you will see what they say about sei whales. Again there is no reference to any of the three categories, for the same reason - insufficient data.

Finally, the minke whales in the West Greenland area - at the bottom on page 23 of the Scientific Committee's report, where it says that a definite conclusion on the status of the stock was not possible.

MEXICO (Dr. Rozental): I should like to thank the Chairman of the Technical Committee for the explanation. I did, in fact, have this report in front of me. I am, in effect, not looking at the wrong document, because the document that he is looking at is a document that was revised and altered subsequent to the discussion in the Technical Committee. The original document which was being discussed in the Technical Committee was the appendix, as he rightly mentioned, to the Scientific Committee's report. In that document, which was the Scientific Committee's summary of its conclusions, two of the three stocks that we are talking about were classified, and in the subsequent revision which was done, I assume, by the Secretary, after our discussion in the Technical Committee these stocks now appear as unclassified stocks. They have question marks next to them. But this was

unfortunately, I think, not the decision of the Technical Committee. The Technical Committee decided to refer this whole question to the plenary, because I raised a problem in the Technical Committee precisely as to how it was going to be possible for the International Whaling Commission to set a quota on these stocks without classifying them. If you do not classify them they are not published in the schedule, and if they are not published in the schedule they are not obligatory for member states to observe.

This whole question was brought up in the Technical Committee and the decision there was to bring it to plenary. I am sorry that the document was revised subsequent to that, but the facts are that the Technical Committee received from the Scientific Committee the recommendation in its summary, in spite of what the report says, that two of these three stocks be classified as sustained management stock, and only one of them - which is the fin in the North Atlantic - to remain as unclassified because the Scientific Committee itself had not classified it.

ICELAND (Mr. Asgeirsson): I think it is up to the Chairman of the Scientific Committee to explain what they really recommended. The fact remains that the Technical Committee did not classify these three stocks, but only referred it to plenary to decide what to do with them.

THE CHAIRMAN: You have got to realise that Dr. Allen has just come into the meeting. He does not know the background to this. There are three stocks involved. Would you put the question to him for each stock one at a time?

Dr. Allen, the Chairman of the Technical Committee wants to ask you specific questions about classification of three stocks.

ICELAND (Mr. Asgeirsson): Dr. Allen, there seems to be a difference of opinion between the Chairman of the Technical Committee and the distinguished delegate from Mexico as to whether the Scientific Committee put three stocks into one of the three categories we have in the schedule, or if they did not recommend a classification of the said three stocks. These stocks appear on page 5 of the Technical Committee's report. The first one is fin whales, North Norway area. The second is sei whales, Iceland, Denmark Strait. The third is minke whales, West Greenland area. Could you explain to the plenary if the Scientific Committee recommended a classification of these stocks or not?

DR. ALLEN: In these cases the Scientific Committee did not recommend a classification. The scheme of classification adopted last year lays down primarily certain specific requirements as to where a stock should be in relation to MSY level before it can be classified. It has one specific loophole, if that is the correct word, where it says that if a stock appears to be stable under a stable regime of catches it should be classified as sustained management stock even if we do not know precisely where it stands in relation to MSY level. I should perhaps explain here that if a stock is in such a situation and the evidence is that it has not changed in abundance over a period in which you have been taking catches of a certain more or less steady size from it, there is no

possible way with the techniques now open to us of determining what that stock level is in relation to MSY. We can really only determine MSY level where we have some sorts of information about the stock in a changing condition. When we have this we can begin to do analyses and make deductions.

The situation that we were faced with was that there were certain stocks of which these were examples in which they were being fished but we had no sort of data which would enable us to make an assessment of stock size in relation to MSY level. Also the period that they had been fished was not enough or the level of catches was too variable for us even to determine whether they could appropriately be put in the category of stocks which became the same management stocks under the definition that they were remaining stable under a stable regime of catches. Therefore we were not in a position, we felt, to classify them.

In this connection I might just interpolate that it is for precisely these sorts of reason that we have referred in our report to the need for one or two additional categories.

On the question of catch limits, the Scientific Committee did not consider - because it felt that it was not competent to do so - the question of whether it was legally, under the Commission's procedures, appropriate to fix catch limits for unclassified stocks. It did, however, feel that it should draw the Commission's attention to the fact that the Scientific Committee felt that it would be prudent - in these cases where we did not know enough to classify - at least to ensure that the situation did not deteriorate where deterioration was going on; the rate of deterioration should not be accelerated

by increasing the range of catches. Therefore in these cases we have recommended that the catches should be maintained at recent levels.

If the Scientific Committee had thought about the question at all it would probably have felt that they were in different paragraphs of the schedule and therefore that the two questions were not as totally inter-related as it appears that they are. I think that is probably the position as it stands.

THE CHAIRMAN: Thank you, Dr. Allen.

MEXICO (Dr. Rozental): Mr. Chairman, could I ask Dr. Allen, in view of his explanation and in view of his assertion that the Scientific Committee did not classify two of the three stocks, which are the only ones I am questioning, why in the appendix to their report they have classified them? I fail to understand this.

Mr. Chairman, for those Commissioners who do not participate in the Scientific Committee, of which I am one, it is impossible for us to understand what is being done on the basis of contradictions between two documents. The appendix to the Scientific Committee's report did classify two of these three stocks with letters. I fail to understand and that is what I based myself on yesterday when we were discussing this. It was the Canadian Commissioner who proposed that these stocks be changed from sustained management to unclassified, and it was as a result of this that the Technical Committee decided to send this whole question to plenary.

DR. ALLEN: If you will excuse me for one moment

while I make quite sure of the situation. I must apologise for the fact that in the summary statement for the seals in the North Atlantic and for the minke in the West Greenland area the letter "S" has got in when a blank or a question mark should have gone into the classification column. The definitive document is the text of our report, not the summary.

THE CHAIRMAN: Thank you. Mr. Asgeirsson, can we proceed?

ICELAND (Mr. Asgeirsson): I hope so. It is up to you what to do with these stocks we have been discussing - or the two, because the third has not been dealt with in the Technical Committee. I do not know whether you want to decide on it now or at a later stage.

THE CHAIRMAN: I do not want to defer this discussion again and go through this again. I would rather clean the matter up now if it is at all possible. Can you give the Commissioners a recommendation?

ICELAND (Mr. Asgeirsson): Before we do that I think that we should attach quotas to the stocks we have already agreed to classify in the plenary.

THE CHAIRMAN: We will proceed on that basis. We will still handle this, I hope, this morning.

ICELAND (Mr. Asgeirsson): We have just accepted the classification of the stocks of the North Pacific. On the bottom of page 5 you will see the quotas attached to those stocks. They are: for Bryde's whales, 1,000 whales; for sperm whales, 4,320 males and 2,000 females. I move that these quotas be adopted by the Commission. (Seconded by Japan)

Catch
Limits

THE CHAIRMAN: All in favour? Contrary? Carried.

ICELAND (Mr. Asgeirsson): Turning to page 6 - North Atlantic - we have just classified the stocks appearing on this page as well. The appropriate quotas for these stocks are, with regard to the fin whales, East Greenland, Iceland area, 1,524 whales in six years - 1977 to 1982 inclusive - with the provision that the maximum catch of 30% in any year may not be exceeded. The quota for fin whales in the Newfoundland area is set at 90; for minke whales in the North American area or Canadian East Coast is 48; the quota for East Greenland, Iceland, Jan Mayen area, minke whales, is up to 320, and the quota for minke whales in the East Atlantic - that is Norway, British Isles area is set at 1,790. Finally, the quota for sperm whales in North Atlantic was set at 685. I would move that these quotas be adopted. (Seconded by Norway)

THE CHAIRMAN: All in favour?

USA (Dr. White): Just a matter of format, Mr. Chairman. I would hope that when the Commission publishes its quotas for the fin whales in the East Greenland, Iceland area it not be listed as 1,524; that it be listed as a maximum of 30%, or 250 plus or minus 50, which is the true quota for the coming year, rather than the six-year total.

THE CHAIRMAN: Would the mover and seconder approve of that amendment to their motion? Perhaps Dr. White will give the secretariat the precise wording.

USA (Dr. White): I do not think it needs any wording. All I am suggesting is that the number represent the maximum for the next whaling season. You would have to have a footnote

explaining that it is part of a six-year total.

THE CHAIRMAN: All those in favour? Contrary?

Carried.

ICELAND (Mr. Asgeirsson): This is all we have done with regard to recommending classifications and quotas so far. There is quite a lot to do still in the Technical Committee.

If we can turn back to the unclassified stocks that we were discussing, we referred to the plenary to decide if and how a quota of 61 for fin whales in the North Norway area and 132 for sei whales in Iceland, Denmark Strait area can be implemented. It is the recommendation of the Technical Committee that these quotas be implemented if the plenary sees it fit for legal reasons. This is for discussion now in the plenary, I should think.

THE CHAIRMAN: Has anyone a recommendation?

USSR (DR. NIKONOROV): By saying "implement a quota" you mean to set a quota?

THE CHAIRMAN: I think Mr. Asgeirsson's point is that before you can have a quota you must have classified the stocks into one of our three categories. Or he wants an alternative from the plenary session.

ICELAND (Mr. Asgeirsson): If I may speak as an Icelandic Commissioner, I should think that there are two alternatives. One is to make a recommendation and not put it into the schedule. Of course, this means that it is not binding, but if the Commission feels that we cannot legally insert the quotas for non-classified stocks into the

schedule this would be the only way, I should think. The other way would be to insert in the schedule a quota for the two stocks, in spite of the fact that they will not appear in the classification part of the schedule. I am not saying that this is legally correct or can be done. It is up to you. These are the two alternatives we have.

USA (Dr. White): I think we are making a great issue out of something that is really simple. I do not think there is any objection to the quotas and I think that in the absence of a decision by the Scientific Committee the plenary ought to take a very simple decision of calling these sustained management stocks tentatively until such time as the Scientific Committee can either define a new classification or make formal recommendations to us. This allows it to be classified as sustained management stocks with a "T" in parenthesis - tentative. Hence it becomes perfectly legal. It is arbitrary, I realise, but it is tentative and I think that would be the simplest way to do it.

UNITED KINGDOM (Dr. Burne): I should like to support the US delegation's intervention there. I had been thinking of other schemes for getting round this legal ultra vires problem but theirs seems to me to be by far the simplest and it would give the Scientific Committee the time it needs to look carefully at any new classification which they have hinted at already. But these new classifications need to be related in some way to the MSY concept to fit into the MFP and this would give them the time they need.

THE CHAIRMAN: Dr. White, you also have the support of South Africa, France and Canada. What is the

motion on that basis?

DENMARK (Mr. Lemche): I want to speak. I want to support the US proposal but I think it should be with asterisks and a footnote explaining what this "T" really is, and this should appear in the schedule and not only in the records of this meeting which nobody really reads, or forgets in a couple of years.

THE CHAIRMAN: Could we hear from the Secretary, because he will have to do the drafting.

THE SECRETARY: Mr. Chairman, I cannot see any reason why, under paragraph 13 of the schedule as it appears at the moment, we cannot have an additional part there just giving the quotas which we recommend, even though the stocks are not classified, and with a note to the effect that these are conservation quotas or something of that kind. It means we do not have to worry about putting in the stocks in paragraph 6.

USA (Dr. White): I would suggest that if the Commission is willing to accept the formulation which we have suggested, we not edit this around this table. I think that the suggestion of the delegate from Denmark is correct, we do need a little statement in the schedule. It can be worked out perhaps by the representatives of the Scientific Committee and the Secretary to make sure it means what we want it to say, and then come before the Commission for adoption.

THE CHAIRMAN: We will have to defer this. We will need these words put before us in the plenary session. I am planning now to close this session of plenary until tomorrow

morning, or at some later stage tomorrow morning, depending on the progress of the Technical Committee, in the hope that we shall be able to finalise as early as possible tomorrow the remaining work of the Technical Committee which has been submitted to us. We do have some items which only the plenary session can handle.

At this point I intend to close this session of the plenary and suggest to the Chairman of the Technical Committee to reconvene at 2.15 in this room.

MEXICO (Dr. Rozental): I just wanted to remind you of the promise that you made on the opening day of the Commission's meeting that we would have an opportunity to have a meeting among Commissioners, perhaps an informal plenary meeting, at which we could discuss some items including the one that I raised on the opening day of plenary.

THE CHAIRMAN: I still have it in mind, Doctor. I hope to do that tomorrow. The meeting is adjourned.

(Adjourned)

THE CHAIRMAN: I now declare the third session of the Plenary open and ask the Chairman of the Technical Committee to move that his report be received. I presume it is in its final stages. This is a formality referring to agenda item 6.

Acceptance of
Technical
Committee
Report

ICELAND (Mr. Asgeirsson): I move that Paper IWC/28/4, Report of the Technical Committee, part 2, be received.

THE CHAIRMAN: Is there a seconder? (Canada). That is carried.

Mr. Asgeirsson, when we closed the last session you were dealing with agenda items 8 and 9 collectively. Would you please proceed with your stock classifications and quota numbers?

ICELAND (Mr. Asgeirsson): With your permission, Mr. Chairman, I would prefer to report on agenda item 8: stocks of small cetaceans. I understand that the third part of our report is just about ready, and will be distributed in about 15 minutes. I would prefer to have it in front of me before we continue with agenda items 5 and 6.

Small
Cetaceans

THE CHAIRMAN: I think that is quite wise. Would you like to start on agenda item 11 of the plenary session?

ICELAND (Mr. Asgeirsson): The question of stocks of small cetaceans was discussed in the Technical Committee, and delegates will find a reference to the discussions in the document which has just been adopted, on page 1. They will also find the recommendations of the Technical Committee.

With regard to item (b): Action arising, the Technical Committee endorse the recommendations of the Scientific Committee, and ask the Commission to recognise for administrative and reference purposes the list of smaller cetaceans of the world given in Appendix D of the Scientific Committee's report No. 3. I do not know whether

you wish me to take it item by item, or if you want me to continue.

THE CHAIRMAN: The Technical Committee is a committee of the whole Commission practically, and I think that all the members here are familiar with the discussion in the Technical Committee. You might like to move that action be taken and so forth, and we might get through it quite quickly.

ICELAND (Mr. Asgeirsson): As you said, all the members of the Commission are members of the Technical Committee, so I do not think I have to explain the discussions in detail. I therefore move that the Commission adopts the recommendation of the Scientific Committee with respect to this item.

THE CHAIRMAN: Is there a seconder? (Canada and the United States). That is carried.

That deals with agenda item 11, then, Mr. Asgeirsson?

ICELAND (Mr. Asgeirsson): There is more to this agenda item, and you will find it in the same report. I should think that "management of small cetaceans" would also come under this agenda item: point 2 of this report.

THE CHAIRMAN: There are several items here. We have management of small cetaceans, definition and use, stock category, research, stage of effort, age and determination, need to convene workshops, research on captive cetaceans. Could we not adopt the recommendation of the Technical Committee in toto?

ICELAND (Mr. Asgeirsson): I would be very happy if you could, and I move that you do so.

THE CHAIRMAN: Is there a seconder? (United Kingdom). That is carried. We have now dealt with agenda item 11 completely. Can you now refer to agenda item 12, Reporting requirements for the direct and indirect take of Small Cetaceans?

ICELAND (Mr. Asgeirsson): The reference to this agenda item may be found on page 3 of our report, under the heading "Information required". Do you want me to read from the report?

Reporting
Requirements
for Small
Cetaceans

THE CHAIRMAN: I do not mind if you just speak to it, making a recommendation.

ICELAND (Mr. Asgeirsson): The recommendation is - I am trying to find the right words ...

