

29TH ANNUAL MEETING OF THE INTERNATIONAL

WALFING COMMISSION

20 JUNE, 1977

Held at
The Lakeside International Hotel
CANBERRA
AUSTRALIA

PROCEEDINGS OF THE MEETING

Chairman's
Address

THE CHAIRMAN: Mr Minister, Commissioners, Delegates, Ladies and Gentlemen. I now declare the Twenty-Ninth Meeting of the International Whaling Commission open. It gives me very great pleasure on your behalf to welcome the Right Honourable Ian Sinclair, the Minister for Primary Industry who is responsible for agriculture, fisheries and forestries on a national basis. He is also the Leader of the House of Representatives in the National Parliament.

Mr Sinclair, we all appreciate the support which you have given this Commission particularly in respect to strengthening the secretariat, encouraging other countries to join the International Whaling Commission and, most of all, the support you have given and the confidence you have placed in our scientific community.

I can confidently say that the support given by your Government has contributed to improving the image of the Commission by those people who understand the meaning of resource conservation for the benefit of mankind. Your Government's invitation for us to meet here in Australia for the first time, and the provision of such excellent facilities for our meeting, is clear proof of your support for our work. We thank you for coming here this morning and on behalf of my fellow Commissioners I invite you to address the people assembled here today. The Right Honourable Ian Sinclair.

Welcoming
Address

MINISTER FOR PRIMARY INDUSTRY (Mr Sinclair):
Thank you very much, Mr Chairman, Ladies and Gentlemen. On behalf of the Australian Government.

I am delighted to welcome you here to Canberra for this, the Twenty-Ninth Meeting of the International Whaling Commission. As you all know, this is the first time that the Australian Government has been host to the International Whaling Commission. I trust that you, as Commissioners, find the venue satisfactory and that, in spite of the fact that it is pretty cold in the southern hemisphere at this time of the year, you enjoy the warmth of the Australian hospitality.

The Commission itself, of course, is meeting at a time when your proceedings and the character of your industry has probably been subject to more public scrutiny than at any previous time. Certainly it means that your deliberations will be a matter of very considerable comment in more ways than one, and the decisions that are reached by the Scientific Committee upon which you base your judgment are going to be very, very important.

For those of you who are visiting Australia for the first time I hope that you do not see Canberra only. There is a good deal more to Australia than this national capital, charming and delightful though it is. I hope that you do get some chance to see the rest of the country because it is from there that I think you would gain a more accurate understanding of what Australia is all about.

As you are aware, the Scientific Committee of the International Whaling Commission has already been here in Canberra for something like 2 weeks to provide you with technical information on the status of world whale stocks as well as advice on recommended quotas in relation to

those stocks.

Thanks to the Bureau of Whaling Statistics we are fortunate that the data on whales is extremely comprehensive and goes back over many years. Indeed, more is known internationally of whale stocks by species than any other marine stocks. It is this data which provides the basis for effective management and conservation, and of course it is on the adequacy of that data and the technical information that flows through to you that your deliberations will be based over the course of the next few days.

The membership of the Scientific Committee of the I.W.C. brings together the world's leading marine scientists with knowledge of whales. The Australian Government looks to the Scientific Committee to provide the whaling nations with the best possible management advice.

It is on this advice that the Australian Government has given support to the continuation of whaling, limited to particular species, numbers which may be caught, and the areas in which they may be taken.

If limited whaling is to continue, then in our view it should be only under a management regime based on global considerations. I am sure that all member nations of the I.W.C. expect its Scientific Committee to develop and to utilise improved techniques whenever possible.

The work of the I.W.C. and its Scientific Committee provides a viable international mechanism which should ensure the conservation of all whale stocks. We would hope to see all those who profess concern about the future

of the whale join in supporting the Commission and its work. If they have doubts about the Commission then they should see that within the Commission and through the procedures which are available in its deliberations that their own point of view is expressed and, of course, is heard.

It is not enough for conservation groups to simply grab headlines. Their assertions must be factual and, above all; they should not take steps which might prejudice the extension of present conservation practices.

One question to which the Commission will be addressing itself during this meeting is its future role within the newly emerging Law of the Sea. The ability of the Commission to continue its work with the extension of coastal state maritime jurisdictions is critical to its future effectiveness and to the maintenance of expertise built up over many years. I am sure all Commissioners and the Governments they represent are aware of this situation and will be giving it the very serious consideration it deserves.

As members of the International Whaling Commission, we all must be concerned that while whales are a valuable marine resource available for mankind, they are a finite resource and require careful international management.

Unfortunately, much of the media coverage on whales and whaling has underestimated the conservation role of the I.W.C. and the inter-relationship of the many species of whales in the marine environment. I am certain that the Commission should endeavour to tell the public more about what it does. Certainly much of the public comment on whaling reveals a

lack of understanding of the work of your Commission and the very difficult conservation task in which you as its members are engaged.

Many of those who have written to me about whales seem unaware of the existence of the Scientific Committee and the role it plays as an international advisory body providing technical information on which your decisions are based. Certainly, there needs to be more public awareness of the many years of valuable work performed both collectively and individually by members of this Committee.

Again, the operation of the International Observer Scheme is largely unrecognised and should receive more public exposure. It is not generally known that since 1972 government officials from foreign countries are present on factory ships and land-based stations to record details of every whale caught. Australia, for example, has an observer on a Brazilian station.

As a further instance of the public ignorance of conservation practices regarding whales, small whales such as porpoises, killer whales and dolphins have been completely protected in Australia by regulation under our Whaling Act for some time. Yet I still receive representations asking for these whales to be protected.

It is my firm hope that this meeting of the International Whaling Commission in Canberra will enable the public to gain a better appreciation of your work and of the policies and programs of the Scientific Committee and, of course, of the policies then of the governments which support it.

Australian Government policy is predicated on the principle of conservation through proper international management of all whale stocks on a global basis. We look to the International Whaling Commission to be the guiding force for achieving this objective.

Australia was, of course, a founding member of the International Whaling Commission. Today, I am told, there are 17 member countries, seven of them whaling nations. Any country may join the International Whaling Commission and I know that several others are giving membership careful consideration. Certainly I would hope that all whaling countries will soon be members. It is only when this is so that the conservation practices applying to all species of whales and which the I.W.C. adopts can be enforced in all the oceans of the world.

I am grateful to have had this opportunity to address the Commission and I wish you well in your deliberations over the next 5 days. I hope that you will all find your visit to Canberra and to Australia both professionally constructive and personally satisfying.

It is therefore with a great deal of pleasure that I officially declare this session of the International Whaling Commission open. Thank you.