THE CHAIRMAN: This is an amendment to the schedule, so we shall have to be careful with this one.

ICELAND (Mr. Asgeirsson): Yes. That is why I am trying to find the exact recommendation of the Technical Committee. We recommended that changes should be made to the schedule.

THE CHAIRMAN: Is this on the top of page 4? Is this the wording to go into the schedule?

ICELAND (Mr. Asgeirsson): Yes: this is the wording to go into the schedule. You will find it under the heading "Information required", and the sub-headings are 21(d), referring to paragraph 21 of the schedule, and 23, paragraph 1(c) and, finally, paragraph 2(b)(v). That is the exact wording which would go into the schedule, and I move that it be accepted by the Commission.

THE CHAIRMAN: Is there a seconder? (Canada and Denmark). Is there any discussion? ... That is carried.

That deals with agenda item 12. Are you in a position to discuss agenda item 13: International Decade of Cetacean Research?

ICELAND (Mr. Asgeirsson): Yes. Reference to this agenda item can be found on page 4 of our report. On the bottom of the page it can be seen that:

International
Decade of
Cetacean
Research

"The Technical Committee endorse the recommendations of the Scientific Committee and agree to the suggestion from the USA that the Secretary be further instructed to urge the participation of the interested governments and to co-ordinate further activity."

The recommendations of the Scientific Committee are to be found above this. They had four projects especially in mind, and as can be seen Dr. Bannister summarised those four projects. These projects appear in Appendix C to the Scientific Committee's report.

THE CHAIRMAN: It appears that in this item it all comes down to a matter of finance. There seems to be a problem that before projects can be planned and put into operation, even in the early planning stages it is necessary for our Scientific Secretary and the people working with him to have some idea of how much finance will be available in the financial periods from time to time. I think, Mr. Secretary, that it would be of considerable help to you if the Commissioners, on returning to their countries, could ascertain what finance might be available in the forthcoming financial year and report back to you in two months. I do not know whether we can get Treasuries to work that quickly. Does this idea appeal to other Commissioners?

USA (Dr. White): I think something along the lines of getting information from governments has to be done, and that should certainly be reflected in our record. But I think we also have to take the next step, which is to instruct the Secretary that, once he has information from governments, a meeting should be held of representatives of members of the Commissioners who wish to participate -

THE CHAIRMAN: Representatives here in London?

USA (Dr. White): In London, or wherever it is decided to hold a meeting - such that a co-ordinated programme can be formulated. It would be a meeting for purposes of getting the people who are going to participate together, to actually decide which projects they are going to undertake, the schedules under which they are going to undertake them and so forth. Rather than assign this to the Scientific Committee, we are here talking more about commitments that governments have to make. And although there will undoubtedly be scientific representatives from the various member states at the meeting, the major purpose would not be to discuss the details of science, but the details of implementation and commitment. I would like to see the text reflect that direction to the Secretary.

THE CHAIRMAN: Dr. Gambell, would you like to say something?

SECRETARY: The Scientific Committee has considered this point already, and I understand it has appointed regional convenors who would be responsible at a local level for the particular activities that are concerned. I have a feeling that there would perhaps be no need to meet in a central place, that most of this could be done by correspondence between the local convenors and the secretariat, and this would be more speedy than having to arrange a meeting.

THE CHAIRMAN: Are there any other comments? Are delegates in general agreement with what has been said by Dr. White, Dr. Gambell and myself?

USA (Dr. White): If Dr. Gambell and the Scientific Committee feel that they have this thing under reasonable control and have a process for getting the thing started, that will satisfy me.

THE CHAIRMAN: The point is that we must try and advise these people of what finance is available for the work.

Are we all agreed on that course of action? ... That is carried.
Mr. Asgeirsson, dealing entirely with your subjects, the next item on the agenda - I am not sure whether you are ready for this - is item 18: International Observer Scheme.

ICELAND (Mr. Asgeirsson): I would prefer to defer that a little until we have the third part of our report.

THE CHAIRMAN: The only item is Infractions, which is in the same category, apart from items 8 and 9. Can we deal with item 10: Review of reporting requirements?

ICELAND (Mr. Asgeirsson): We could deal with some parts of agenda items 8 and 9, Classification of Whale Stocks, and Catch Limits, as we have had something on those matters in our report.

THE CHAIRMAN: In part 2 of your report?

ICELAND (Mr. Asgeirsson): Yes.

THE CHAIRMAN: We completed part 1 yesterday, did we not?

ICELAND (Mr. Asgeirsson): Yes we did.

THE CHAIRMAN: Will you then please proceed with the additional items on the classification of whales, on agenda item 8?

Classification
of stocks and
Catch
Limits
(continued)

ICELAND (Mr. Asgeirsson): I would like to refer delegates to the page immediately following after part 2 of the report, concerning the Southern Hemisphere Bryde's whales and minke whales. The Technical Committee accepted the advice of the Scientific Committee that the fins be classified as a protection stock, the Bryde's whales be classified as initial management, and the minke whales initial management also. It was further recommended that the sentence in paragraph 11 of the Schedule

"The taking of fin whales shall cease not later than 30th June 1976"

should be deleted. I so move.

THE CHAIRMAN: Is there a seconder? (Norway).

That is carried. That is an amendment to the Schedule.

ICELAND (Mr. Asgeirsson): This concerns agenda item 8 on your agenda. Then, if you turn to the next page -

THE CHAIRMAN: This is No. 6, Addendum on whale stocks and catch limits?

ICELAND (Mr. Asgeirsson): Yes. You will note that the Scientific Committee was unable to decide between two catch levels for the North Atlantic minke whales in the West Greenland area. There were some proposals as to which action to recommend to the Commission, but the outcome was that this stock be classified as a sustained stock, and that the catch quota be set at 400 whales for the next season 1977. I am talking about both agenda items 8 and 9 of your agenda.

THE CHAIRMAN: The specific recommendation is then that a block quota of 2,400 minke whales be taken -

ICELAND (Mr. Asgeirsson): No: the quota for 1977 should be set at 400. The block quota proposal was rejected by the Technical Committee.

THE CHAIRMAN: But do we not have a recommendation from the Technical Committee that it be 400 whales for 1977?

ICELAND (Mr. Asgeirsson): This is our intention, yes.

THE CHAIRMAN: You are proposing this, as Chairman of the Technical Committee?

ICELAND (Mr. Asgeirsson): I am proposing, as Chairman of the Technical Committee, that the North Atlantic minke whales, West Greenland area, be classified as sustained management stock, with a catch quota of 400 whales for the year 1977.

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

CANADA (Dr. Martin): I would like to propose an amendment to this recommendation. As pointed out in the report of the Scientific Committee, there was a great division of view on how this matter should be handled, with some favouring a quota of the order of 238, while others favoured something of the order of 415. As we have pointed out in the Technical Committee, we think that a good deal of caution should be observed in the approach to management of this resource. There is indeed a need for a good deal more information in order that the Scientific Committee can arrive at a more unified view on an approach to management. So it is our opinion that in the meantime a very cautious approach should be taken. We would like to amend the motion, calling for a quota for the year 1977 of 325 minke whales in this area, with the rider that a serious attempt should be made by the scientists involved to obtain the appropriate scientific information in order that we may look forward to a more definite recommendation from the Scientific Committee another year.

ICELAND (Mr. Asgeirsson): I would like to add to what I have said that the classification for a sustained management stock is a provisional classification, of the same nature as the classification of the fin whales in the north Norway area and the sei whales in the Iceland-Denmark strait. That we have already dealt with, and it should go into the schedule with the same provision as we made with regard to those two stocks.

CANADA (Dr. Martin): I would like to include that qualification in the amendment proposed, that it would be a sustained management stock tentative.

USA (Dr. White): This is a query for information, because I am a little confused. My understanding was that the

Scientific Committee recommended a quota of 227 to 250, if it only included the Greenland take, or a quota of 406 to 429 to include both the Greenland and Norwegian catch? ... That is not so? ... Thank you.

THE CHAIRMAN: Is there a seconder for the Canadian amendment? (Mexico).

SECRETARY: The amendment concerning North Atlantic minke whales in the West Greenland area is for a quota for 1977 of 325.

THE CHAIRMAN: In calling the roll this afternoon I am going to break away from the usual convention. We will start with Argentina in the first place; the next time we will start with Australia, and then we will move on around the table as a starting-point. So I hope nobody asks me if they can vote last.

Those in favour: Argentina, Australia, Brazil, Canada, Denmark, France, Mexico, New Zealand, Norway, UK, USA.

Those against: Iceland, Japan, USSR.

Abstaining: South Africa.

SECRETARY: There are 11 votes in favour, and 3 against. Decisions in Plenary have to be passed by a three-quarters majority, therefore it passes.

THE CHAIRMAN: The amendment becomes a motion ... That is carried. That is an amendment to the Schedule. Mr. Asgeirsson, where do we proceed now?

ICELAND (Mr. Asgeirsson): I think that we could proceed with this agenda item and go to the Southern Hemisphere. As you will see on the same page, the Technical Committee endorse the recommendations of the Scientific Committee with regard to Bryde's whales in the Southern Hemisphere, where a zero quota was recommended,

depending on a satisfactory estimate of stock size, although this was classified as an initial management stock.

THE CHAIRMAN: Is there a seconder? (USA). ...

That is carried. Can we deal now with the quotas?

ICELAND (Mr. Asgeirsson): The reference to the minke whales in the Southern Hemisphere is to be found on the next page of our report. You will note that because the area for minke whale stock is estimated to be close to the boundary between the initial and sustained management categories, the Scientific Committee has put forward two possible quota figures, one of 1,830 and one of 1,386, reflecting the uncertainties of classification.

I am trying to find what the Technical Committee recommended with regard to classifications of these stocks. I do not think we have dealt with this in Plenary.

THE CHAIRMAN: Dr. Allen, can you help? What was the classification for the minke whales in the Southern Hemisphere?

AUSTRALIA (Dr. Allen): All initial.

THE CHAIRMAN: Mr. Asgeirsson, I have been informed that it was all initial stocks. Do you want to so move?

ICELAND (Mr. Asgeirsson): Yes. I remember that the Technical Committee recommended that they all be classified in that category, and I so move.

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

That is carried. Can we move on to the quotas?

ICELAND (Mr. Asgeirsson): For area 1, the Technical Committee agreed to recommend a quota of 965; in area 2, a quota of 1,855; in area 3, a quota of 2,730. I think we should skip area 4 for the moment. For area 5, the quota is

1,385, and for area 6, 365. I so move.

THE CHAIRMAN: Is there a seconder? (Australia.) ...
That is carried as an amendment to the schedule. Mr. Asgeirsson,
would you like now to deal with area 4?

ICELAND (Mr. Asgeirsson): I have already said that
two possibilities were given to us by the Scientific Committee,
and we had two proposals as to how to deal with this. The
outcome was that the Technical Committee agreed to recommend
a quota of 1,830 to the plenary session.

THE CHAIRMAN: Is there a seconder? (Norway, Japan).

MEXICO (Dr. Rozental): I would like to propose an
amendment to the motion, that the quota for area 4 for minke
whales in the Southern Hemisphere be set at 1,386, as recommended
by the Scientific Committee.

THE CHAIRMAN: Is there a seconder? (United States).
We will take the amendment first.

JAPAN (Mr. Uchimura): On a point of order, the Mexican
proposal was lost in the Technical Committee, when we discussed
this question. Is it therefore in order for any delegation
to submit what was lost in Technical Committee? I would
like to hear the ruling of the Chairman.

THE CHAIRMAN: The position is that we have before us
a recommendation from the Technical Committee which has been
proposed by the Chairman and seconded by another country. So
it is quite in order for a Commissioner from another country
to propose a figure which could be exactly the same as what had
been defeated in the Technical Committee. He could move it
one whale up or one whale down, if that became a problem. I
therefore rule from the Chair that the Mexican Commissioner's
amendment is quite in order.

CANADA (Dr. Martin): It should be noted that the Scientific Committee recommended both quota figures, and that both fall within the guidelines of the new management scheme.

THE CHAIRMAN: Thank you, Dr. Martin. Will the Secretary please read out the amendment?

SECRETARY: The amendment concerns Southern Hemisphere minke whales in division 4. The quota proposed is 1,386. I start the roll at Australia.

Those in favour: Brazil, France, Mexico, New Zealand, USA, Argentina.

Those against: Australia, Denmark, Iceland, Japan, Norway, South Africa, USSR.

Abstaining: Canada, UK.

SECRETARY: There are six votes in favour of the amendment and seven votes against. It does not obtain the three-quarters majority required, so we go to the original proposal of 1,330. I start the roll at Brazil.

Those in favour: Canada, Denmark, Iceland, Japan, Norway, South Africa, USSR, UK, Australia.

Those against: Mexico, New Zealand, USA, Argentina.

Abstaining: Brazil, France.

SECRETARY: There are nine votes in favour and four votes against. Therefore, it does not obtain the three-quarters majority.

THE CHAIRMAN: Gentlemen, we have a situation whereby we have no quota.

NORWAY (Mr. Rindal): In order to get us out of this impasse, I propose a quota for the minke whale of 1,600.

THE CHAIRMAN: Is there a seconder? (Denmark). We will put the suggestion as a new motion, and proceed with the roll call.

Those in favour: Canada, Denmark, Iceland, Japan, New Zealand, Norway, South Africa, USSR, UK, Australia.

Abstaining: France, Mexico, USA, Argentina, Brazil.

SECRETARY: There are 10 votes in favour. Therefore the motion is passed. The quota is 1,600.

THE CHAIRMAN: The amendment will accordingly go into the schedule. Mr. Asgeirsson, can you provide us with any other recommendations on agenda items 8 or 9?

ICELAND (Mr. Asgeirsson): With regard to the quotas we have just established, I wish to add that the Technical Committee noted the Brazilian position that quotas for area 2 would be divided between her coastal season from July to December 1977 and the Antarctic pelagic season from December 1976 to April 1977. This did not appear to be a very appropriate combination and Brazil proposed to raise the matter again next year. The Technical Committee agreed to ask the Scientific Committee to consider the matter in the meantime.

THE CHAIRMAN: That will be noted in the minutes of this Plenary session.

JAPAN (Mr. Ushimura): Last year we had the question of allowance, and we organised a consultative body between the Technical Committee and the Scientific Committee to come up with a reasonable allowance to be put on the quotas for the Antarctic Ocean. So with the acceptance of these figures, we also understand that this question comes up later on, after the close of the quota discussions. Meanwhile I would like to have consultations with the Chairman of the Scientific Committee, or scientists whom he would like to have with him to consult with us.

THE CHAIRMAN: Are you talking about a 10 per cent allowance figure?

JAPAN (Mr. Ushimura): Yes. Provisions were made in the schedule last year. We would like to see if any modifications are necessary in the opinion of the Scientific Committee.

THE CHAIRMAN: Are you suggesting that there would be an amendment to the schedule in regard to allowances?

JAPAN (Mr. Ushimura): No. I would like to check beforehand the view of the Scientific Committee in private, in order to have their counsel.

THE CHAIRMAN: I have a feeling that this should have been dealt with in the Technical Committee. However, under the circumstances and to save time I will ask Dr. Allen if he would like to make a comment in an attempt to clear up the question.

AUSTRALIA (Dr. Allen): The Scientific Committee did give some discussion to this question, but we were a little hampered by some uncertainty among our members as to whether it was properly a matter for the Scientific Committee at all. A number of members of the Committee did recommend that the Commission should exercise caution in setting any allowances, and I think it was generally agreed that in area 4 this applied particularly. In other words, the Scientific Committee generally felt that there should be caution in any allowances and in particular with regard to area 4.

JAPAN (Mr. Ushimura): We are quite prepared to take into consideration the advice of the Scientific Committee. So I should like to have consultation with the Chairman of the Scientific Committee on this question.

THE CHAIRMAN: When do you propose to have this consultation?

JAPAN (Mr. Ushimura): During this meeting.

THE CHAIRMAN: Do you expect me to break for this consultation?

JAPAN (Mr. Yonezawa): Mr. Ushimura is prepared to go on with the plenary session. I shall have consultation with the Scientific Committee.

THE CHAIRMAN: I must consult my fellow Commissioners on this point of procedure.

USA (Dr. White): We have a procedure last year, but this year we have some concerns about region 4, and we have just gone through a vote on region 4. We would be prepared to see last year's procedure used, except for region 4, where we would not want to see any allowance.

THE CHAIRMAN: You will accept the 10 per cent allowance employed last year?

USA (Dr. White): Yes.

THE CHAIRMAN: Mr. Yonezawa, that has saved you the chance of having a special meeting. I think that we get the Commissioners to agree, with the exception of area 4, to have a 10 per cent allowance. Is that acceptable?

JAPAN (Mr. Yonezawa): Yes.

THE CHAIRMAN: Are all the other Commissioners agreed?
(Agreed.)

Mr. Ushimura, would someone in your delegation please advise the Secretary of the exact wording of the schedule to meet this requirement?

JAPAN (Mr. Ushimura): Very well.

ICELAND (Mr. Asgeirsson): A few minutes ago the third part of our report was distributed. I move that it be accepted by the Commission.

THE CHAIRMAN: Have you completed the work on part 2?

ICELAND (Mr. Asgeirsson): I believe that I have.

Have we dealt with agenda item 10?

THE CHAIRMAN: No.

ICELAND (Mr. Asgeirsson): In that case I suggest that we turn to agenda item 10. You will find the reference thereto in our report No. 2, on page 3, paragraph 9. We have already dealt with the information required for small cetaceans.

THE CHAIRMAN: And you are suggesting amendments to the schedule?

ICELAND (Mr. Asgeirsson): Yes. We have already dealt with this, and I think this takes care of agenda item 10 as well. This is the only action required with regard to reporting procedure.

THE CHAIRMAN: I take your point that agenda item 10 has been dealt with. Thank you.

ICELAND (Mr. Asgeirsson): I turn now to our report No. 3. The next stock to which I shall refer is the North Pacific minke whale. The Scientific Committee recommended that the western stock of the North Pacific minke whale be classified in the sustained management category. This was approved by the Technical Committee. I so move.

THE CHAIRMAN: Is there a seconder? (Australia). ... That is carried. Can we now go on to the quota?

ICELAND (Mr. Asgeirsson): The quota recommended by the Technical Committee is in the order of 541 whales.

THE CHAIRMAN: Is there a seconder? (Japan).

MEXICO (Dr. Rozental): I would like to propose an amendment to that motion, that the quota of minke whales in the western North Pacific be fixed for the next year at 400.

THE CHAIRMAN: Is there a seconder? (United States).

JAPAN (Mr. Yonezawa): The Mexican delegation have proposed an amendment. I would like to confirm whether they wish to refute the recommendations of the Scientific Committee on this issue. The Scientific Committee recommended a figure of 541. Is the Mexican delegation going to refute the recommendation of the Scientific Committee?

MEXICO (Dr. Rozental): As I had occasion to say this morning in the Technical Committee - and as several other delegations said as well - we do not consider the recommendation of the Scientific Committee as having been based on any scientific criteria whatsoever. Considering that this particular stock is exploited by at least one non-I.C member nation, we felt that to be conservative was to be considerably better off in this particular stock, especially since it is the first time that a quota is set by the Commission, and that therefore in this particular case and as an exception, and because of the fact that last night the Scientific Committee seemed to have been indicating a different figure, my delegation felt that on this particular occasion the recommendation of the Scientific Committee was not to our liking.

THE CHAIRMAN: Can we proceed to a vote, please.

SECRETARY: We are dealing with the North Pacific minke whales in the western region, western stock. The amendment is for a quota of 400. I start the roll at Denmark.

Those in favour: France, Mexico, New Zealand, USA, Argentina.

Those against: Denmark, Iceland, Japan, Norway, South Africa, USSR, Australia, Brazil, Canada.

Abstaining: UK.

SECRETARY: There are five votes in favour and nine votes against. The amendment is lost and we go back to the original motion for a quota of 541.

THE CHAIRMAN: I wish to remind delegates that we must obtain a quota, and not have a blank in the schedule.

Those in favour: Iceland, Japan, New Zealand, Norway, South Africa, USSR, UK, Australia, Brazil, Canada, Denmark.

Those against: Mexico.

Abstaining: France, USA, Argentina.

SECRETARY: There were 11 votes in favour and one against, so the motion is passed by the necessary majority.

THE CHAIRMAN: The requisite amendment will go in the schedule. Mr. Asgeirsson, are you in a position to proceed with the Southern Hemisphere sperm whale stock?

ICELAND (Mr. Asgeirsson): I now refer you to the Southern Hemisphere sperm whale stock. There was a prolonged explanation in the Technical Committee of the revised assessments carried out by the Scientific Committee and detailed questioning of the methods, parameters and research. I am sure that the discussions are fresh in the minds of all the Commissioners, so I shall not go into detail in reporting them. I will just mention the final results and the recommendations of the Technical Committee with respect to this stock.

As regards the classification, it is recommended by the Technical Committee that for division 1 both males and females be classified initial management stock. For division 2, males are initial management and females sustained. Division 3, both males and females are in the sustained management category. For division 4, males are initial and females protected. For division 5, males are sustained and females initial. In area 6, males are initial, and females sustained management. In division 7, males are in the protected category,

and females in the sustained management category. For division 8, males are in initial management, and females in sustained management. For division 9, both males and females are in the protected category. I move that these categories be adopted by the Commission.

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

CANADA (Dr. Martin): On a point of order, I think we neglected to deal with minke whales in the remainder of the North Pacific.

THE CHAIRMAN: We shall deal with that when we have dealt with this question.

Delegates have heard the proposer and seconder in regard to the classification of Southern Hemisphere sperm whale stocks.

UNITED KINGDOM (Dr. Burne): I wonder if we could hold on for just a moment? We are checking what we think might be an error which has crept into the Technical Committee report. Someone from my delegation is conferring with the Secretary at this moment.

ICELAND (Mr. Asgeirsson): I would like to thank the Canadian Commissioner for reminding us that we did not deal with the rest of the North Pacific minke whales. It was recommended -

THE CHAIRMAN: Since you have read out all those divisions and classifications, it might save having to come back over the same ground if we wait for the United Kingdom clarification.

SECRETARY: There appears to be the problem that we had before, whereby the quick appendix to the Scientific Report does not entirely agree with the body of the report. The correct category for division 1 females should be "S".

AUSTRALIA (Dr. Allen): This is correct. We corrected this in Technical Committee. The error was in summary annex X.

THE CHAIRMAN: According to appendix X, an amendment was made to that, and we changed the females in division 1 to "initial" from "S".

UNITED KINGDOM (Dr. Burne): Could we ask the Chairman of the Scientific Committee what is the correct description of the stock for females in division 8?

AUSTRALIA (Dr. Allen): That should be an "I", apparently.

THE CHAIRMAN: Mr. Asgeirsson, according to the experts at this end of the table, division 8 females should be initial management stock. Do we all agree on that point? The only correction to that table read out by the Chairman of the Technical Committee is that in division 8 the female stock should be an initial management stock.

JAPAN (Mr. Yonezawa): We have one more point -

THE CHAIRMAN: Is this in regard to the classification of the sperm whale type?

JAPAN (Mr. Yonezawa): Yes. With regard to female, area 2, according to Annex X this is 20 per cent more than the MSY level. The definition of "sustained management stock" which is given in Schedule 6(a) indicates that sustained management should be not more than 20 per cent above the MSY. This should be classified as initial.

THE CHAIRMAN: Would you repeat that please?

JAPAN (Mr. Yonezawa): According to Annex X of the report of the Scientific Committee, the female population is estimated to be at 120 per cent of MSY. The definition of sustained management stock which is given in 6(a) says:

"A sustained management stock is a stock which is now not more than 10 per cent of maximum sustainable stock level below MSY and not more than 20 per cent above that level".

so the definition is quite clear, that the second stock in area 2 be classified as "initial".

ICELAND (Mr. Asgeirsson): I have only my notes to go by, and if they are not consistent with the notes of the Secretary or the other members of the Technical Committee, of course I am at a loss to know what to do. In my notes the classification is exactly as I read it, also with regard to division 3 females. If that is wrong, we can correct it here, but I believe it was the recommendation of the Technical Committee to classify the stock referred to by Japan as it is done in part 3 of our report.

THE CHAIRMAN: I will ask the Secretary to explain.

SECRETARY: The division 2 females stand at 20 per cent above the estimated MSY stock levels, and a stock that is 20 per cent above falls within the sustained management category. To be in the initial management it has to be more than 20 per cent above - in other words, 21 plus. Therefore it is sustained management.

JAPAN (Mr. Yonezawa): Perhaps the definition of the two categories clashes, but obviously definition 4 as sustained management stock does not give the explanation as just given by our Secretary. It says:

"It should not be more than 20 per cent above that level".

THE CHAIRMAN: It is not more than 20 per cent.

JAPAN (Mr. Yonezawa): "Sustained management stock should not be more than 20 per cent ..."

THE CHAIRMAN: It is 20 per cent. It is not more.
So it is sustained management stock. Is this very important,
Mr. Yonezawa? (Laughter.)

JAPAN (Mr. Yonezawa): I do not think this is just on
the point of 20 per cent: 20 point something, or 19 point
something. That would solve the question easily.

THE CHAIRMAN: To clear the matter up, I will move that
the females in division 2 are sustained management stock.
Someone can challenge the chair if they wish.

JAPAN (Mr. Yonezawa): It is not very important. I
can go along with the ruling of the Chairman.

THE CHAIRMAN: We have a mover and a seconder that
those classifications as now amended should be written into
the schedule for the southern hemisphere sperm whale stocks.
Is that agreed? (Agreed.) That is now an amendment to
the schedule.

Mr. Asgeirsson, would you like to continue with the
sperm whale stocks, or would you rather clear up the
omission that has been detected by Canada?

ICELAND (Mr. Asgeirsson): I would like to clear
up the omission so that we do not forget it again. We
have already agreed on the western stock of minke whales
in the North Pacific. The recommendation of the Technical
Committee with regard to the remainder of the North Pacific
stocks is that they be classified as initial management,
with a zero quota pending assessment. I so move.

THE CHAIRMAN: Where do we find this?

ICELAND (Mr. Asgeirsson): On page 1 of part
3 of our report.

THE CHAIRMAN: Is there a seconder? (Canada) ...
That is carried.

ICELAND (Mr. Asgeirsson): I will deal with males separately, if you so accept. The quotas for male sperm whales in the Southern Hemisphere are as follows. For division 1, the quota recommended by the Technical Committee is in the order of 287; for area 2 -

THE CHAIRMAN: Perhaps we can take these division by division, because there was some voting in the Technical Committee on these this morning. I think there was a problem in division 4. So to save us running into trouble, if you will move that that quota for males in division 1 be 287, I will call for a seconder.

ICELAND (Mr. Asgeirsson): I so move.

THE CHAIRMAN: Is there a seconder? (Australia, Mexico).

JAPAN (Mr. Yonezawa): I should like to note my reservation.

THE CHAIRMAN: A reservation?

JAPAN (Mr. Onezawa): No; on the contrary.

THE CHAIRMAN: Would you prefer that we vote?

JAPAN: Not in favour, for the record.

THE CHAIRMAN: We only have one figure to vote on, and we can have it recorded in the minutes that all were in favour with the exception of Japan. Does that suit you?

JAPAN (Mr. Onezawa): Yes.

THE CHAIRMAN: Shall we proceed on that basis?

USSR (Dr. Nikonorov): The Soviet Union is also against.

THE CHAIRMAN: We shall vote on the basis of Japan and the Soviet Union voting against and the remainder for. ... That is carried. There is a majority to have the amendment placed in the Schedule.

Mr. Asgeirsson, can you move on to males in division 2?

ICELAND (Mr. Asgeirsson): The quota recommended for males in division 2 is 764. I so move.

THE CHAIRMAN: Is there a seconder? (France).
Will all those in favour of 764 male sperm whales in division 2 please show? ... Are there any dissenters?

JAPAN (Mr. Yonezawa): We would like to propose 1,369 as the quota for division 2.

THE CHAIRMAN: Is there a seconder for that amendment? (USSR). We shall now vote on the amendment.

SECRETARY: The amendment is for Southern Hemisphere sperm whales, males, division 2, a quota of 1,369.

Those in favour: Japan, USSR, Australia, Denmark.

Those against: Iceland, Mexico, New Zealand, United Kingdom, USA, Argentina, Brazil, Canada, France.

Abstaining: Norway, South Africa.

DENMARK (Mr. Lemche): May I just explain my vote?
We heard from the Scientific Committee that with that quota of 1,369 it would take 16 years before we went down to the MSY level.

SECRETARY: The amendment is lost. There were 4 votes for, and 9 against. We now move to the original proposal for a quota of 764.

MEXICO (Dr. Rozental): On a slight point of order, would it be possible for explanations of votes to be given after the vote is taken all around the table, not in the middle?

THE CHAIRMAN: I hope the other commissioners can accede to that request.

SECRETARY: We move on to the original proposal of 764 for division 2 males in the Southern Hemisphere.

Those in favour: Mexico, New Zealand, Norway, United Kingdom, USA, Argentina, Australia, Brazil, Canada, France, Iceland.

Those against: Japan South Africa, USSR, Denmark.

SECRETARY: There are 11 votes in favour, and 4 against. That does not have the three-quarters majority. No quota has been fixed.

THE CHAIRMAN: Would any of the "No" voters wish to reconsider their vote so that we can have a quota for this stock? (after a pause.) I suggest we have coffee, and I will see if I can find a vote somewhere.

(Coffee break)

THE CHAIRMAN: During the coffee break I failed to find another "yes" vote. Therefore, I am prepared to accept another amendment to the quota for male sperm whales in division 2 in the Southern Hemisphere.

MEXICO (Dr. Rozental): You will have to forgive me, Mr. Chairman, if I make a statement before this. I made a statement in the Technical Committee but since no records are kept of Technical Committee discussions I feel that I must repeat it here.

The entire success of the new management procedure depends on its being applied scientifically and depends on its being applied according to certain parameters and criteria. The Scientific Committee has done just that, and has presented us with a series of recommendations.

The new management procedure does not admit, or should not admit, of the type of political bargaining which has characterised this Commission in the past. The fact that we have now taken two votes on two separate quotas, one on the quota recommended by the Scientific Committee and one on the quota which the Japanese Commissioner desires, and that neither of those has received a three-quarters majority as required by our Rules of Procedure leaves us at the moment with no quota at all. It is the opinion of this delegation - I would like this stated for the record - that we will not accept a single whale additional to the quota which has been suggested by the Scientific Committee and the Technical Committee. To do so would be to bury once and for all the new management procedure and ensure that what we have done so far goes down the drain. As far as this delegation is concerned, we would be prepared and would favour and would be happier to go home without any quota whatsoever than to start bargaining across the table, as has

been the past custom of this Commission.

THE CHAIRMAN: My responsibility, and the responsibility of all these Commissioners is to leave this building with that which is, in my opinion, a quota to ensure that these stocks are not over-fished. I am looking for a quota right at this moment.