THE CHAIRMAN: Thank you, Mr Minister. I am sure we will take very extreme care and remind ourselves of what you have said in our future deliberations through this week. Mr Minister, it has been the request of the people here present that I give you something that marks this particular occasion and I think it is quite fitting that we give you something which is Australian. It has been prepared by an Australian for these different nations here. I would like on their behalf to present you with a scrimshaw of a whale's tooth.

AUSTRALIA (Mr Sinclair): Thank you.

THE CHAIRMAN: You may wish to hear, Mr Sinclair, a few of the opening statements. I know that you have appointments later on this morning. I would like - and I am sure my fellow commissioners would like - to have you hear some of the statements that will be made in the next half an hour or so. But before calling on these speakers, I would like to take this opportunity to congratulate the Netherlands on becoming a member of the Commission and welcoming Dr van Bree to this meeting as the Netherlands Commissioner. All the other 16 Commissioners should have a piece of paper in their documentation indicating that the signatories have been lodged in Washington for the Netherlands membership of the Convention.

There are some new faces also here which I would like to welcome: Mr Bulacia of Argentina is the Argentinian Ambassador here in Canberra; Mr le Poiz representing France; Mr Scott from New Zealand; Mr Poroum Gouen from Panama; Mr Smith from South Africa and Mr Kelsey from the United

Kingdom. I cannot let the occasion pass without of course taking note of 2 promotions in our ranks. I am sure the other commissioners would like me to congratulate Mr Yonezawa on his promotion to the rank of Commissioner and also Dr Aron on his promotion to the rank of Commissioner in the United States delegation.

Agenda Item 2 - OPENING STATEMENTS

(a) Member Governments

THE CHAIRMAN: At this stage I would like to pass on to Agenda Item 2 and invite Commissioners who may wish to do so to make an opening statement. Now you all recall our previous practice. But because of the agenda - and this year particularly there is a very long agenda - the Commissioners should confine their addresses to 5 minutes each. I can only allow extra time where translation is required. I think the amplifying system is fairly simple. If you put up your card, I will call your name and the Hansard people on my left will switch on your microphone for you. So, could I have anyone wishing to make a country statement?

USA (Dr Aron): Mr Chairman, my fellow Commissioners, it is a high personal honour for me to be here representing the United States of America. The honour is enhanced by the pleasure of being allowed to continue an association with the members of the Commission, their advisers and the Commission staff.

In the years I have been associated with the Commission, we have often argued vigorously. We have worked long and sometimes uncomfortable hours. We have, however, both drawn closer together and moved ahead in our efforts to strengthen the IWC and attain the goal shared by all of us - the conservation of whales.

I think it should be noted that a key action of recent years, the strengthening of the Secretariat and the appointment of Dr Gambell as Secretary, has already borne fruit.

The massive, timely and useful communications which have been issued throughout the year to each of the Commissioners has helped significantly in the preparations for this meeting. The new Annual Report sets a high standard for the future and takes a giant step towards fulfilling the Commission's responsibility for making our decisions, and their basis, available to everyone. Dr Gambell, you and your staff are to be thanked and congratulated.

Since our last meeting the United States has elected a new President. President Carter is vitally concerned with a broad range of environmental matters, including marine mammal problems. He asked that I deliver this message to this meeting. The message reads:

Whales have become symbolic of our environmental problems as a whole. No longer are they viewed as a product from the sea available to those with the technology for their harvest. Five years ago, the one hundred and thirteen nations at the United Nations Conference on the Environment overwhelmingly voiced their concern for conservation of the world's whales. I personally worked toward the passage of that resolution and am firmly committed to the preservation of these unique mammals. Global concern has increased steadily since 1972, and people the world over will be watching what you do here.

In the past five years, the International Whaling Commission has made significant progress toward effective conservation of the world's whale resource, most notably in strengthening the scientific basis for your actions and, in co-operation with each member nation, in implementing these

scientific recommendations. While I congratulate you for these accomplishments, much more needs to be done to achieve protection of whales.

Just one month ago, in my Environmental Message to the Congress of the United States, I reaffirmed the continued support of the United States Government for the ten-year worldwide moratorium on commercial whaling and prohibition of commercial whaling within our two hundred-mile fishery zone.

At the same time, I expressed to the Congress our firm backing for the work of the IWC and our hope for early renegotiation of the 1946 Whaling Convention to provide stronger and more comprehensive protection of all cetaceans throughout their range.

Finally, I asked the agencies of our Government to report to me on actions by countries which diminish the effectiveness of the conservation regime of the IWC. We in the United States are determined to explore every practical measure to reinforce the vital work of this body.

The United States hopes to see all whaling nations, as well as interested nonwhaling nations, join in the important work of the IWC so that we may create a truly effective and representative international system to safeguard whales for the future. I welcome this opportunity to reaffirm my Government's strong support for the conservation efforts of this Commission and to extend my personal wishes for your success.

(Signed) Jimmy Carter, The White House, Washington,
15 June 1977.

The concern for marine mammals has involved all branches of Government in the United States. I should like to turn my remaining time over to a distinguished Congressman, Representative Paul N. McCloskey, Jr, of California. Mr McCloskey is a senior member of the House Committee on Merchant Marine and Fisheries and has taken a leadership role in the development of laws designed to protect marine mammals. It is an honour to introduce him to the IWC.

USA (Mr McCloskey, Jr): Mr Chairman, ladies and gentlemen, it is a privilege to address you. You have heard President Carter's words, and I can only say as a member of the United States Congress, that the Congress feels even more strongly on the protection and preservation of whales, porpoises and other marine mammals than does the Executive Branch of our Government. As you know, we have not always supported our Presidents in foreign policy decisions in recent years but we certainly do in this instance. A recent attempt to weaken the Marine Mammal Protection Act in the United States to accommodate economic needs of our billion tuna industry failed, despite a fleet strike which put thousands of people out of work and resulted in millions of dollars of economic loss. Three weeks ago, the House of Representatives voted by a vote of over 2 to 1 to impose strict conservation of porpoise stocks, and I anticipate that we will have the same margin in future votes to act against those nations unwilling to join in strong international efforts to protect all marine mammals, particularly the great whales. We in the Congress have been gratified at the evolution of this Commission from an organisation dominated by industry to a strong, independent body committed to act solely on the basis of scientific evidence, and as you begin your work today you have our strongest hopes for continuing progress.

As you may know, the House of Representatives has recently passed a Bill requiring an observer on each large United States tuna purse seiner and a prohibition on transfer of purse seiners unless the transferee accepts US fishing restrictions including observers.

We hope this Commission will similarly strengthen its observer scheme and transfer restrictions, and prohibit whale product imports from non-member nations.

Finally, bearing in mind our own sad experience in recent years with secrecy in government, recognising the need for public understanding in support of this Commission's efforts, we urge that at least the plenary sessions of the Commission be open to public observation.

The tenth meeting of the International Whaling Commission, at the Hague, voted to restrict the public and Press from access to transcripts of meetings and to ban the Press from sessions. At that time the Commission had a great deal to hide. It now has, or should have, nothing to hide. Banning the Press can only feed the suspicion that it does.

Again I thank you for the privilege of participating in what many of us feel to be an important step in building towards an ultimate world peace under world law. Thank you.

THE CHAIRMAN:- Any other country wish to make a statement? Canada.

CANADA (Dr Martin): I would like to preface my remarks by thanking you, Mr Chairman, and your associates, for the marvellous reception we have received in your country, and for the excellent arrangements you have made to accommodate our meeting. This is my first visit to Australia. For myself and, I know, for many others here today, your Government's generous invitation to host our meeting this year has provided a unique opportunity to visit a part of the world that we have always wanted to see. I can assure you that the Canadian delegation finds itself very comfortable here, and we are willing to exchange winters with you anytime.

I would like, at the outset, to welcome the return of the Netherlands as a member of the Commission and to welcome on a personal basis the Netherlands Commissioner, Dr Van Bree. My country has been an enthusiastic supporter of wider membership in the Commission, particularly by countries which can contribute significantly to its scientific and management work, and the renewed membership by the Netherlands is accordingly most welcome. I also understand that we will have observers from Spain, the Republic of Korea and Peru at this meeting and I express the hope that their Governments will also give very serious consideration to joining the Commission and participating in its work. Canada considers that broadened membership in the Commission is essential. In particular membership should include all countries which conduct whaling operations and others which have significant whale stocks off their coasts. Broadened membership is necessary to meet the

aspirations of the world community, which has shown continuously increasing interest in whales, and to conform with the principles emerging at the Third United Nations Conference on the Law of the Sea. Bearing these principles in mind, Mr Chairman, I would note that my country extended its fisheries jurisdiction to 200 miles on January 1 of this year and will continue its active participation in the work of this Commission, taking into account Canada's new responsibilities in the area under Canadian fisheries jurisdiction and the new rules emerging in the Law of the Sea.

There are a number of items on our agenda on which I would like to indicate my Government's general views, in a broad sense, before we get down to any detailed discussions.

The most important item for our consideration is, of course, the review of our conservation regime and the establishment of quotas and regulations for 1978. In this respect I would like to indicate my Government's interest in management principle such as those recently endorsed by the IUCN for use in the management of wild living resources. Our meeting will allow us the opportunity to review our management principles, to ensure that they reflect a conservative, safety-oriented and rational approach to the utilisation of whale resources.

My delegation has a particular interest in whale stocks which migrate off our coast, and I would like to draw special attention to the management of Arctic bowhead whales. IWC scientists have indicated that these stocks have been depleted to dangerously low levels. The bowhead must be allowed to recover, and we will be seeking the Commission's support to take forceful protective action.

I must also register, as I have on previous occasions, the Canadian view that we need a better approach to the management of North Pacific sperm whale stocks, and I hope we can make progress at this meeting to counter the possibility of over-exploitation of local stocks in any region of the North Pacific.

Turning to broader questions, Mr Chairman, I would like to underline my Government's interest in 2 subjects, humane killing and scientific research. The Canadian public has expressed concern that the most humane methods possible be used in the harvest of whales. I believe that this Commission must take new initiatives to study this problem and take positive action to improve the system being used. My Government is also very concerned to ensure that scientific research, particularly on exploited stocks of whales, is adequate to facilitate sound management. The right to harvest a resource carries with it the responsibility to do the research necessary to manage it wisely. We must not, however, overlook the responsibility of non-whaling nations to contribute particularly by assisting in the research efforts of the Commission.

In closing, Mr Chairman, I would like to express my confidence that the Commission will live up to its research and management responsibilities. The Government of Canada continues to support the work of the IWC, believing that this Commission is an essential element in the evolving network of fisheries management institutions dealing with the marine resources all over the world. The IWC is the first line of defence in our effort to ensure the future of the world's whales.

Thank you, Mr Chairman.

USSR (Dr Kikonorov): Ladies and Gentlemen, let me on behalf of the Soviet delegation express our thanks to the Government of Australia for providing an opportunity for participating in the meeting of the Commission in this marvellous capital, and for the hospitality rendered to us.

I agree with Mr Minister that, as in previous years, many complex problems should be solved on a fair basis during this session. The long-term practice of the work of the Commission indicates that these problems can be overcome in the long run if all of us are anxious to find solutions and to avoid any extremes in our positions remembering the saying that, 'truth lies, as a rule, in the middle'.

In recent years, thanks to the joint efforts of the participants of the Commission, many decisions associated with the management and exploitation of the stocks of whales have been reached and are being implemented now. It is worth recollecting that we accepted the new management procedure, which is very progressive, for classification of the stocks of whales and principles of regulation of the fishery. They allow us to proceed to a long-term management of whaling without disturbing the biological regularities of their reproduction.

The Soviet delegation has appreciated most recommendations issued by the Scientific Committee, which includes prominent scientists from various countries who are engaged in the study of cetaceans. The Scientific Committee and its members are the Commission's conscience.

However the Committee, from our standpoint, sometimes comes to conclusions which are not supported by scientific data. It is very likely that in these cases some other reasons are involved. I am referring to the case which happened last year involving the assessment of sperm whale stocks in the Antarctic. This year the involvement has been repeated in a more distinct way over the assessment of sperm whale stocks in the North Pacific.

Mr Chairman and Commissioners: As always our agenda includes many problems which may be very complex or sometimes disputable. I do hope that proceeding from our earlier experience and aspiration we would do our best to find a common approach and mutually accepted decisions. Thank you.

JAPAN (Mr Yonezawa): Minister Sinclair,
Mr Chairman, fellow delegates, ladies and gentlemen. I would
first like to express my gratitude to Mr Bollen and the
Australian Government for the invitation to this meeting in
such a beautiful city as Canberra. We of the Japanese
delegation have been really impressed by the beauty and quiet
of Canberra's streets. I am sure it is an ideal location
for this meeting.

It has been my great pleasure to meet my old friends
once again and I should also like to extend a warm welcome
to all of those attending the meeting for the first time.

The Conference will be confronted with several
difficulties again this year. Confrontation between the
delegations runs deep and is unlikely to be eliminated
easily. Frankly, the Japanese delegation was most
disappointed with the outcome of last year's meeting and the
process by which it was arrived at. We could not avoid the
impression that at last year's meeting several delegations
were utilising the New Management System, which the
Commission agreed on in 1974 as a means for the achievement
of goals which are incompatible with the System. It is the
belief of the Japanese delegation that such a position
especially ignores the fact that this New Management System
was agreed to on the basis of the unanimous conclusion of
the Scientific Committee that there was no scientific
justification for a 10 year moratorium on whaling. We find
this position very difficult to understand.