DENMARK (Mr. Lemche): I also would like the following to be recorded. I followed the statement made by the Mexican Commissioner very carefully, and I would like to state that I disassociate myself with every single sentence he made. In my opinion, as I have explained it this morning, this is not a question of taking some scientific advice based on pure science, because the scientific advice was based on the wording in the present schedule, which is not done by science but as a political thing.

Last year we agreed that we would this year review whether the present scheme was a suitable one to work with for the Scientific Committee in order to attain the aims we all agreed upon in adopting the Australian amendment. I think even Mexico agreed that initial management stocks should be managed carefully but with the aim that they should be brought down to the MSY level, or optimum level, as such level later might be determined. In my view, what has happened here is that it has now been proved that that wording, which we made very fast last year, and which the Scientific Committee took - and certainly they should take that wording, and worked on it - will, in some cases, as we see here and as explained by the Chairman of the Scientific Committee this morning, result in situations where the MSY stock level will be reached either in many years or never at all. I think that that is inconsistent with the Australian amendment. I think it is a break-up in the compromise we all agreed upon, and that it is a bad way to "catch" those delegations who, as I did last year,

voted finally in favour of the new management proposals - those fast-produced wordings - because I trusted the Chairman of the Commission, Mr. Rindal, who said that this was going to be reviewed next year. We all agreed on that. This review has not taken place in a fair way, and therefore I have voted for the Japanese proposals, where it would take a fairly long time - 11, 16 and 23 years - for that particular stock to go down to MSY level. Even if the Scientific Committee improves its assessments and arithmetics, I think that this year's calculations could be corrected so that we shall not reach a situation whereby these stocks drop down in the sustained management category: or perhaps I should rather say, drop below the MSY stock level, or optimum level as they may later be determined, 20 per cent below the dividing point between sustained management and initial management stock.

THE CHAIRMAN: Mr. Lemche, are you going to make a proposal? I am most concerned about the time.

DENMARK (Mr. Lemche): I was exactly on that point, Mr. Chairman. Having said this, it is a matter of principle for me, so I do not like to compromise, but in order to reach some quota - and I would really prefer, Dr. Rozental, that this species should be protected than that we should have a quota - I would suggest a quota which is the mean between the Japanese proposal of 1,369 and the Technical Committee's proposal of 764: namely 1,066, rounded down to 1,050. Thus my proposal is that the quota for this particular stock should be 1,050.

THE CHAIRMAN: Gentlemen, may I impress upon you the time? It is 4.15, and we have a long way to go. I am staying in London until Tuesday so it does not worry me one scrap how long we are here. I plead with you to keep your interventions

as short as possible, and not go over the ground that we have gone over in the Technical Committee. Let us try and get on with this work. It is so hot in here that tempers will start to fray and we will not get anywhere. Is there a seconder for the Denmark proposal?

USSR (Dr. Nikonorov): I understand that we are pressed for time, but Mr. Lemche was very logical in his proposal. Both the models proposed by Japan and by the Scientific Committee have the right to existence. We can suppose that Japanese scientists are erroneous. Equally, other members of the Scientific Committee may be erroneous. The truth is somewhere in between. Therefore, it is with pleasure that I support the Danish proposal, as being objective and just.

THE CHAIRMAN: Thank you. The motion has been proposed and seconded. I now propose to put it to roll call vote.

SECRETARY: The proposal is for Southern Hemisphere male sperm whales in division 2, a quota of 1,050.

Those in favour: Norway, South Africa, USSR, Australia, Denmark, Iceland, Japan.

Those against: Mexico, New Zealand, United Kingdom, USA, Argentina, Brazil, Canada, France.

SECRETARY: There were seven votes in favour, and eight against. The proposal is lost.

USA (Dr. White): I would like to take this opportunity to explain my vote -

THE CHAIRMAN: Can you be brief, please.

USA (Dr. White) - and how I intend to vote further. First, it will come as no surprise that my views are quite different from those of the Danish Commissioner. I would feel very close to and support the kind of eloquent statement made

by the Mexican Commissioner before the vote. I just want other delegations to know that the United States made its compromise with the whaling nations last year. We do not intend to compromise further than the compromise we made last year. We cannot keep manipulating these numbers to suit our needs each year. We have a procedure. We should follow it. What we are doing may be good politics, but it is bad science and it is bad conservation. The United States intends to stick with the recommendations of the Scientific Committee, even if it means leaving this meeting without a quota.

UNITED KINGDOM (Dr. Burne): I am sorry to hold proceedings up further, Mr. Chairman, but I want to explain the position of our voting. Those who have been following the ticks and crosses in the boxes will see some peculiarities in the UK's voting in the Technical Committee. We have very carefully looked at the position of the Japanese amendment, which seeks to secure higher quotas. We agree with Mr. Lemche that there is an inconsistency in the schedule, which means that stocks which are well above the estimated MSYs have quotas determined for them which prevent their achieving MSY in some cases. I think the probable answer is that the IWC itself at its last hectic meeting was looking principally at those stocks which were below the MSY, and was making efforts to rebuild them. The question is, should we rule the approach by the Japanese out of court immediately, because it constitutes a major procedural change to the schedule, which has not been tabled well in advance in the regular way? Or should we consider it now?

The UK in the Technical Committee was prepared to hear the Japanese case. We did not want to block the progress they were seeking to make on a narrow procedural issue, and we showed our support in principle for changes to certain quotas in certain stocks, where it seemed to us that since they were well above the MSY level there would be no harm in taking some of the excess stocks. Equally of course, for other stocks we felt that the times taken for reduction from present levels to MSY levels were really quite small, in cases of less than three years, or eight years. These we did not support, because if we have got the original population levels wrong there would be a clear danger that we would be taking too many whales and would not be able to pay back to the stock in sufficient time. Admittedly the model is a conservative one but the error in doing that may be greater than the errors involved in the model.

We feel that there is a lot of strength in the argument that the work has been rushed through at this meeting, that the Japanese scientists, as has been pointed out by some delegations, did have full access to the data and input parameters at the La Jolla meeting. And of course, Japanese scientists knew about the classifications we were working on well before that meeting. It is also true that poor Dr. Allen has had to suffer a great deal until midnight doing the calculations. So although in this situation I do feel that there is some logical inconsistency in the IWC's aim to get MSY, and the wording in the current schedule, it seems to us that we should ask the Commission to defer decision on this item until the Canberra meeting, instruct its Scientific Committee to do the calculations which have been requested but which have not been completed,

and in the meantime try and stick as closely as we possibly can to the Scientific Committee's advice. During the coming year, of course, we will be looking for input from Japanese scientists about what sort of system they need to phase in the reduction of excess quotas. But for the time being our position is that we must, I think, stick to the Scientific Committee's advice.

JAPAN (Mr. Yonezawa): I think there is still a misunderstanding. Perhaps my explanation yesterday was too technical. Because of the 90 per cent MSY rule, the population in the initial management stock will not be able to reach MSY anyway. It has to stay at a level higher than MSY. The point we raise is whether the stocks in question may come down to the point which is 20 per cent more than MSY. We clearly indicated with our calculations, which were also confirmed by the Chairman of the Scientific Committee, that some stocks would never get down to the sustained yield management category. The Chairman of the Scientific Committee clearly indicated to us this morning that the male population for area 1 for example will stay forever in the initial management stock category if we implement the recommendation of the Scientific Committee. This is the reason why we have been stressing that this formula is inconsistent with the intent of the schedule. The schedule clearly says that the stocks in the initial management category must be brought down to the level which should be classified as sustained management stock. So my proposal is consistent with the intent of the schedule, and the rule we adopted last year is clearly inconsistent with the intent of the schedule.

ICELAND (Mr. Asgeirsson): I would like to associate my remarks completely with the remarks by the British Commissioner. I think there is a good deal of confusion regarding

this matter. It was brought up very late last night, and because of that my delegation preferred to stand by the figures supplied by the Scientific Committee. But we are more than ready next year to consider this matter, and I hope that there will be more time to think about this at the next meeting. We are going to stand by our voting as we did in the Technical Committee.

CANADA (Dr. Martin): Our position is one of following the advice of the Scientific Committee, and we intend to do so. I think it is unfortunate that proposals for amendment of the new management scheme arose so late in our deliberations, and were not presented well in advance of the meeting so that they could be given adequate consideration before coming to this meeting. We would be quite prepared, with sufficient advance notice and detailed information, to consider this matter further, but this year we intend to follow the advice of the Scientific Committee.

SOUTH AFRICA (Mr. Kleu): Perhaps I should also in a few words explain the point of view that we have taken. As I said before, we fully subscribe to the scientific basis of management, but we think that it should be applied with moderation and without going to extremes. We have been faced at this meeting with recommendations by the Scientific Committee, with some drastic changes in the parameters in this model. Although it is difficult to find fault specifically with any of them, I would like to point out the one inconsistency which really is worrying. The age at maturity in males was assumed to remain constant in an exploited population, whereas at the La Jolla meeting the Scientific Committee stated that a reduction from 25 years to 22 years would seem reasonable (page 4). They also commented on page 8 of the same report that the yield of males would increase significantly if the age at maturity should

decrease. As the Scientific Committee has predicted a change in the age of females at sexual maturity it seems an inconsistency to say that this would not occur with the males. I just quote this as one example where there could be some doubt as to the parameters used.

This is rather a drastic change, and it brings us really to the crossroads. The question arises, is this model going to stand for a long time, or is it going to be revised again next year or the year after, thereby changing the whole situation? That is why I personally was in favour of the idea of phasing in. It was still intended to meet the same objectives. It was never intended that this should deviate in any drastic way from the ideas of conservation. But it did give us some time, some opportunity of adaptation to a new situation. If it should come to pass next year or the year after that the model used was rather too conservative, it gives the countries concerned a chance to adapt themselves again to the new situation. That is my viewpoint, and that is the way in which I have been working all the time.

USSR (Dr. Nikonorov): If the Soviet Union were in the position of a non-whaling country we could of course agree to have it deferred to the next meeting. But what can be done for the people who are engaged in the fleet? I believe it is the objective of our Commission to provide for a rational management of whaling and bear in mind the interests of those engaged in whaling. There must be some flexible scheme. On the other hand, we are not sure that new parameters will be found next year, that a new scheme will be introduced and new changes will occur. So we are talking about very serious matters. It is a simple thing to vote for the proposal of the Mexican representative, or for Dr. White. Should we

exchange our instructions with Dr. White, I would like to see him in my position. (Laughter.) I liked the statement made by the Danish Commissioner, Mr. Lemche. What he put forward was clear and reasonable. If we talk different languages, perhaps our Commission could be divided into two parts, one of which could consist of whaling nations with an understanding of the difficulties. Another Scientific Committee could be established, a group of experts in economics who could determine the rationale or rational management procedures in whaling. The other part could consist of the countries which sometimes do not realise what the matter is about. We solemnly proclaim that we will follow the advice of the Scientific Committee. But the Scientific Committee issue such recommendations which provide for quota reductions of the magnitude of over two times. All of us understand that there is something incorrect in what is happening here. But the machine of voting is put on, headed by Dr. White, and everything is in order then. Is that correct? We cannot be left without a quota, and the quota has to be established on the logical basis put forward by the Danish representative here. We have to think very seriously before we start voting.

THE CHAIRMAN: There appears to be some impression that the Scientific Committee has made a recommendation, but the Japanese figure is not a recommendation of that Committee. I thought the position was that the Scientific Committee left it to the Technical Committee or the Plenary session to decide on which of the two figures. At the moment we have no quota, and we are getting close to what the Commissioner

for Mexico was thinking of, in going home without a quota. You all know, gentlemen, the consequences of going without a quota.

USSR (Dr. Nikonorov): Since we have perfect silence, let us vote on 1,040 units. I believe sufficient grounds have been put forward.

USA (Dr. White): This Commission is obviously at an impasse on the quota on this division. We have many other decisions to be taken on other divisions. I suggest that we pass on to the other divisions, reach agreement on those quotas where agreement is possible, and then find where we stand, as a Commission, on those quotas on which we cannot reach agreement. I would like to make that proposal, otherwise we will apparently be sitting here for the rest of the afternoon staring at each other.

THE CHAIRMAN: It does not worry me: they are all rather good-looking people, Dr. White, and I get a beautiful view from here! But I will accept your suggestion, and ask Mr. Asgeirsson to put aside division 2, sperm males, for the time being, and see how we proceed with the others.

ICELAND (Mr. Asgeirsson): If we proceed to division 3, the Technical Committee has recommended a figure of 712 for acceptance by the Commission.

THE CHAIRMAN: Is there a seconder? (Australia). ... That is carried. The schedule will be amended accordingly, and the quota for male sperm whales in division 3 will be 712 for the next year.

ICELAND (Mr. Asgeirsson): For division 4, the Technical Committee had two proposals on the table. The outcome was to accept the figure of the Scientific Committee of 536. I so move.

THE CHAIRMAN: Is there a seconder? (United Kingdom). ... There are two votes against: Japan and USSR. As we have

a three-quarters majority, that is carried, and the amendment made to the schedule.

ICELAND (Mr. Asgeirsson): For division 5, the Technical Committee recommends a figure of 508 for acceptance by the Commission.

THE CHAIRMAN: Is there a seconder? (Argentina).

... That is carried. We are doing a lot better now.

ICELAND (Mr. Asgeirsson): Again, there were two proposals for division 6. The outcome was that the Technical Committee accepted the Scientific Committee's figure of 261.

I so move.

THE CHAIRMAN: Is there a seconder? (France). ...

Obviously, Japan is against, and USSR is against.

JAPAN (Mr. Yonezawa): We propose the figure of 390.

THE CHAIRMAN: Is there a seconder? (USSR). We shall now vote on the amendment.

SECRETARY: The amendment is for male sperm whales in division 6 of the Southern Hemisphere, a figure of 390.

Those in favour: South Africa, USSR, Australia, Japan.

Those against: New Zealand, Norway, United Kingdom, USA, Argentina, Brazil, Canada, France, Iceland, Mexico.

Abstaining: Denmark.

SECRETARY: There were four votes in favour and ten votes against the amendment. We therefore go on to the original proposal, which was for a quota of 261 male sperm whales in division 6 of the Southern Hemisphere.

Those in favour: Norway, United Kingdom, USA, Argentina, Australia, Brazil, Canada, France, Iceland, Mexico, New Zealand.

Those against: USSR, Japan.

Abstaining: South Africa, Denmark.

SECRETARY: There were 11 votes in favour and two against. The motion is carried, and becomes an amendment to the schedule.

THE CHAIRMAN: We regard division 7 as a protection stock, so there is no quota for that.

ICELAND (Mr. Asgeirsson): For division 8, again there were two proposals, but the outcome was the recommendation of the Technical Committee of 826. I so move.

THE CHAIRMAN: Is there a seconder for a quota of 826 in division 3, for male sperm whales? (Mexico).

JAPAN (Mr. Yonezawa): For division 8, we propose a figure of 3,188. As far as division 8 is concerned, we need 28 years to reach MSY level, plus 20 per cent.

THE CHAIRMAN: Is there a seconder for the amendment? (USSR). We shall first vote on the amendment.

SECRETARY: The amendment is for Southern Hemisphere male sperms in division 3, a quota of 3,188.

Those in favour: South Africa, USSR, Australia, Denmark, Japan, Norway.

Those against: United Kingdom, USA, Argentina, Brazil, Canada, France, Iceland, Mexico, New Zealand.

SECRETARY: There were six votes cast in favour and nine cast against. The amendment is lost, and we go back to the original proposal which is for a quota in division 8, male sperm whales, of 826.