At present, whaling countries represent an absolute
minority on the IWC and, when it comes to the vote, are no

match at all for the non-whaling member countries who enjoy the majority position. Accordingly, if those countries unite to push through certain policies without giving due regard to the opinions of the minority group, we whaling nations have no means of preventing this. However, a victory in such a fashion is not worthy of the name.

The fine print of the New Management System still contains some shortcomings and inadequacies. The contradictions pointed out by my delegation of the quota for sperm whales in the Southern Hemisphere is just only one example of this. We sincerely hope that in order to overcome these shortcomings and make the New Management System workable, a spirit of co-operation, flexibility and realism will prevail between majority and minority groups of this meeting.

In this regard, in the case of stock in which it is recognised scientifically, and I repeat scientifically, that levels this year are either increasing or at least unchanged, we can find no justification in any proposal, for whatever motives, for a reduction of last year's quota.

Finally, I would like to touch on the problem of 200 hundred mile fishing zones. This system is becoming a widespread international practice. Some coastal states have come forward with a claim that marine resources which are found within such a zone should be regarded as their own possession and should be managed at their own discretion. With the respect to whales as well, there are some countries which already favour the management of whale stocks, based

on their own ideas and judgment. I believe that these countries will naturally have to recognise, as a logical consequence this line of thinking, the right of other countries to do exactly the same. However, if the world proceeds in this direction, it will mean the virtual collapse of the international management of whale stocks, and I am quite sure that none of us here wants to see this happen.

IVC member countries are presently facing difficulties not previously known in the history of the Commission. My delegation intends to co-operate sincerely with other delegations on the strengthening of the international management of whale stocks. And we earnestly hope that this meeting can make a significant contribution to an increase in international co-operation and understanding. Thank you
Mr Chairman.

THE CHAIRMAN: Does any other Commissioner wish to make a statement? Netherlands.

RE NETHERLANDS (Mr Van der Struich): Mr Chairman, Mr Minister, ladies and gentlemen. Until the early sixties the Netherlands was a whaling nation. The catches, however, decreased to such an extent that the operations became an uneconomic proposition and for this reason my country stopped whaling. My Government thought it right under these circumstances to leave the International Whaling Convention as we took no further economic interest in whaling and management of stocks was, in the first place, of interest to the countries actively involved in whaling.

We continued, however, to be represented as an observer at the annual meeting of the International Whaling Commission. One reason here was our interest in whaling, resulting from our activities in this field in the past. Secondly, though this is not very likely, we might become interested again in whaling in the future. Moreover, especially during the last 10 years, there has been a growing interest on the part of nature conservationists. Especially, I think this last aspect is in all our minds.

In the case of whaling members, part - and maybe the main part - of their interests is of an economic nature but nevertheless they need a stable fish stock to enable future operations, so it is also in their interest to protect whale stocks. For nature conservationists protection of flora and fauna is their aim but as long as they agree - which they generally do - that for certain

countries whaling is an all important economic interest, it seems to me that also, from that side, an important contribution can be made. I think that at this stage of history my country could contribute, particularly in this respect. I am very happy that my Government decided to apply again for membership, which I understand, Mr. Chairman, has been accepted.

You will understand that in view of the very short time we have again been a member of the IWC, we have not been able to organise the future representation of the Netherlands in detail. This means in practice that the 2 members of the Dutch delegation will act in turn as Commissioners. We hope to be able to make useful contributions, and I would now like to ask my colleague to take over and elaborate on some aspects of protection of whale stocks.

NETHERLANDS (Mr Van Bree): Mr Chairman, ladies and gentlemen, in view of the long whaling history of the Netherlands its Government is interested in recent whaling as well as the possibility of whaling in the future. The Dutch Government at the same time neither denies nor ignores its responsibility to its faulty decisions made in the past concerning whaling and related matters. It is its opinion therefore that if cetaceans are considered a potential source of food and of other products, then the stocks of these animals must be well managed. The Dutch Government is not against game cropping. But if this principle is accepted internationally it must be done on a sound, prudent and scientific base. My delegation regrets that in the past a number of recommendations and decisions of the Scientific Committee of the International Whaling Commission have not been pursued or complemented in a fully satisfactory way, often with disastrous results. The small, reduced populations of blue whales, white whales and humpback whales, not to mention the rest of the stock of grey whales, are an international disgrace, and mankind would be dishonoured permanently if the same were to happen to other kinds of cetaceans. Ethically and from the viewpoint of nature conservation this would be absolutely unacceptable. Furthermore from an economic viewpoint the whaling countries would have killed the goose which laid the golden eggs.

The Government of the Netherlands has the impression that for a number of cetacean species the maximum sustainable yield levels are still based on too small a

number of hard facts, and that the possibility is not excluded that purely short term economic arguments - for instance the earning capacities of the existing whaling fleets - still play a role in setting these levels. The Government also is concerned about depletion of certain stock of baleen whales. Too much attention will be paid, or is paid already, to the larger toothed whales. It is the opinion of the Dutch Government that the hunting, whaling, of dolphins and porpoises should be regulated in the same way as from baleen whales - and by the International Whaling Commission. At the same time steps must be taken internationally to reduce or to halt the accidental killing of dolphins and porpoises by certain methods of fishing. Furthermore, the Dutch Government regrets that a number of whaling countries are not members of the International Whaling Commission, and do not abide by the rules and decisions of the International Whaling Commission. Last, but not least, the Dutch Government believes that it would be useful if not necessary to change or to amend certain rules of the International Whaling Convention. - for instance paragraph 7 of the schedule. Thank you.

Short adjournment

THE CHAIRMAN: I will call on the Commissioner for South Africa.

SOUTH AFRICA (Mr Smith): Mr Chairman, fellow Commissioners, ladies and gentlemen, it is indeed an honour to be present at this, the 29th meeting of the International Whaling Commission. We would like to express our thanks to Australia for hosting this meeting.

As you have been informed at the 28th meeting of the International Whaling Commission, South Africa ceased whaling at the end of 1975. However, this decision was one which had been reached by the whaling company on economic grounds and did not reflect any moves by the South African Government to ban whaling. In fact, South Africa would like to keep her options open for the future despite a present lack of an industry. It has decided to retain the membership of the International Whaling Commission and to continue with whale research.

Although South Africa is no longer whaling actively, her attitude to the industry will still remain the same. We would consider it to be hypocritical for South Africa to become an overnight preservationist. Rather will South Africa be taking a conservationist approach, where conservation is defined as: 'The wise use of a resource'. In this approach, South Africa will be guided by the statements of the scientific committee. We believe that there is plenty of room for a middle-of-the-road approach to whaling matters. South Africa would therefore like to take a stand on such an approach. Thank you, Mr Chairman.