Those in favour: United Kingdom, USA, Argentina, Australia, Brazil, Canada, France, Iceland, Mexico, New Zealand.

Those against: Denmark, Japan, Norway, USSR.

Abstaining: South Africa.

SECRETARY: There were 10 votes cast in favour, and four against. That is not a three-quarters majority. No quota has been agreed.

THE CHAIRMAN: Here is another impasse. Mr. Asgeirsson, as division 9 is a protection stock, you have no quota to recommend. Are you prepared to make a recommendation on the females in the Southern Hemisphere sperm whales?

ICELAND (Mr. Asgeirsson): With regard to females, there was no controversy in the Technical Committee, except that both Japan and the USSR stated that they wished to reserve their positions over the quotas, both for males and females. The recommendation of the Technical Committee is, for females in area 1, 66; in area 2, 176; in area 3, 204; division 4 is a protection stock; division 5, 116; division 6, 60; division 7, 85; division 8, 190. Division 9 is a protection stock.

THE CHAIRMAN: Is there a seconder for those quotas of female sperm whales? (United Kingdom). ... Do I take it that Japan and the Soviet Union now agree with these quotas for female sperm whales in the Southern Hemisphere?

USSR (Dr. Nikonorov): We reserve our position with regard to this matter.

THE CHAIRMAN: Japan, do you reserve your position?

JAPAN (Mr. Yonezawa): We are against.

THE CHAIRMAN: So we have 13 in favour, one against and one reserved position. The necessary amendments will be made to the schedule.

That completes the sperm whales quotas with the exception of those two rather difficult divisions, division 2 and division 8. Let us proceed with the sei whales, for the time being.

ICELAND (Mr. Asgeirsson): The Technical Committee had no difficulty in classifying sei whale stocks. The recommendation for the classification is as follows: for area 1, sustained management; for area 2, sustained management; for area 3, protection stock; for area 4, sustained management;

for area 5, sustained management; for area 6, sustained management.

I so move.

THE CHAIRMAN: Is there a seconder? (Norway).

DENMARK (Mr. Lemche): For the record, I want to state that I do not find any of the scientific figures really good. This morning we heard Dr. Holt's parameters, with which everybody agreed, and could lead to very different results; but the Scientific Committee had not time to study them. That is the reason why, as my suggestion of a later meeting this year was not accepted, I shall have to abstain from voting on these quotas.

THE CHAIRMAN: Are we agreed on those classifications? (Agreed). We have all agreed on the classification of the sei whales in the Southern Hemisphere, apart from Denmark, which reserves its position. I will ask Mr. Asgeirsson to proceed with the quotas.

ICELAND (Mr. Asgeirsson): There was some discussion about the quotas and about the Scientific Committee's report. The Japanese delegation wanted to revise the quotas, and Dr. Holt also gave explanations of his reservations with regard to the quotas. However, after these discussions, quotas were eventually agreed upon, which are as follows: area 1, 353; area 2, 103; area 3 is a protection stock; area 4, 348; area 5, 569; area 6, 490. I propose that these quotas be adopted.

THE CHAIRMAN: Is there a seconder for these quotas of sei whales? (Norway). ...

JAPAN (Mr. Ohsumi): Please note that we are against, in the minutes of this meeting.

THE CHAIRMAN: Are you voting "No", Dr. Ohsumi, or reserving your position?

JAPAN (Dr. Ohsumi): Against.

THE CHAIRMAN: So we have one "No" vote. Mr. Uchimura, have you a statement to make about future research in sei whales?

JAPAN (Mr. Uchimura): We fully support the position if some Commissioner suggests a Technical Committee meeting ... We are able to accept to hold a meeting in Tokyo.

THE CHAIRMAN: Mr. Uchimura is suggesting that there should be a meeting of scientists interested in the sei whale population stocks to be held in Tokyo some time during the ensuing year, which I imagine can be organised by Dr. Gambell.

JAPAN (Mr. Uchimura): We should like to invite these scientists.

THE CHAIRMAN: It is an invitation for interested scientists to meet in Tokyo to discuss the sei whale problem?

JAPAN (Mr. Uchimura): Yes.

THE CHAIRMAN: This invitation will be considered by the International Whaling Commission and, if arrangements can be made, the meeting will be held.

JAPAN (Mr. Uchimura): As far as the timing of the conference is concerned, we shall have to let delegates know at a later stage.

THE CHAIRMAN: Thank you. Would you please contact the Secretary of the IWC.

That completes our work on sei whales. Mr. Asgeirsson, before we return to our trouble spot, can we deal with the size limit for Southern Hemisphere sperm whales?

ICELAND (Mr. Asgeirsson): The Technical Committee had recommendations from the Scientific Committee to establish either a close season or a size limit. This was discussed in the Technical Committee, whose recommendation

is to amend paragraph 15(c) of the schedule by adding the following sentence: "It is forbidden to take or kill any sperm whale over 45 ft. in length in the Southern Hemisphere north of the 40 south latitude during the months of October to January inclusive."

THE CHAIRMAN: Is there a seconder for the proposal of the Technical Committee? (Norway).

JAPAN (Mr. Uchimura): We are getting into difficulty, being a bit exhausted following the discussions. I wanted just to confirm that we have come to the agreement on the allowances already, a few minutes ago, so that suitable allowance figures, as last year, the same figures would go into the schedule.

THE CHAIRMAN: I cannot see what that has got to do with the size of bulls in the Southern Hemisphere.

JAPAN (Mr. Uchimura): All I am questioning is -

THE CHAIRMAN: Are you speaking to the motion concerning the forbidding to take or kill sperm whales over 45 feet?

JAPAN (Mr. Uchimura): Allowances in the present schedule were set up for each species which were taken in the Antarctic because of the introduction ...

THE CHAIRMAN: We have a recommendation from the Technical Committee about the close seasons for bulls. I have a seconder. What you are saying does not seem to tie in with what is being proposed. May we defer your point to a little later?

JAPAN (Mr. Yonezawa): May we then postpone our discussion until we have finished with this agenda item?

THE CHAIRMAN: Yes. We have a proposer and a seconder for the question of size limit on sperm whales over 45 feet in the Southern Hemisphere north of the 40°S latitude during the months of October through to January. I think

this should be taken by roll call, since it involves an amendment to the schedule, and the voting was close in the Technical Committee.

MEXICO (Dr. Rozental): I would like to propose an amendment to the motion, that instead of the recommendation which has come to us from the Technical Committee a close season be declared from the months of October to February.

THE CHAIRMAN: Is there a seconder for the amendment? (USA). We will take the amendment first.

SECRETARY: The amendment concerning close season is that in the appropriate place in the Schedule we insert the wording that there is a close season for capture of sperm whales in the Southern Hemisphere north of 40°S, between October and February inclusive. (after pause). Could I ask the Mexican delegate to re-state his amendment?

MEXICO (Dr. Rozental): I think the amendment is correct as stated by Dr. Gambell, except that I think it refers only to the bulls; it does not refer to all sperm whales.

SECRETARY: It is a prohibition on the capture of male sperm whales between October and February?

THE CHAIRMAN: Female sperm whales do not get that big anyhow - or that is what I was told this morning. (after pause). May we be quite clear on your amendment, Dr. Rozental?

MEXICO (Dr. Rozental): I am sorry, Mr. Chairman: it is late and it is hot. The way in which Dr. Gambell phrased the amendment is correct: all sperm whales from October to February.

USSR (Dr. Nikonorov): I would like to make a statement with regard to this matter. In order to protect, regulate and reproduce stocks of sperm whales the Commission has adopted and is implementing the following measures: first, limitation of the time of whaling to an eight months' period; second, minimum commercial size of whales; third, quotas on sperm whales, not only by species but also by sex; fourth, separate exploitation by nine stocks for areas; fifth, prohibition of killing of lactating females accompanied by calves. The above measures seem to be effective enough and the introduction of additional protection measures in the prohibition of taking of whales during four or five months appears to be unjustified, and requires serious research which has to be envisaged in the programme of the research decade. In conditions where such conservative quotas are recommended, it is redundant to adopt recommendations on the prohibition of sperm whale catching in separate areas of the Southern Hemisphere.

MEXICO (Dr. Rozental): In order that there be no confusion - I am sorry if I have created any - the amendment that I have moved would be along the lines of what is said on page 24 of the Scientific Committee's report. The second paragraph reads:

"Most members of the Scientific Committee recommended that in the Southern Hemisphere the Commission should designate a closed season of preferably five months" -

and that is what I am proposing: October to February -

"in the Southern Hemisphere north of 40°S for all sperm whales."

THE CHAIRMAN: Is there a seconder for the amendment?

(USA).

SECRETARY: The amendment, which will have to appear twice in the Schedule, somewhere associated with paragraphs 2(c) and 3(c), is to impose a close season for catching all sperm whales in the Southern Hemisphere north of 40°S in the months of October to February inclusive. I might point out, as a matter of interest, that we have designated eight months' open season in that area with five months' banning, if this passes, in one year.

Those in favour: United Kingdom, USA, Argentina, Brazil, Canada, France, Mexico, New Zealand.

Those against: Australia, Denmark, Iceland, Japan, Norway, South Africa, USSR.

SECRETARY: There were eight votes in favour, and seven votes against. We now go back to the original proposal, which was the wording recommended by the Technical Committee:

"It is forbidden to take or kill any sperm whale over 45 feet" -

and we would insert the metric equivalent, which I think is 13.7, but I would have to confirm that:-

"in length in the Southern Hemisphere north of 40°S latitude during the months of October to January inclusive."

Those in favour: USA; Australia; Brazil; Canada; Denmark; Iceland; New Zealand; Norway; South Africa; United Kingdom.

Those against: Japan.

Those abstaining: Argentina, France, Mexico, USSR.

SECRETARY: There are 10 votes for and one against. Therefore the proposal has the necessary three-quarters majority and will be included in the schedule.

THE CHAIRMAN: Mr. Asgierness, of the other items in your report that get away from agenda items 8 and 9 of the Plenary agenda, we have two problems to clear up on the quotas of sperm whales, and Mr. Yonezawa has a point, which we could perhaps take now.

JAPAN (Mr. Yonezawa): We would take up the question of allowances when we discuss minke whales, and we indicated that allowances should be as in the present schedule. For example, for sei and sperm whales we have, in consultation with the Scientific Committee last year, installed a certain amount of allowances, on condition that under no circumstances shall the sum of the division catches exceed the total quota. I am just confirming that the same system will apply, with of course different figures, in accordance with the change in quotas, as agreed in the case of the minke whales.

USA (Dr. White): We are prepared to go along with the allowances of the type we had last year with regard to the seais, but we are not prepared to go along with them on the sperms until such time as we have decided on the sperm quotas.

THE CHAIRMAN: Let us see whether we can clear up the sperm quotas. Mr. Asgeirsson, can we try again on division 2, males? If I recall correctly, the amendment was lost, and the Scientific Committee figure of 764 missed out by one vote. Gentlemen shall I try again, and put the figure of 764 to the vote? (after pause). Can I move from the Australian delegation that the number of male sperm whales for division 2 for next year be 800? Would someone second that? (Iceland).

MEXICO (Dr. Rozental): I am not going to submit an amendment, because the amendment which I would submit has already been voted upon and defeated. I just wanted to signify that I shall continue to vote no on any figure that is not 764.

SECRETARY: The proposal is for male sperm whales, division 2, Southern Hemisphere, a quota of 800.

Those in favour: Australia, Canada, Iceland, New Zealand, Norway, South Africa.

Those against: Argentina, Denmark, France, Japan, Mexico, USSR, USA.

Abstaining: Brazil, UK.

SECRETARY: There were six votes in favour and seven against. The motion is lost.

THE CHAIRMAN: So we still have no quota for male sperm whales in division 2. It looks as though Dr. Rozental is right: we are going home without a quota and there will be an open season on male sperm whales in that area.

ICELAND (Mr. Asgeirsson): May I as Icelandic Commissioner suggest that we follow the advice of Mr. Rozental that delegates explain their votes after the voting? It was his own suggestion.

USSR (Dr. Nikonorov): The statement by the Icelandic representative is not quite clear.

THE CHAIRMAN: I do not know if he is speaking as the Icelandic Commissioner or Chairman of the Technical Committee.

ICELAND (Mr. Asgeirsson): I will try to be more concise. I am not speaking as Chairman of the Technical Committee; I am speaking as an Icelandic Commissioner. I thought that the Mexican delegate - he will correct me if I am wrong - proposed earlier at this meeting that if people wanted to explain their votes when votes are being taken, they should explain them after, not before the voting. When we had the last vote, the Mexican

delegate explained his vote prior to the voting. Therefore he is not sticking to what he recommended himself.

MEXICO (Dr. Rozental): What I did say at the time when I made my intervention was that votes should not be explained during the vote, as one Commissioner did at one point, not that it should be explained before or after. It is normal procedure to explain a vote either before or after the voting is commenced, but not during the vote.

THE CHAIRMAN: Gentlemen, we have two divisions in the Southern Hemisphere of sperm whale stocks without quotas. Is it your wish that we bring this meeting to a conclusion without quotas for those two areas?

I think we have to use a little common sense about this. If we go out of this meeting, I am sure we shall be open to criticism for walking away from our responsibility of framing a quota for the sake of a number of 10 or 20, or something of that order. Which is more important: a quota a few out from the figure suggested by one group as against a figure which the Scientific Committee did not oppose and left it open for us to decide? We are all standing here being bloody-minded, not prepared to move one inch to settle the solution and accept our responsibility.

MEXICO (Dr. Rozental): Mr. Chairman, I must correct you. The Scientific Committee did not recommend two figures. The Scientific Committee recommended only one figure, which is the figure that we voted upon.

THE CHAIRMAN: I did not say that they had recommended two figures.

MEXICO (Dr. Rozental): I am sorry; I had understood that you did. The second point is that there is not a difference of 20, or 40 or 60; the difference, as I see it, is between the Japanese proposal and the Scientific

Committee's proposal.

THE CHAIRMAN: I do not know how, on the figures available to us, you can get within about 20 with absolute accuracy anyhow - my figure was about 36.

USSR (Dr. Nikoronov): I would like to make the point to Mr. Rozental that the Scientific Committee was unable to repudiate or reject the models suggested by the Japanese scientists.

THE CHAIRMAN: Is it delegates' wish that we pass on and not complete the work on these two divisions in the Antarctic? Just to test the Committee, I will move from the chair that we proceed to the next item on the agenda, and carry this over for the next meeting. Is there a seconder? (Norway). The motion is that we defer these two stocks until the next meeting.

SECRETARY: The motion is that we move on to the next item on the agenda: in other words, that we set no quotas for these two divisions of the Southern Hemisphere male sperms.

Those in favour: Denmark, Iceland, Norway, USSR.

Those against: Australia, Brazil, Canada, France, New Zealand, South Africa, United Kingdom, USA.

Abstaining: Japan, Mexico, Argentina.

THE SECRETARY: There were four votes in favour, and eight against. The motion is lost.

THE CHAIRMAN: Gentlemen, it is obvious that we want to resolve this situation. It is up to people round the table to make the move and resolve it. I think we shall just have to sit here and work it out.

SOUTH AFRICA (Mr. Kleu): I suggest that we break for 15 minutes or so to see whether we can resolve this.

THE CHAIRMAN: Rather than break, I intend to carry on with the agenda. The time is now 5.30, and there is still about one hour's work to do. We will leave those two aside. We shall have to ship them out at the end of the meeting, after "any other business". Mr. Asgeirsson, I understand that you have some general items to report.

Working Group
on catch limits
involving non-
member nations

ICELAND (Mr. Asgeirsson): There is one more question under this agenda item to which I want to draw your attention. It relates to a working group which the Technical Committee established to consider problems relating to establishment of catch limits where members and non-members of the Commission are involved. This working group reported to the Technical Committee with a recommendation which was adopted by the Technical Committee. It has been distributed. I do not know whether you wish me to read it?

THE CHAIRMAN: Can you just recommend that the Plenary receive the report?

ICELAND: I accordingly recommend that the Plenary receives the report, including the recommendation that this resolution be adopted by the Commission.

THE CHAIRMAN: Is there a seconder? (Australia).
... That is carried. I understand, Mr. Asgeirsson, that you have some other business.

Report of
Infractions
Sub-Committee

ICELAND (Mr. Asgeirsson): We had two items on our agenda: one relating to the observer scheme and the other to infractions. The Technical Committee followed past practice of establishing a sub-committee to discuss these items. The report from the infractions sub-committee has also been distributed, and I propose that this report be adopted by the Commission.

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

That is carried.

ICELAND (Mr. Asgeirsson): The only item remaining on our agenda is "Any other business". I would refer delegates to our report No. 3, page 4, paragraph 15. There you can see what was discussed under this agenda item. With reference to point (a), Denmark referred to recommendations numbered 1 to 4 in paragraph 11(5)(i) of the Scientific Committee's report dealing with Bowhead whales, and a resolution to limit expansion of the fishing and reduce the loss rate of struck whales was recommended. The Committee noted the Scientific Committee's recommendations and referred the matter to the Commission, which I am hereby doing. In (b), it can be seen that Denmark referred similarly to recommendations 1 to 4 in paragraph 11(5)(iv) of the Scientific Committee's report concerning possible measures by the USA and Mexico to counter harassment of gray whales in breeding areas. The Committee again took note, and I wish to refer the matter to Plenary session.

Resolution
on bowhead
whales

THE CHAIRMAN: This matter is now in the Plenary session. Mr. Lemche, can you comment please?

DENMARK (Mr. Lemche): We have just this moment received a draft resolution which I have made. Perhaps you, Mr. Chairman, could take half a minute to read it through. I did propose earlier, in the Technical Committee meeting that - I have had some consultations with the US delegation. Unfortunately, because of this, I am the only one in my delegation, and I have not been able to discuss it. So in order to get it printed I had to submit my own draft, not taking into account the changes which I could not read - they were handwritten - or any comments. This is by way of explanation that that is my own draft.

THE CHAIRMAN (following a pause): Mr. Lemche, one of my delegation has a slight amendment that I would like to refer to you to see if it is acceptable, before we see whether it can be cleared by the other Commissioners.

USA (Dr. White): Mr. Chairman, are you taking amendments to the draft resolution?

THE CHAIRMAN: I am just handing in a small amendment to the author. I will take yours next.

USA (Dr. White): I think it should be noted that the taking of bowhead whales is taken exclusively by the aboriginal population of the area around the Arctic ocean. Hence, that should say, "for an increased aboriginal effort". It then recommends that the contracting governments as early as possible take necessary steps. Well, some steps which are necessary may not be feasible, given the area in which we are working, and the nature of the population which is taking those whales. So we would propose that that read: "The contracting governments as early as possible take feasible steps to limit the expansion of the fishery and reduce the loss rate of struck whales."

DENMARK (Mr. Lemche): The only reason why I did not do so is that the recommendations of the Scientific Committee had four small numbers before this part which I pointed out in the recommendation. If you look at page 17 of the Scientific Committee's report, it may be seen that there were other steps, all of which were aimed at having better assessment of the current population. That was my reason for putting it in, but I could take it out.

USA (Dr. White): We have no objection at all and we think that the recommendations of the Scientific Committee are indeed some of the things that need to be

undertaken with respect to the bowhead whales. We have no problems at all with the four recommendations of the Scientific Committee. Indeed, those steps need to be taken. But I am saying that here we might include under "necessary steps", the stopping of that particular whaling. Under the laws of the United States we cannot do so, because the aboriginal population is allowed, under the laws of the United States, to take those. So steps which may be necessary may not be feasible. This is the same problem as that which we discussed before.

THE CHAIRMAN: Another slight amendment has been handed to the Danish Commissioner. In the second paragraph, which reads, "concerned with the continued relatively high loss", the word "with" should be replaced by "at". After Alaska, include the words, "should be reduced".

DENMARK (Mr. Lemche): I certainly appreciate everybody's legal difficulties, but I think that those difficulties are exactly the reason why the matter occurs in the Scientific Committee's report. Many things proposed here would, if governments adhered to them, demand a change of national legislation. That would be my comment to the United States Commissioner. So I would not, at least at this stage, accept the change from "necessary" to "feasible".

THE CHAIRMAN: Another impasse!

DENMARK (Mr. Lemche): I do not want to take more of your time, Mr. Chairman. Having made this remark, and putting it into the record, I think everyone now knows my position, and why I did not like the United States amendment. However, in order to speed proceedings, I will go along with the amendment.

THE CHAIRMAN: Thank you very much.

I am not sure whether all the commissioners know exactly where we are, so I suggest that the Secretary read out the amendments that he has. I would appreciate it if Mr. Lemche and Dr. White correct him if necessary.

SECRETARY: The corrections are as follows: In the first section between "increased" and "effort" insert, "aboriginal". In the second section, read "concerned at the continued ...", and insert after Alaska, in the second line, "should be reduced". In the first section headed "Recommends", the last word "necessary" is replaced by "feasible". I will now read the recommendation: "Recommends that contracting governments as early as possible take feasible steps to limit the expansion of the fishery and to reduce the loss rate of struck whales".

CANADA (Dr. Martin): Could I propose deletion of the words "in North America". As far as we understand it, this is an Arctic problem, not necessarily confined to North America.

SECRETARY: It is proposed that in the first section the words "in North America" be replaced by "the Arctic".

DENMARK (Mr. Lemche): I appreciate the problems of Canada, but the wording "Arctic" will include Greenland too. This certainly does not happen in Greenland.

THE CHAIRMAN: We are getting down to a Drafting Committee here in the Plenary session. (After discussion). Perhaps we could settle for "Arctic North America"?

DENMARK (Mr. Lemche): Yes.

THE CHAIRMAN: Are Commissioners able to accept Mr. Lemche's proposal? ... I hear no dissenters, so we assume it is accepted.

CANADA (Dr. Martin): Could we hear again the wording of the second line?

SECRETARY: The wording starts: "Whales in the North American Arctic which species generally is protected."

CANADA (Dr. Martin): We would still prefer the wording "the Arctic", because of the record of the taking of bowheads in other parts of the Arctic, including Greenland and northern USSR.

NORWAY (Mr. Rindal): Would it not be possible then to insert at the end of the fourth or fifth line "Alaska", as well as in the first paragraph? As far as I know, it is particularly in that area that these things happen.

THE CHAIRMAN: Is that agreed?

USA (Dr. White): The United States is not at all sensitive about this problem. We would be very pleased to have the words "North America" replaced by the word "Alaska", if that will help the problem. I just want to make sure that the record is very clear. We have a very deep concern about the bowhead whale, and we are doing everything we possibly can to ensure that this endangered species is retained. We work as closely as we can with our original aboriginal populations to ensure that there is no decrease, and we work as hard as we can to ensure that there is no excess of struck whales. We are not sensitive to the problem, but we are deeply concerned about it, and we hope that other Commissioners here will be as deeply concerned about the problems of the whales which they take in their areas as we are about our bowhead whales, and our gray whales.

THE CHAIRMAN: Is there agreement on that proposal?

DENMARK (Mr. Lemche): There are two proposals. The second deals with gray whales.

Resolution
on Gray
Whales

THE CHAIRMAN: Has anyone any comment on the second part?

USA (Dr. White): Just some technical corrections, I think, knowing that gray whales are generally protected in the Pacific. Also, in the next paragraph, I think the breeding areas are only in Mexican waters; although we would be pleased if they would breed in United States waters they do not.

DENMARK (Mr. Lemche): The distinguished delegate from Mexico this morning questioned why Denmark was so interested in what was going on in Mexican waters, in harassing the gray whale. The distinguished delegate from Mexico has expressed very deep concern about stocks which are tremendously above the MSY level. Allow me to express a little concern about a protected stock which is very depleted, the harassment of which might well hamper reproduction. That is why I expressed this concern.

MEXICO (Dr. Rozental): I would like to point out that I have no problem with this draft resolution, and I support the statement that Dr. White made a moment ago. But I would say in effect that the resolution does not make very much sense. In Mexico we have national legislation which prohibits the harassment of gray whales. The fact that the gray whales are occasionally being harassed by party boats and by tourists who come to see them from all over the world leads me to feel that it should probably read that contracting governments ensure that their nationals do not harass the gray whales - because that is in effect what is being done. It is not that the contracting governments do not have regulations: we do. We do not permit that to go on, and the breeding grounds of the grey whales are off limits to anyone except qualified scientists who have to apply to government authorities for access to the breeding grounds. So we do have the legislation. In effect, it is tourism and foreigners who come on their party boats, trying to see the whales, and bothering them.

That is all the Scientific Committee is worried about. But this resolution, as it is now framed, I think does not meet the concern of the Scientific Committee.

THE CHAIRMAN: Is the resolution agreed? Presumably we refer it to Commissioners to take back to their governments.

Mr. Asgeirsson, on page 5 of your report, part 3, the final item refers to the rules of procedure for the Scientific Committee. Have you any comment to make.

Scientific
Committee
Rules of
Procedure

ICELAND (Mr. Asgeirsson): I have no comment. The Technical Committee merely draws the attention of the Plenary to this sentence.

THE CHAIRMAN: I understand that the Scientific Committee has been working on sets of rules for themselves. I see no need for comment in this Plenary session.

MEXICO (Dr. Rozental): Mr. Chairman, what did you say was the procedure for the second draft resolution?

THE CHAIRMAN: That Commissioners would take it back to their own governments for consideration.

MEXICO (Dr. Rozental): Does that mean that it has or has not been adopted by the Commission?

THE CHAIRMAN: It has been adopted.

Mr. Asgeirsson, with the exception of those areas in the Southern Hemisphere regarding male sperm whale quotas, does that complete the work of your committee?

ICELAND (Mr. Asgeirsson): I am pleased to say that this completes the work of the Technical Committee.

THE CHAIRMAN: It means also that I can cross off agenda items 18 and 19 concerning the observer scheme, and the infractions. But I cannot conclude your work until we resolve those two outstanding points.

Adherence of
non-members

I now refer delegates to agenda item 15: Adherence of non-member whaling countries. As mentioned earlier, we are pleased to see New Zealand rejoin our Commission. I understand that during the year there have been some discussions with Portugal and that there has also been some contact with South Korea. There have been some suggestions during the course of this meeting that possibly some of the scientists from the non-member whaling countries might be invited to observe at some of the Scientific Committee meetings. I am throwing this completely open for discussion, to see whether we can advance any further, and whether these discussions through the year have had any effect whatsoever. Mr. Rindal, have you had any further discussions with non-member countries since our last meeting?

NORWAY (Mr. Rindal): No, sir.

USA (Dr. White): It seems to me that we have some resolutions which we were deliberating, being addressed to non-member countries with regard to the quotas, where a fishery is being used not only by a member country but by non-member countries. A draft resolution was passed out to us. I do not know whether we have taken this up or not.

THE CHAIRMAN: I do not know where it has gone.

USA (Dr. White): The draft resolution is in front of us: It was handed out today.

THE CHAIRMAN: Where did it come from?

USA (Dr. White): As I recall, this emanated from the working group which was established under Mr. Applebaum, of the Canadian delegation -

THE CHAIRMAN: In the Technical Committee?

USA (Dr. White): It was adopted, I believe, in the Technical Committee.

ICELAND (Mr. Asgeirsson): I did in fact draw the attention of the Commission to this resolution, and it was adopted by the Commission.

THE CHAIRMAN: Thank you. Does that satisfy you, Dr. Applebaum?

ICELAND (Mr. Asgeirsson): I should perhaps add that as the resolution is worded it only relates to one of the problems, but it was generally agreed in the Technical Committee that the same thing should apply to other areas where we have the same problem.

THE CHAIRMAN: Can we say that we have dealt with this particular agenda item? (Agreed.)

We turn now to agenda item 17: Co-operation with FAO and other organisations. I understand the Chairman of the Scientific Committee attended as the Commission's observer at a meeting of FAO/ACTRR Working Party on Marine Mammals, which includes several members of the Scientific Committee and two of its working groups. The Secretary also attended a meeting of the staff of regional fisheries bodies organised by FAO and the Commission, and was represented by observers at meetings of ICES and the International Commission for the Conservation of Atlantic Tunas. I understand that Mr. Yonezawa was there. My note says that a paper will be presented to the Commission. (After consultation). We have had no reports back.

The Secretary will now indicate an invitation to SCAR.

SECRETARY: I should just like to draw the Commission's attention to the fact that the Scientific Committee for Antarctic Research has invited this Commission to be represented by an observer at a very important meeting to be held in Woods Hole in August, concerning the ecosystem of the southern oceans, clearly one

in which whales play a major part. Unfortunately, August is the time when we plan to move the Commission's office, and I am actively pursuing one of our Scientific Committee to represent the Commission and to provide a report on matters which clearly have great significance for this Commission. So we shall have a scientific observer and report back from that meeting.

THE CHAIRMAN: Are there any other comments with regard to co-operation with other organisations? ... We take those reports as being received, and that deals with that item. The next outstanding item was No. 24, Twenty-Seventh Annual Report (IWC/28/6) which has been circulated.

27th
Annual
Report

NORWAY (Mr. Rindal): I am not going to pass any review of the whole report. I would just like to draw your attention to the last paragraph, where it is said that the Commissioner for Australia was elected Chairman of the Commission for the next three years, and Mr. Rindal, retiring Chairman and Commissioner for Norway was elected Vice-Chairman. There was a lapse there, because it should have stated "for the coming year", and nothing else. As you will remember, it was a practical solution because of difficulties with geographical distribution that I took on the job of Vice-President for one year, but I have no intention, and I hope there is no intention from any one side, to have this time of office prolonged.

THE CHAIRMAN: Thank you, Mr. Rindal. I think I am correct in saying that apart from those two outstanding items in agenda items 8 and 9 ...

BRAZIL (Dr. Soloney De Moura): I refer to document IWC/28/6, and to item 19 of that report. I do not believe that this report expresses exactly what happened with the negotiations between the countries in the Southern Hemisphere, in relation to the minke whale and the sei whale.

The report of these negotiations was transmitted to the Chairman by the host country. This meeting was held in Tokyo. The report says the following:

"During discussions a difference of opinion arose as to the principle to be applied in the allocation of a quota to each of the participating nations. The Federative Republic of Brazil subscribed to the principle that the quota for area II should be considered separately from the other areas, and that a separate allocation should be decided upon in respect of area II for the Federative Republic of Brazil and the two pelagic nations. The latter subscribed to the principle that allocation should be made on the basis of the global quota. In the light of the inability of either side to make any concessions with regard to the principles to which they subscribed, the only practical course of action was to proceed on the basis of agreement among the majority on the understanding that this will not prejudice the position of the Federative Republic of Brazil with regard either to the principle to which she subscribed or the quotas which she believed should be allocated in respect of area II."

We would like this question to be included in the report.

THE CHAIRMAN: You would like what you have read out, Dr. De Moura, to be included in the annual report, is that correct?

BRAZIL (Dr. De Moura): Yes.

THE CHAIRMAN: This involved three other countries. Are they agreed that the section read out by the Commissioner for Brazil be included following the table on page 12? This also involves Japan, South Africa and the Soviet Union.