NEW ZEALAND (Mr Scott): Mr Chairman, fellow Commissioners, I thank you firstly for your words of welcome.

I would like to thank the Australian Government for their hospitality and for the facilities they have provided to hold this 29th meeting of the Commission in Canberra. At the outset, let me say how happy we are too to greet the representatives of the Netherlands at this year's meeting. I am sure the Commission will benefit greatly from the participation of our Dutch colleagues.

At the end of the first full year since New Zealand rejoined the Commission, it would not be amiss to reiterate our basic position. To put it simply, New Zealand is concerned to see that the whale survives on this planet. We wish to ensure, through international action, accepted by all concerned, that whales are conserved, stocks regulated and protected. If they be regarded as a resource, we would wish to see that this resource is not wasted or irrevocably consumed.

The Commission was one of the first international conservation bodies established, but during the 1960s it often appeared to do little more than seek to minimise the effects of whale exploitation. The Commission's attempts to regulate catches and thus to maintain adequate stocks of whales for continued harvest did not prevent a marked decline in some whale species. New Zealand left the International Whaling Commission in 1968 after we ceased to be a whaling nation, feeling, to be frank, that the Commission was not as effective as it should have been. We must bear part of the blame for this situation ourselves.

The Commission has shown a new determination to make itself a more effective body. My Government is happy to associate itself with this spirit, and gives its support to the Commission.

In this past year, we have seen unparalleled activity, both in New Zealand and throughout the world, among people and organisations who are concerned over the fate of the whales. My Government, like others, cannot be oblivious to this concern.

Clearly a great many New Zealanders wish to be assured that the management techniques practised by the Commission work effectively, and that such commercial whaling activities as are permitted can take place without increasing the threat to already depleted whale stocks. It is my delegation's hope that the 29th meeting of this Commission will provide that reassurance. Among living creatures, whales are the greatest and one of the noblest and sophisticated achievements of the process of evolution on this planet. Man has been slow to appreciate the results of his habit of interference, and even slower to break it. We in New Zealand are not prepared to see whales serve as another tragic lesson along that path. We have participated this year in the scientific work of the Commission to the best of our ability. We have faith in the expertise of the Scientific Committee of this Commission and as a measure of that faith we are taking part in its work at this session. Between protecting the capital investment of the whalers and the future of the great families of whales the ordering of our priorities should be clear.

If the scientists see any reasonable doubt about the survival of the whales we would support a total moratorium, if recommended with proper justification, until that doubt is resolved. Quotas set for the harvesting of whales must clearly be seen to err on the side of caution. They must be fully and firmly enforced. We must do all we can to bring under the control of the Commission the activities of private

whalers in non-member countries. New Zealand left the Commission in 1969 in the spirit of some disillusionment. We have returned with new hope that it will fulfil its task effectively and with a new commitment to assist in that task. Our participation in this session will be guided by the general principles and philosophy I have outlined. Thank you, Mr Chairman.

THE CHAIRMAN: Does any other Commissioner wish to speak?

PANAMA (Mr Fortoun Gouen): Senor President,
Senoras, Senors.

We human beings pride ourselves on our humanity and our intelligence. If we are to live up to that image we must carry out certain responsibilities. First we must use the most rational criteria to make our choice. Next, we must use the most extreme caution, for several reasons that I further developed in my written statement. Then we must take into consideration all the aspects of the problems. One aspect would be the financial consequences of our decisions, particularly on the livelihood of thousands of people. I will propose that the financial burden of any drastic quota reduction be shared at least partially by the international community.

Another aspect that we must take into consideration is the interest of the whale-related industries which do not kill any whales. The output of those non-consumer industries is now higher than the output of the whale hunting industries, which may tell us that the whales are worth more alive than dead. We must also take into consideration the beliefs of those hundreds of thousands of people who feel a kinship with the whales and think that they should be completely protected. We must also consider the cruelty to the whales, not only to the ones who die but also to the ones who survive. Finally we must take into consideration the warning of the neuroanatomists, those scientists who study the brain. I shall propose that they be included in next year's Scientific Committee.

Today the majority opinion of those scientists is that a whale's brain is comparable in complexity to ours. We must listen to Professor Jansen from Oslo University, who tells us that the whale's brain is entirely comparable to the human brain in volume and development. We must listen to Professor Berzin, Chief of the Cetacean Research Laboratory in the USSR who tells us:

The sperm whale brain must possess an extreme functional plasticity and practically inexhaustible possibilities. The sperm whale brain structure is such that this can be said to be a thinking animal capable of displaying high intellectual abilities.

If whales show a neurological complexity comparable to ours, we can therefore presume, until proven otherwise, an intelligence potential comparable to ours, including the ability to develop a language. In this very year, 2 attempts will be started to communicate with bottle-nosed dolphins in Florida and California. We cannot expect results for a year or two but should we not wait for those results? If we find that we can indeed learn a common language we shall all be very sorry and very ashamed not to have stopped killing them before. Ladies and gentlemen, they are soon finished. Someday, somewhere in the vast depths of our galaxy our descendants may meet the first intelligent extraterrestrials. When they have learnt a common language they will speak of the time when their ancestors met the first non-human terrestrials which were presumably intelligent, the cetaceans. What do you want

them to say then? Do you want them to say: 'At first they hunted them and then they saw their giant brains and they heard their scientists giving warning of their presumable intelligence. They also knew they were intelligent, peaceful, beautiful and even friendly beings and still they kept allowing a few among them to slaughter them and render their carcasses into gear oil and chicken feed'? Or do you prefer them to say: 'It happened in Camborra in 1977. They came from many countries, those men and women who decided to hold off for a while and think about how many whales there really were; and what was the nature of their mind; could we learn to talk with them; did they have a right to life'? The choice is yours to be made this week. You can decide it will be business as usual and disappear in the quickness of history or you can leave your names to the future ages as pioneers and heralds of a new era in the relationship between humans, the most evolved form of life on land, and the cetaceans, the most evolved form of life in the ocean. Of a new era of co-operation, not exploitation between the people on the land and what we may call one day the people of the sea who come together and share peacefully the wealth and marvels of our beautiful planet, Earth. Thank you.

THE CHAIRMAN: Does any other Commissioner wish to speak? We will pass on to any other country which is here as an observer, any government representative of a country here as an observer. I am thinking of Korea or Peru or any of those countries. If not, I will move on to such organisations as FAO. Does FAO wish to make a statement at this stage?