JAPAN (Mr. Yonezawa): I am not quite clear about the intention of Brazil. My delegation feels that it has to defend its position in case we find something we feel we have to refuse. I hope this is not the case, but in order to defend our

position we would like to see the text of the Brazilian proposal or any other proposals which are intended to be incorporated in the report.

THE CHAIRMAN: As we have someone wishing to examine this, would it be agreeable for Brazil, Japan, South Africa and the Soviet Union to get together with the Secretary and frame suitable words for inclusion in the report?

BRAZIL (Mr. De. Moura): I agree. I only wanted to call attention to the fact that what I read was the report that the four countries involved prepared for this meeting.

THE CHAIRMAN: I think that you might also circulate your point of view to all Commissioners.

I think I require a mover and a seconder to receive the annual report, subject to those amendments. (moved by United Kingdom, seconded by Iceland).

The next item on the agenda is No. 27: Arrangements for Press Release. I crave your strict silence for our Secretary.

SECRETARY: The normal procedure is for the Chairman and the Secretary to arrange for the press release. Presumably you could follow the usual tradition.

THE CHAIRMAN: That disposes of that item. As to Any Other Business, we do not have on our agenda this year, as is normal, the election of any officers. You have heard Mr. Rindal's explanation of how he became Vice-Chairman after being Chairman for three years. I agree with him that it was quite clearly understood that he should remain Vice-Chairman for only one year. I would like to take this opportunity of thanking Mr. Rindal for carrying out the duties which are delegated to him. He has made good strides in the amendments to the Convention, and has got as far as he can go on that. Also, his other assignment was to select a Secretary,

which has also been done. Mr. Rindal, I thank you most sincerely for the work you have done, even being so far away as Athens, to carry out your work. I appreciate it very much. It saved me a lot of problems, 12,000 miles away. I will give you the pleasure of nominating your successor.

NORWAY (Mr. Rindal): In that case, I would like to nominate the Commissioner for Iceland, Mr. Asgeirsson, whose conduct of the Technical Committee has been admirable. I am quite sure he will be a perfect Vice-Chairman for the coming two years.

Election of
Vice-
Chairman

DENMARK (Mr. Lemche): I second that motion, Mr. Chairman. (Also seconded by United Kingdom, Japan, USA).

THE CHAIRMAN: Are there any other nominations? If there are no other nominations I am very pleased to congratulate and elect Mr. Asgeirsson as Vice-Chairman of this Commission.

(Applause.)

ICELAND (Mr. Asgeirsson): I would just like to thank you, Mr. Chairman, and all the Commissioners around the table for showing me this undeserved honour. I know quite well there is no way I can match at least the last two of my predecessors. But I will certainly do my best, and I am looking forward to working at your side, even though there is a great distance between our two countries.

THE CHAIRMAN: There is another pleasing duty which I have. With some regret, we have now seen the resignation of Mr. Reg Stacey, who has been with us some nine years, and through that time served us faithfully and well. Maybe you do not all know that Mr. Reg Stacey worked for the British Civil Service and was held in very high regard. He was decorated with the Order of the British Empire by the Queen for

Presenta-
tion to ex-
Secretary

the services that he gave to the British Civil Service and the Commissioners under which he worked. Then he retired. He was in retirement for four years before he was commissioned to come back to work for the International Whaling Commission.

This was only supposed to be a part-time job with a part-time salary, but I feel that it became a part-time salary with a full-time job for Reg Stacey. For a man in retirement to go on for another nine years I think is extremely commendable. I hope to retire in the next few years, and I do not think I will be going on for another nine, especially working for the International Whaling Commission, on a shoestring. (Laughter).

Reg, all of us in this room, and all the people who were in this room, the people you have worked with and, no doubt the Chairmen that you worked under - I think there are others besides Mr. Rindal and myself in that category - have come to enjoy your friendly atmosphere, your quiet sense of humour, your humility, your conscientiousness and stability in any situation and your unflappable personality. I have not got a very good command of the English language and I am running out of adjectives very quickly. Perhaps I should have given this to Dr. Burne to do. However, if you will bear with me, we want to thank you very sincerely for all you have done for us, far beyond the call of duty no doubt. We also want to wish you and Mrs. Stacey a happy retirement. I hope that when you retire from this position, you do not go and find another job. We thought very sincerely about this today, and we thought that if we made a collection amongst the people in the building we might be able to rustle up enough money to save you going back to another occupation. What we have here is a cheque from your colleagues in this room. You are not allowed to open it, because we might be embarrassed!

Reg, on behalf of the people here, will you accept this cheque, together with our good wishes and our good wishes to Mrs. Stacey in your retirement. (Applause.) You cannot get away without saying a few words: you have been quiet for the whole meeting.

MR. STACEY: Mr. Chairman, Commissioners, members of the delegations, I do not know how to reply to these words that have just come from the Chairman. They have taken me quite by surprise, as has this gift, which I am not allowed to see for the moment. I appreciate it very much. I know you want to get out of this humid atmosphere as quickly as possible, and I do not intend to say a good many words to keep you here any longer. But I would like to say how much I have enjoyed working for the Commission. When I was asked if I would do the job, nine years ago, I was told that the Commission would want me for two or three years at least. I said, "I'm getting on, you know", and Mr. Tame, the United Kingdom Commissioner said, "Aren't we all?" So I said OK.

A few years ago, when I reached a certain age, I wrote to the then Chairman and said, I've reached a certain age, and I think perhaps I ought to go. I had a very nice letter from Mr. Rindal, in which he said, "I am surprised and I know all the Commissioners will be surprised that you have reached the classical age". So I said OK, and here I am today bidding you farewell. I would like to say how much I have appreciated all the help and co-operation I have had from five Chairmen and all the Commissioners, all of whom have changed since I started here in 1967. I have had great help, friendliness and co-operation from Commissioners and members of the delegations. I shall go away with happy memories of my work with the Commission. I wish you well, and my thoughts will be with you, particularly next year when you are sitting

with your overcoats on in Canberra and wishing you were back in the heat wave in London. I know this new organisation you have adopted and in which I have been pleased to play a considerable part in bringing about, is going to be a great success, and I know that in choosing my successor you have done the right thing. Thank you all very much indeed. (Applause.)

THE CHAIRMAN: There is still one other duty to be performed. The Chairman of the Scientific Committee has sought leave to make a comment at this stage.

AUSTRALIA (Dr. Allen): The Scientific Committee has expressed its appreciation to Mr. Stacey for all that he has done to help us and for the delightful personal relationships which we have had with him over a great many years. I might point out that although all the Commissioners have apparently changed since Mr. Stacey took his position, a great many, in fact I think the majority of the Scientific Committee, have seen Mr. Stacey through the whole of his career with the Whaling Commission. We have therefore perhaps had an even better opportunity than the Commission to appreciate just how much Mr. Stacey has done for the Commission and particularly for us in the Scientific Committee.

As I said, the Scientific Committee has taken another opportunity to express this appreciation personally to Mr. Stacey. But on behalf of the Scientific Committee, I do have to recommend to the Commission a resolution which was unanimously and enthusiastically carried by the Scientific Committee at a special meeting held for the purpose:

The Scientific Committee unanimously concurs in recommending to the Commission that Reginald Stacey be designated Secretary Emeritus. This newly created position requires that the Secretary Emeritus attends at his pleasure all

appropriate meetings, receptions, dinners and other official and non-official functions of the IWC. The Secretary Emeritus will serve without financial remuneration and shall not be provided with any voting authority. The freedom imposed by these latter restrictions will permit the Secretary Emeritus to fulfil all the requisite and non-requisite duties free of bias and other onerous burdens.

I assure you, sir, that that resolution is most strongly recommended to the Commission, and I hope the Commission will see its way to endorse it.

THE CHAIRMAN: Now, gentlemen, we are in a far better frame of mind to go back to division 2.

MEXICO (Dr. Rozental): Just before you go back to division 2, and since we are in such a good frame of mind, perhaps you will allow me to make a short statement which I would like to make, and a request which I would like to make to the Commission, which falls under agenda item 28, which we really did not cover.

THE CHAIRMAN: As long as you keep us in a good frame of mind, Dr. Rozental.

MEXICO (Dr. Rozental): I shall try. This relates to a question which was brought up at the opening session of this meeting by a good number of the representatives and observers of non-governmental organisations that have participated and have observed our meetings throughout the years. It relates to a resolution which was adopted by the 12th General Assembly of the International Union for the Conservation of Nature and Natural Resources at Kinshasa, Zaire, in September of last year. I think that a copy of the resolution was circulated by one of the NGOs at the beginning of this meeting, so perhaps the Commissioners have it. But I would like to say quickly that this resolution is directed among others to the International

Resolution
from Inter-
national
Union for the
Conservation
of Nature
and Natural
Resources

Whaling Commission. Therefore, I think that the International Whaling Commission should at least take note of it officially. It is a resolution entitled "Principles replacing maximum sustainable yield as a basis for management of wild life resources". Among its considerations, it recalls that there have been certain management concepts which have been considered as perhaps more adequate as a basis for management of wild living resources than MSY. It then calls this resolution to the attention of Governments and international organisations such as the International Whaling Commission, which are concerned with the management of wild life including marine resources, the results of this programme, including its statement of principles, and recommends as far as possible these new principles be applied to the management of wild animal resources.

The request that I would like to make to the Commissioners is that the contents of this resolution be forwarded to the Scientific Committee to be considered at its next meeting, and that a report by the Scientific Committee on the contents of this resolution be given to the Commission at its next annual meeting in 1977. I realise that it is obviously impossible for anything to be done before then, so we would like the Scientific Committee to take a look at this and to give us its opinion at our next annual meeting. (Agreed.)

THE CHAIRMAN: There are a few other items in General Business, of a wind-up nature, which I did not want to deal with at this point in time. I want to get back to division 2 and the Southern Hemisphere, and see if anyone has any bright ideas of how to get out of this rather hot room by 6.30. We are back to agenda item 9, Mr. Asgeirsson. We have got the classifications, and we are looking for the two quotas.

SOUTH AFRICA (Mr. Kleu): I would like to make a suggestion which I hope might assist in breaking the impasse. My suggestion is that the male sperm whale quotas for areas 2 and 8 remain at the level applicable up to now at least for the fourth season, and that only for this year; and that it be reviewed next year, and that we ask the Scientific Committee to give consideration again to the whole question of sperm whale quotas.

THE CHAIRMAN: Mr. Kleu, can you give us the figures for last year?

SOUTH AFRICA (Mr. Kleu): If I am correct, the figure for area 2 is 990. The Scientific Committee's recommendation is 764. In area 8 the present quota is 1,260 against the Scientific Committee's recommendation of 826. This would mean an additional 660 whales, if my calculations are correct.

THE CHAIRMAN: Is there a seconder?

NORWAY (Mr. Rindal): I would like to second the motion in order to get out of the impasse that we are in now.

USSR (Dr. Nikonorov): Will the Chairman repeat the suggested compromise figures? Are the recommended figures the ones that were put forward by the Scientific Committee?

THE CHAIRMAN: I think they are the figures for last year. In division 2 the quota for males last year was 450 - I am sorry, there are two figures - 990 males in division 2, and in division 8 1,260. For the benefit of the Soviet Union, the recommendation is that in division 2 the quota for male sperm whales in the next year should be 990 and in division 8, 1,260 male sperm whales.

I think our frame of mind has slipped again.

SOUTH AFRICA (Mr. Kleu): I would like to make an amendment to my proposal.

THE CHAIRMAN: We had better see whether it is acceptable to your seconder, whoever it is.

SOUTH AFRICA (Mr. Kleu): I hope that this is going to be acceptable to some of our friends here. Instead of saying that the situation has got to be reviewed next year by the Scientific Committee, we should add the rider that unless the Scientific Committee next year finds good reason to make an adjustment in their recommendations the quota will revert to the figures recommended now by the Scientific Committee.

THE CHAIRMAN: We had better have that fairly clearly for the Secretary to write down. Would you repeat it at dictation speed, please?

SOUTH AFRICA (Mr. Kleu): My proposal is that the male sperm whale quota for areas 2 and 8 remain at the present level of 990 for area 2 and 1,260 for area 8, but only for this year, with the proviso that unless the Scientific Committee at next year's session finds good reason to deviate from their recommendation now submitted, the quota will be the quota now recommended by the Scientific Committee, namely 764 for area 2 and 826 for area 8.

THE CHAIRMAN: Will the Secretary read it back to make sure it is correct?

SECRETARY: The motion now submitted by South Africa is that the quota for male sperm whales in division 2 is 990 and division 8 is 1,260. There is a rider that unless the Scientific Committee in the next year finds good reason to deviate from their recommendation submitted this year, the quotas will revert to 764 for division 2 and 826 for division 8. That is the recommendation from South Africa. Is it clear to everyone?

THE CHAIRMAN: Is there a seconder? (Norway).

DENMARK (Mr. Lemche): On a point of clarification, Mr. Chairman, does that mean that if the Scientific Committee next year would come out with exactly the same figures as the majority of them did this year, the figures for 1977-78 would be those recommended this year, and that we decide upon that now? If that is the meaning, I cannot accept that.

THE CHAIRMAN: How shall we proceed to vote, Mr. Kleu? Shall we take them division by division or put the two divisions together in the one vote?

SOUTH AFRICA (Mr. Kleu): All together.

SECRETARY: We are voting on the South African proposal. I hope it is clear. It has figures for this year and next year inherent in it.

Those in favour: Norway, South Africa.

Those against: Brazil, Canada, Denmark, France, Japan, Mexico, New Zealand, United Kingdom, USA, Argentina.

Abstaining: Iceland, USSR, Australia.

SECRETARY: There were two votes in favour and ten against, so the motion is lost.

MEXICO (Dr. Rozental): The last proposal which has been voted on and has been put to us by the Commissioner for South Africa gives me an idea, which I would like to try out on the Commission. I would put forward as a formal proposal to the Commission, the following: that we accept for this year the quotas which have been recommended by the Scientific Committee, and that the Scientific Committee will study with calm and quiet and care the Japanese proposal and any other proposals that it receives, and that if, next year, after the Scientific Committee has had time to consider these proposals,

there is valid scientific evidence, and the Scientific Committee feels that this is justified, we would consider using the Japanese formula next year for the fixing of the quotas for the sperm whales in the Southern Hemisphere. But for this coming year, we would accept the Scientific Committee figures.

As I realise that the rules of procedure of this Commission, which are somewhat strange, preclude me from proposing the same figure on which we already voted, which was 764 males, I now propose to the Commission, and because of the principle which I mentioned earlier that we were not willing to accept one single whale now, that we adopt for this coming year a quota of 763 males, and 826 females - we have not yet voted on the females so we can use the same figure as the Scientific Committee presented.

THE CHAIRMAN: You understand that 763 is not the recommendation of the Scientific Committee -

MEXICO (Dr. Rozental): The Scientific Committee recommended a figure of 764.

THE CHAIRMAN: We have got away from the recommendation of the Scientific Committee -

MEXICO (Dr. Rozental): Yes, because we already voted on it.

THE CHAIRMAN: I know it has been voted on. I am just making the point that the number you are mentioning is not a recommendation of the Scientific Committee. I am stating a fact.

MEXICO (Dr. Rozental): You are quite correct. And in the case of females, it would be the number recommended by the Scientific Committee.

THE CHAIRMAN: We are not talking about females. We are talking about males in division 2.

MEXICO (Dr. Rozental): I am sorry, I was confused.

USSR (Dr. Nikonorov): The proposal made by Dr. Rozental does not seem to be very serious. This can be noted in the record.