FAO (Dr Holt): Thank you, Mr Chairman. The Director-General of FAO has again accepted with pleasure your invitation to designate a participant in your annual meeting and has asked me to communicate the following statement which reads:

As you know, FAO has taken a serious interest in the work of the IWC for many years and has been ready to assist on a regular basis, particularly at times of crisis which the Commission has faced in the early 1960s and again in the early 1970s. Some people have from time to time expressed surprise that FAO should continue to take such special interest in the work of this Commission. After all, they say, it is well known that FAO's main task is helping to solve global food problems and particularly to assist the so-called developing countries.

It is equally well known that whaling is conducted mainly by highly industrialised countries and that the products from whaling find their way to, and are consumed in, such countries.

These facts actually provide the key to the nature of our interest. It has become increasingly apparent, and it is now accepted, that the living resources of the sea are limited. Until recently these resources have been exploited,

and often over-exploited, mainly by industrialised nations.. FAO's commitment to the creation of a New International Economic Order implies that our Organisation should have great concern for the conservation of vulnerable ocean resources so that the peoples of the world may in future have the option to decide how those resources may best be used. In addition of course the IWC is one of many international management organisations on which it will increasingly be necessary to rely as growing populations and increasing wealth cause more intense pressures to be placed on natural resources. FAO therefore wishes to see the IWC succeed in achieving sustained and stable utilisation of whales, and recognises that in recent years a beginning has been made in redressing the errors of the past.

FAO has affirmed that all whaling nations, and interested non-whaling nations, should join the IWC. Recently FAO has been consulted by representatives of non-whaling nations which are considering entering into joint whaling ventures with other nations; our advice to them has been that if they do decide to take up whaling they should join IWC and abide by its decisions. We had also to say, in all fairness, that whaling might not offer good guarantees of profits from exports in the coming years.

FAO is, of course, concerned with food supplies. But it is also concerned about the supplies of all useful products from living resources, whether these be timber, fibres, or sperm oil. In this connection, there is some concern as to the current policy regarding sperm whales, which are, industrially, now by far the most important species of whale. The present policy is to try to maximise the total number of sperm whales caught each year, on a sustainable basis. This calls for a regime of quotas which is very different from that which would be required to maximise the yield of sperm oil and other commodities from this species; the latter, by the calculations of the Commission's own Scientific Committee would be obtained with a very much smaller catch, if any, of female whales than is being taken at present.

Thus an opportunity to achieve a maximum continuing supply of sperm oil is being lost.

FAO is also endeavouring, in fisheries matters, to discourage excessive investment in fishing merely in an attempt to maximise production; this attempt, unrestrained by consideration of marginal costs, is wasteful of resources which may be better employed in increasing food production by other means.

As you know, Mr Chairman, FAO has, with the co-operation of the United Nations Environment Program and assistance from IUCN and several countries - including your own - been conducting through its Advisory Committee on Marine Resources Research an independent study of the state of marine mammal populations in the world. We have had

generous assistance from scientists associated with your Commission, among many others, and I would like to take this opportunity to offer those who are here now my personal thanks as well as the thanks of the organisation I represent.

The recommendations from this project have been made available to you as an annex to your secretary's report on his participation in our work. The recommendations are at present being studied by the Department of Fisheries and by my Director General. They are also being studied by UNEP. They have been examined by the FAO inter-governmental Committee on Fisheries, which met in Rome last April. On that occasion delegates from several member countries which are also members of this Commission commented upon the recommendations and I would like your indulgence to refer very briefly to a few of these recommendations.

Firstly, the recommendation that FAO, as well as UNEP, should retain its interest in marine mammals was confirmed. Then it was agreed that there is a need for action, within the United Nations System, to re-formulate the global objectives of mankind with respect to the marine mammals, it being recognised that in addition to their unquestioned value as sources of food and industrial commodities, they hold for us other values which should be taken into account. It was also agreed that there is need for a greatly expanded program of scientific research, including more research on live whales. Finally, I should say that a recommendation for continued, independent monitoring of the scientific advice provided to management bodies, such as this Commission, was welcomed by the Committee on Fisheries.

Two facts were clearly recognised. One is that there remains great uncertainty about the sizes of populations and the sustainable yields of marine mammals, including the whales. The other fact is that as human impact on the sea intensifies, especially by fishing and whaling, it becomes increasingly necessary to manage such activities as a whole. That is to say, species by species, stock by stock approach as attempted so far under the Commission's new management policy, while being a useful start to sound management, must be followed by more comprehensive measures. This is particularly so when harvested stocks are being affected by exploitation of their competitors or their prey as well as perhaps being affected by pollution and other environmental impacts. Of particular concern to FAO in this connection are the living resources of the southern ocean.

As most people now know there is a rapidly growing interest in the harvesting of krill from Antarctic waters. The main impediments are at present in the processing of marketing of products, but it is widely felt that these problems will be solved in a few years. It so happens that the countries now actively engaged in krill exploration and exploitation on a pilot scale are, by and large, those which are, or once were, engaged in Antarctic whaling. This is hardly surprising because krill harvesting is a capital intensive activity for which experience in operating in Antarctic waters is a great advantage, if not a necessity.

The Food and Agriculture Organisation's interest in krill is, for its part prompted mainly by a responsibility to assist developing countries to improve their food supplies, and as far as possible to undertake production themselves. Thus many

eyes are now beginning to turn to the very rich potential food resources of the southern ocean.

It may be yet many years, even decades, before krill harvesting is increased to the level at which it is hindering the feeding of baleen whales. Then again it may be sooner than might be supposed, judging from recent rates of development of certain fisheries. In any case the krill fishery is most likely to be very substantial long before the blue whales and other protected species have recovered to their previous great abundance. Such possibilities should be taken into account in deciding on the regulation of whaling.

Mr Chairman, I have taken part in the long and extremely intense meetings of your scientific committee over the past 2 weeks. It is evident to all of us that the Commission will this week face difficult problems having considerable immediate economic and social significance, perhaps as difficult as those faced in the 1960s when the protection of blue and hump backed whales was on your agenda. It is evident that even though the IWC is this year meeting far from its new headquarters in Cambridge, our meeting is being followed with great attention by people from many nations. We would like in these circumstances, Mr Chairman, to extend our best wishes for the success of your meeting. Thank you.

THE CHAIRMAN: We would now like to move to the observers from accredited international organisations. Does IUCN wish to speak? We will have IUCN next.

IUCN (Mr Mence): Mr Chairman, Commissioners, ladies and gentlemen: The Commission is well aware of IUCN's position on commercial whaling, a position that has been reaffirmed on several occasions and remains unchanged. At the end of the 1976 meeting IUCN had left satisfied that considerable progress was being made in the application of a new management policy. This had led to substantial reductions in sperm whale quotas and the important decision of principle to set a zero quota for brydes whales in the southern hemisphere on the grounds that not enough was known about these whales to justify their classification and the setting of a catch quota. IUCN was concerned that there appeared to be some doubt among scientists and the representatives of FAO and UNEP about the level of the sei whale quota. It noted with satisfaction however that, because of this doubt, the Commission took action to ensure a reappraisal by scientists of the state of the sei whales before this 1977 meeting. Furthermore the countries that were affected by the reductions in sperm whale quotas chose not to take advantage of the 90 day objection rule to override the Commission's decisions on this matter. This expression of responsibility gave cause for optimism on the future of whale regulation.