THE CHAIRMAN: We have a proposal for 763 males in area 2 and 826 in area 8. Is there a seconder? ... As we have already voted on 826, it becomes 825. (USA)

USSR (Dr. Nikonorov): But this is not the recommendation of the Scientific Committee, as we understand it. We have already voted virtually for this proposal, or voted virtually on this proposal. We are lost now. What is the proposal, Mr. Chairman? We have come back several times to the same proposals.

THE CHAIRMAN: The proposal is -

USSR (Dr. Nikonorov): Perhaps we could postpone it until tomorrow, for us to get calm and quiet.

THE CHAIRMAN: The proposal has been moved and seconded, that in division 2 of the Southern Hemisphere the quota for male sperm whales would be 763 in the coming year and in division 8 825 male sperm whales. We have a proposer and seconder, and I am prepared to put it to the vote.

SECRETARY: The proposal is for division 2, 763, and for division 8, 825.

Those in favour: Canada, France, Mexico, New Zealand, UK, USA, Argentina, Australia, Brazil.

Those against: Denmark, Japan, South Africa, USSR.

Abstaining: Iceland, Norway.

SECRETARY: There were nine votes in favour and four against. The motion did not obtain the necessary three quarters majority.

THE CHAIRMAN: We seem to be losing ground. We had 11 votes last time. Do I have another proposal, gentlemen?

USA (Dr. White): My understanding of the proposal of the delegate from Mexico was that it was made because he was under the impression - and I seconded it because I was also under the impression - that it was against the rules of procedure to take a vote on the same numbers again. The Secretary now informs me that it is not against the rules of procedure. I would therefore like to request a re-vote on the same proposal as proposed by the Mexican delegate, with exactly the numbers proposed by the Scientific Committee.

THE CHAIRMAN: Is there a seconder? (Mexico). It has been proposed and seconded - shall we group them together, Dr. White?

USA (Dr. White): My proposal is that we take them exactly as we took them before, with the numbers as proposed by the Scientific Committee, and take the two divisions together.

THE CHAIRMAN: Gentlemen, you have heard the proposal to vote for the number of male sperm whales to be taken on quota in division 2 of the Southern Hemisphere as 764 and division 3 as 826.

NEW ZEALAND (Mr. McLean): Could we just spell out exactly what the rider was that the Mexican delegate put forward last time? My understanding was that the rider was to the effect that the Scientific Committee would be instructed by this Commission to examine the various proposals put forward, with particular reference to the

Japanese proposal, and if they see valid scientific reasons for reverting to the Japanese proposal, based on the scientific considerations that have been advanced so cogently by Japan, against the majority view of the Scientific Committee during this discussion, then that would be a recommendation for the next Commission meeting, to which we would go back.

THE CHAIRMAN: The proposal we are considering now has been proposed by the United States. I will ask Dr. White to clarify the position.

USA (Dr. White): I accept the amendment to my proposal of the delegate from New Zealand, which was essentially the same as that of the delegate from Mexico.

DENMARK (Mr. Lemche): On a point of clarification, does the rider proposed by delegate of New Zealand in any sense say anything else that is the obligation of the Scientific Committee?

NEW ZEALAND (Mr. McLean): I am sure the Scientific Committee know their obligations a great deal better than I do, as a new boy to this Commission. But it does seem to me that one of our stumbling blocks is just this point, that the Japanese have put forward a proposal that we find extremely difficult to evaluate in the context of this meeting. If that is a clarification which helps delegates clarify their voting positions, so be it: I think it should go in the resolution.

JAPAN (Mr. Yonezawa): I do not think the United States proposal constitutes a new proposal. I have demonstrated already, without lack of clarity, that the recommendations of the Scientific Committee need to be reviewed, in view of the points that I raised. It is of course always the responsibility of the Scientific Committee that

any proposal put to them on a scientific basis should be reviewed. So I do not think the United States proposal adds anything in substance to what we voted on a few minutes ago. It does not constitute a new proposal, so as a point of order, I object to the suggestion that we vote on the United States proposal.

DENMARK (Mr. Lemche): I would like to know whether the rider proposed by New Zealand really is a rider, or merely a clarification. I ask because if it really is a rider, New Zealand is apparently of the opinion that it is something strange, which needs to be pointed out, that our Scientific Committee should do what they in fact have to do.

THE CHAIRMAN: Japan had a point of order here, as to whether the vote should be put. The only way to clear this up is to take a vote on the point of order raised by Japan.

MEXICO (Dr. Rozental): I am sorry, Mr. Chairman, but I do not agree with you. The only way to clarify it is to see whether there is a written rule of procedure of this Commission that forbids taking votes twice on the same proposal. I understand there is no written rule in this Commission that prevents us from voting on the same proposal as many times as this Commission would like to vote.

THE CHAIRMAN: Was that Japan's point of order?

JAPAN (Mr. Yonezawa): It is in contradiction with rules of procedure adopted in any of the international organisations. If it is allowed to take votes on the same issues, how can anybody finish their discussions? It has been the unwritten law in this Commission that votes cannot be taken again on the same thing.

DENMARK (Mr. Lemche): I would like to speak to that point of order. As I see it, there is for the time being no proposal on the table, which means that anybody is entitled to propose whatever he wishes. Also it coincides completely with earlier figures -

THE CHAIRMAN: There is a proposal on the table.

DENMARK (Mr. Lemche): I think one way out is that you, sir, make a ruling, which can if necessary be challenged.

THE CHAIRMAN: To clear up the Japanese point, and seeing that it is often held in rules of procedure in meetings that the same proposal cannot be put twice, although it is not in our rules of procedure, and seeing that we are 16 nations which have worked together for many years, I do not think it would be very much out of order if, from the chair, I tested the feeling of the meeting. I accordingly rule that the Japanese motion that the proposal is out of order is correct: in other words, I am ruling that the American-Mexican proposal is out of order. If delegates vote "Yes" it is taken off the table. If they vote "No", it remains. Is this one way of finalising the problem quickly?

MEXICO (Dr. Rozental): I am sorry that this particular point should come up, because I do not think the rules of procedure of this Commission should be taken lightly, and I certainly do not think they should be decided by a vote on the last day of the Commission's meeting, when everyone is very tired and very anxious to go home. This is a very important matter which will sit on this Commission for the rest of its life, until it is modified, if a vote is taken, whichever way it goes, on your ruling. I understand that this Commission is guided only by its written rules of procedure. I know nothing about unwritten rules of

procedure. As I understand it, the written rules of procedure nowhere state that we cannot vote as many times as we feel like voting on a particular proposal. I would like to ask the Japanese delegate to give me one example of an international organisation which has in its rules of procedure that delegates cannot vote twice on the same issue. I have been running around international organisations for the past 11 years of my life, and I have never come across one. Certainly none of the important international organisations have such a provision in their rules of procedure. Be that as it may, I think that we can only be guided by our written rules of procedure, which have a method of adoption by this Commission. If the Japanese Commissioner wishes to propose a new rule of procedure which would say that delegates cannot vote twice, I suggest that he do so for the next Commission meeting. But for this meeting of the Commission we are legally bound by our existing rules of procedure, which do not preclude this vote.

Quite apart from the legal point, I would submit that the only way we are going to leave this room with a quota is to vote on the Scientific Committee's recommendations. If we do not vote on those recommendations - if any other figure is given - we shall not leave this room with a quota tonight. I think it boils down to the question, do we or do we not want a quota.

THE CHAIRMAN: I think you are arguing against yourself a little there, Dr. Rozental, because you recommended figures which were not the recommendation of the Scientific Committee.

On this point, I concede that we have voted for several quotas already, and agreed upon them. As far as I am concerned, if we can vote again on the same figures, we can go back over

all the ground that we have covered this afternoon. There is nothing to stop any Commissioner saying, "I want to vote again on division 1".

USSR (Dr. Nikonorov): In our statement, we requested the Technical Committee to charge the Scientific Committee objectively to treat the situation in which we found ourselves. Our request was not taken account of, which is not customary in the practices of international organisations. Could we suggest that the Scientific Committee now reconsider the matter in view of the situation that the Commission is faced with? The Scientific Committee is taking no part in this discussion.

USA (Dr. White): My proposal, which has been seconded by the delegate from Mexico, is on the floor. An objection has been raised to taking a vote. You, Mr. Chairman, have ruled - I would like now to raise a point of order on your ruling - to put it to a vote, because one way or another, we either take a vote on it or we have no quota, so let us bring it to an end however deleterious this might be to the future procedure of this organisations. You have made a ruling. Let us vote on it.

THE CHAIRMAN: I ruled that the United States-Mexican motion was out of order. To vote on the Chair's side, it is necessary to vote "Yes".

USA (Dr. White): As I understand it, the vote is whether to support the Chairman's ruling or not. Your ruling is that my motion, seconded by Mexico, is out of order. If we vote "No", then my motion will be on the table for a vote.

MEXICO (Dr. Rozental): Just to correct an impression that you, Mr. Chairman, may have given in what you said, it is not my understanding that your interpretation

of your ruling is that if your ruling is not upheld, Commissioners can ask for re-votes on anything. One can only apply this particular rule in cases where no decision has been reached in Plenary, which is the case with the two divisions that we are now looking at. To reconsider a decision, a positive decision, taken by the Plenary, requires a different procedure.

THE CHAIRMAN: Are you quoting from the IWC Rules of Procedure?

MEXICO (Dr. Rozental): I cannot, because unfortunately I do not have them with me.

THE CHAIRMAN: That does not happen to be in the rules of procedure for the IWC.

MEXICO (Dr. Rozental): So we can take a vote on that afterwards.

THE CHAIRMAN: Order. We will proceed with the vote.

JAPAN (Mr. Yonezawa): On a point of order. This is a very important decision to make, and my delegation requests that this requires a three quarters majority.

THE CHAIRMAN: No: It is a simple majority.

SECRETARY: The motion is that the Chairman has ruled the United States motion out of order.

Those in favour: Iceland, Japan, Norway, USSR.

Those against: France, Mexico, New Zealand, South Africa, United Kingdom, USA, Argentina, Australia, Brazil, Canada.

Abstaining: Denmark.

SECRETARY: There were four votes in favour and ten against. The motion is defeated by a simple majority.

THE CHAIRMAN: We will now put to the vote the United States-Mexican proposal.

SECRETARY: The proposal now is that the quotas for division 2 male sperm whales in the Southern Hemisphere be set

at 764 and, for division 8, 826, the figures recommended by the Scientific Committee.

Those in favour: France, Iceland, Mexico, New Zealand, United Kingdom, USA, Argentina, Australia, Brazil, Canada.

Those against: Japan, USSR, Denmark.

Abstaining: Norway, South Africa.

SECRETARY: There were ten votes in favour, and three against. That is carried by a three quarters majority.

THE CHAIRMAN: Mr. Asgeirsson, does that complete the business put forward by your Committee?

ICELAND (Mr. Asgeirsson): Yes, Mr. Chairman. I thought you had already let me off the hook!

THE CHAIRMAN: If that completes the work of your Committee, Mr. Asgeirsson, allow me on behalf of the other Commissioners and delegates and people associated with this organisation to thank you and your committee most sincerely for the most difficult task you have carried out over the past five days. I have been through the process of chairing the Technical Committee. I have had difficult times in that chair, but I do not think the times I have had have been as difficult as those which you have had. With your language problem, I think you have done most admirably. On behalf of all members, I would like to thank you in particular, and the remainder of your Committee, for a job particularly well done.

JAPAN (Mr. Yonezawa): I think an allowance should be applied to the sperm whale quota.

THE CHAIRMAN: We should formally move that a 10 per cent allowance should be applied to the sperm whale quota. Is there a seconder? (Norway). ... That is carried.

pay us a visit, and see what it is like to be the wrong way up.

Having said that, and before I officially close this meeting, I will call on the representative of the Friends of the Earth in Europe.

REPRESENTATIVE OF THE FRIENDS OF THE EARTH (EUROPE)

(Miss Gordon Clark): Thank you, Mr. Chairman for giving us the opportunity of addressing the meeting at this time. We would like to congratulate those Commissioners who stood firm against the pressures of a whaling industry that is really only concerned with next year's quota, not even with a sustainable yield. We must urge that it is vital that there are no objections made under the 90 day rule, to the quotas agreed at this meeting.

Miss Clark,
Friends of
the Earth
(Europe)

We would congratulate you on having made advances, working under your own constraints. But there are many ways in which you have failed the whales. You have not taken the MSY by weight for sperm whales. You still stick to the MSY principle, which embodies so many unproven assumptions and outdated concepts. It should be replaced with a management policy along the lines recommended by the IUCN General Assembly resolution last September.

It is dangerous and of questionable morality to remove the maximum yield from a stock under normal circumstances. But given the uncertainties of the data and the calculations for whales, which may reach 50 per cent or more, it is a recipe for disaster. Any resource should be managed to ensure the maximum number of options now and for the future, including the option of not exploiting the resource at all. We would also note that the Commission does not include in its scientific approach considerations of other exploited

THE CHAIRMAN: Before I call on the representative of the Friends of the Earth for Europe - I think she was the only speaker of the observer group who preferred to speak at the end of our meeting - I should like to thank the Secretary and his staff for the admirable work that has been carried out over the five days. I have never seen such a meeting so prolific in producing paper of all shapes and sizes. Dr. Gambell, I would like you particularly to thank Mrs. Joan Jackson for the work that she has done over many years for our Secretariat. Am I right in saying that she is now leaving the Secretariat?

SECRETARY: Mr. Chairman, the Secretariat is leaving Mrs. Jackson.

THE CHAIRMAN: I see. Would you please convey to all the members of your staff our complete satisfaction for the work they have done, on a shoestring and, I am bound to say, shorthanded. I think it is something we must look at in Australia, to make sure that we have far more support staff to meet this group of people who can produce so many words in so short a time. Perhaps you will convey to them our sincere thanks for a job well done: and I would like to couple Mr. Stacey with that on this occasion.

Are there any other items of general business that anyone else would like to raise? (after pause). I understand that I have to move formally that the 29th meeting of the International Whaling Commission will be held in Canberra, Australia, on 20th June next year, in the middle of winter. I sincerely hope that you are all able to find sufficient money from your respective governments to

components of the ecosystem such as krill, caplin and seals. We would also deplore the fact that the Commission has failed to agree to control trade in whale products between non-member countries and member countries. For these and other reasons, we still maintain that the moratorium is the only route to the conservation of whales. Furthermore, we would say that since the Commission and its scientists are under deplorable political pressures, those who wish to protect whales must now support the incorporation of an internationally recognised independent scientific marine mammal council, or similar body.

Whales are a common heritage, not a common property resource. The stewardship function for their management should be broadly based. We propose the setting up of an international cetacean commission, based on a convention with a clear priority to conserve whales.

THE CHAIRMAN: If there are no further items of general business, in declaring this meeting closed I would like to thank you all for your attendance, your perseverance with me in the Chair. It has not been easy, but I think that the atmosphere in the room, the humidity and the heat, has contributed to the rather stimulating discussion from time to time. I thank you for bearing with me. I wish you all a safe trip home, and I look forward to seeing you in Australia.

USA (Dr. White): This has been a long and difficult meeting, and I know that some of the delegations did not achieve their objectives. On behalf of all the Commissioners here, I want to express our appreciation to you, Mr. Chairman, and to the Chairmen of the Technical Committee and the Finance Administration Committee for persevering with us and helping us, and leading us to this conclusion.

JAPAN (Mr. Yonezawa): I appreciate your effort, and I appreciate that you have made a compromise in this committee. But unfortunately my delegation is really disappointed with the results of this Conference.

THE CHAIRMAN: Thank you. ... I declare the 28th meeting of the International Whaling Commission closed.

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