However, some subsequent events have given rise to

renewed doubts as to the ability of the Commission under the present provisions of the international whaling convention to protect small or threatened stocks of whales. Of particular concern was the decision by the Government of Japan to award permits for the capture for scientific purposes of 240 brydes whales. This action, while not contravening the convention, was in the opinion of IUCN contrary to the spirit of the new management policy. While it is true that the setting of an interim zero quota calls attention to the need for more research, the world community cannot accept that this means that a large number of whales must immediately be killed with no indication that this activity would give the results needed or whether more useful results could not be obtained by better means, for example by tagging or the conduct of sighting surveys. Second cause for concern is that IUCN understands that the scientists meeting in Tokyo were unable to agree on the state of the southern hemisphere sei whale stocks and that in fact there is more uncertainty even than last year as to the present or potential sustainable catches from those stocks. If this is so IUCN wonders what appropriate and safe actions can be undertaken under the new management policy, recognising especially the implications of species interactions.

Such uncertainties on the one hand and the apparent use of loopholes in the convention on the other, seem to

confirm the correctness of the view that there should be no further commercial whaling until 2 conditions have been met: first, a complete analysis of existing data; second, the conduct of a more intensive research program, especially on live whales. From such analysis and research a new and more rational policy on whaling can emerge. To the call for a moratorium, IUCN would now add a requirement for very much more stringent control of the capture of whales for the purpose of scientific research, including evaluation by the scientific community of all research proposals which may involve such capture. IUCN also notes with concern that despite the promulgation 3 years ago by the Commission of an international decade of cetacean research, little if any implementation of that program is apparent. In addition, to the knowledge of the IUCN, there have been no further accessions to the convention of non-member whaling countries. Since the 1976 meeting of the IWC, IUCN has participated in the FAO-UNEP scientific consultation on the conservation and management of marine mammals and their environment in Bergen last September. At the invitation of FAO, IUCN also participated as an observer in the final meetings of the ACMRR working party on marine mammals and assisted the working party in formulating its recommendations.

On the basis of these recommendations IUCN has now set up an interim committee on marine mammals in accordance with the proposals made at the Bergen consultation, and with Resolution 8 of the Twelfth General Assembly of IUCN. One of the first tasks of the interim committee will be an analysis of alternatives to maximum sustainable yield as an international management objective, as well as other possible improvements of, or alternatives to, the present arrangement for the management of whaling and the co-ordination of research on whales.

The International Union for the Conservation of Nature hopes that during this present meeting the Commission will heed the grave concern of countries, scientific and conservation organisations, and a growing number of individuals throughout the world for a responsible attitude to the use of the living resources of the sea. This is exemplified by the request at the Fifth Session of UNEP's governing council for representations to be made to this session of the Commission for an agreement to the early convening of a conference concerning new arrangements for the effective conservation of all cetaceans. In the case of IUCN this concern embraces the prevention of extinction and depletion of species and is reflected in the decisions taken during the past year to launch, with the support of UNEP and the World Wildlife Fund, a greatly expanded program for marine conservation.

THE CHAIRMAN: Thank you. Are there any observers who wish to make statements now? I must warn you that with this very long agenda which we have we may be

working very late on Friday night and the opportunity may not present itself to make a very long statement. You are now welcome to address us for 5 minutes. I am concerned that some of the later speakers have been speaking much longer than the Commissioners themselves. I beg you please to confine your remarks to 5 minutes.

AUSTRALIA, SIERRA CLUB (Dr Crook): I am representing the Sierra Club in my capacity as President of the Society for Social Responsibility in Science in the Australian Capital Territory which represents the interests of the Sierra Club in Canberra. I wish to present to this meeting a joint non-government organisation statement which has been prepared by the Sierra Club and endorsed by 25 citizen organisations. The text has been circulated and the names of those organisations appear on it. I will digress from that text at 2 points for emphasis.

Mr Chairman, I am speaking today on behalf of citizen organisations from countries represented on the International Whaling Commission and for many other organisations which are concerned about the survival of whales. We once again wish to express our views and ask that the Commissioners give serious attention to our specific concerns.

As we have done at each session of the IWC since 1973, we again urge that there be a moratorium on all commercial whaling until more is known about the state of whale populations. We urge that this issue be placed on the agenda for discussion. Reputable scientists and international organisations such as the United Nations

Environmental Program, the International Union for Conservation of Nature and Natural Resources and the World Wildlife Fund continue to believe that stopping all killing of whales is the only effective means of gathering the necessary scientific knowledge about the state of whale populations.

I have been asked to place special emphasis on this moratorium and to point out to Commissioners that within the context of the agenda of this meeting the moratorium can be achieved by the setting of zero quotas.

We do not feel that the new management procedures have proven to be satisfactory. The 90 per cent of maximum sustainable yield rule for sustained management stock, for example, is not nearly safe enough. If the IWC continues to reject the moratorium, then it is essential that quotas be set at 60 per cent or 70 per cent of maximum sustainable yield for sustained management stock. Furthermore more research should be devoted to improving the modelling system. In the meantime there must be greater margins of safety in setting all quotas where data on populations are incomplete or uncertain.

Citizen conservation organisations are firmly opposed to the current practice of bringing whale stocks to the maximum sustainable yield level. To ensure stable populations the very lowest they should be reduced to is 70 per cent or 80 per cent of their initial populations, if that low. There is still an opportunity to ensure population stability of the small cetaceans if this practice is abandoned. In addition the calculations on which catch quotas are based should be made available to the public. We citizen organisations wish to express our grave concern about a new problem that has arisen, namely the flagrant abuse of scientific permits that has resulted, for example, in the taking of 240 Bryde's whales which the IWC decided in 1976 should have a zero quota. We urge that the Commission authorise the Scientific Committee to evaluate each permit rather than leaving it to the country itself to issue permits. The rules of procedure should be revised so as to require the reporting on the validity of permits by the Scientific Committee. In view of the growing interest of

non-governmental organisations in the work of the IWC, we wish to urge the Commission to allow qualified non-government organisation observers to attend the meetings of the Scientific Committee. The NGO would be prepared to nominate individuals to represent them as a group. This would help to ensure that the scientific community and the general public would receive more reliable information about the work of the IWC.

Mr Chairman, I wish to commend particularly to Commissioners this proposal that qualified NGO observers attend meetings of the Scientific Committee, in the light of the disputes that exist about the technical basis on which the Commission must make its decisions. The observers should be able to attend as of right, and should be scientifically qualified in relevant fields but not necessarily cetacean experts. For example, they could include experts on statistics of population modelling or, as the Commissioner for Panama indicated, neurologists. We continue to decry the blatant lack of concern of many governments which continue to allow the importation of whaling products from non-IWC member nations, and we request the IWC to increase efforts to prevent this. It is equally important to exert pressure on the non-member whaling countries to join the IWC so that their operations will be subject to quota restrictions. At the same time the IWC should encourage non-whaling countries to join, and should assure them of access to scientific information to aid in their decision making. The IWC should continue to urge those countries with jurisdiction over aboriginal whaling to take more effective action to conserve the bowhead whale which is being threatened with extinction. In view of the fact that small

cetaceans are being harvested for the same purpose as the large whales, the IWC should take steps to bring the harvest of these under strict management procedures. In addition the Commission should adopt regulations that would ensure more reliable observer arrangements for small cetaceans.

We call upon the IWC member governments to allocate funds for research by independent scientific bodies to develop better means of collecting and assessing data on whale population dynamics. Research should be interdisciplinary and take into account the need to develop working ecosystem models. Studies are also needed on the effects of pollution on large and small cetaceans. Finally we urge again that the IWC Convention be revised so that it will emphasise conservation and increased consideration of interspecies relationships within an ecosystem.

WORLD WILDLIFE FUND INTERNATIONAL (Mr Mountfort):

I speak for the World Wildlife Fund International, of which I was one of the founder trustees and I bring you a message from our Chairman, Sir Peter Scott, which reads as follows:

I greatly regret not being able to attend this meeting owing to participation in an Arctic expedition. I send you a brief message hoping that your decisions this year will be applauded by the world at large. Please agree to bring back the 10-years Moratorium on all commercial whaling back onto the IWC Agenda next year with a view to implementation in 1979. Meanwhile MSY is basically unsound. Ninety per cent of MSY is dangerously high though 60 per cent might be acceptable as an interim measure. Much credibility has been lost by a cynical issue of permits to kill 240 Bryde's Whales for scientific purposes. Please agree to the request of the Governing Council of the United Nations Environment Programme to establish dates for a conference on new managements for the conservation of all Cetaceans. I hope all Member Governments will seriously consider following President Carter's lead in prohibiting commercial whaling within their 200 mile fishery Zones. I hope the Commission will get down to implementing the Decade of Cetacean Research, with special emphasis on the study of living whales. I wish you success in your deliberations.

Signed: Peter Scott.

Mr Chairman, as a newcomer to your meetings, may I tell you how the rapid fall in whale populations in the last fifty years appears to an outsider who has followed this issue with some care? The decline has been dramatic, and

control of it has been in the hands of the industry, which has consistently put short-term financial advantage before long-term conservation principles. For years the scientists told the industry that they were over-exploiting, and for years this advice was ignored. Eventually some attention was given to conservation. Some great whale species were given some protection. Smaller quotas were set on others. It seemed that there might be a chance for the whale stocks to build up again. But each year the industry as represented in this Commission, fought back against such controls, whether decisions were repudiated under the 90 day rule, or quotas were set so high that they could not be reached, or large numbers of whales were caught for nebulous 'scientific purposes', as mentioned by Mr Mence of the IUCN. Each year the Commission seems to say: 'Well, we have not been very effective yet, but now we mean to put our house in order'. And each year I am afraid the performance has fallen short of what we are expecting.

Meanwhile a huge world movement has come into being which is deeply concerned about the environment. The Stockholm Conference in 1972 regarded the plight of the great whales as symbolic of that movement. Resolutions calling for a 10-year Moratorium on whaling were passed at the World Wildlife Fund Congresses in Bonn and again in San Francisco in 1973 and 1976. Millions of people all over the world are now deeply concerned about whales. In my country 228,000 school children have signed a petition during the last month addressed to the Governments of the whaling nations.

How many members of this Commission can put their hands on their hearts and tell these children that with the current

quota system and the new management procedure they are certain that Sperm Whales and Sei Whales and Minke Whales will not be reduced as the Right Whales and Blue Whales and Humpbacks and Fin Whales have been? Do we really have enough data of proven reliability to make such a claim?

I beg this Commission not to under-estimate the strength of public opinion on this subject. It is extremely critical of the fact that the commercial interests of a small minority have thus far been allowed to prevail. There is no escaping the spotlight which the world's media will focus on the outcome of this week's meetings.

And so, Mr Chairman, I conclude with the first point raised in Sir Peter Scott's message, by calling, on behalf of the World Wildlife Fund, for the only safe course on an issue which has acquired world significance i.e., a 10-year Moratorium on all commercial whaling to start in 1979.

FRIENDS OF THE EARTH (EUROPE) (Mrs Clark):

I believe I have little need to restate our position which in common with that of all non-governmental organisations here represented is to call for the moratorium and to express our deep sense of betrayal that not one member country has seen fit to place the issue on the agenda for this year's meeting. This reflects, I believe, the erroneous belief held by many Commissioners that to press too hard for a measure to which many of you are in principle committed would be to cause the break-up of the Commission and a consequent unregulated plunder of the great whales of the world. My submission is that such a break-up will not occur and that present regulation is totally insufficient for the conservation of whales.

The recommendations emerging from the Scientific Committee this year call for heavy reductions in some quotas, in particular for North Pacific sperm whales and southern hemisphere sei whales. As with the moratorium, the question in the minds of many of you is whether you can insist on these quotas being adopted or whether such insistence will cause whaling nations, especially Japan and the USSR, to leave the Commission or to object under the 90-day rule.

Any nation that leaves the Commission or objects to its decisions will be demonstrating its contempt for the conservation of whales called for in the Convention which it has ratified and for the new management procedure which has received the support of all nations here today.

There is no doubt that both in public and in private many whaling nations will threaten to leave or to object, but the international repercussions that they would face if they were to carry out that threat are now too great for them to risk. For many member countries, more is at stake in this Commission than the conservation of whales, since it represents the success or failure of our attempts to regulate high seas resources. Member nations can take action outside the Commission - and some already have, as evidenced by the fact that trade bans are now operative in the USA, the UK and New Zealand, and France has announced similar measures. Public concern has never before been so high or so forcibly expressed. Between last Friday and today protests have occurred in many cities of the world and the gathering of non-governmental organisations is greater than ever before, despite the physical and financial problems of coming to Canberra. Direct, non-violent action against the whaling nations is spreading, as we learned last week in Australia. In Australia indeed public opinion is totally committed to the moratorium, though Government, as ever, is slow to react. I am quite certain that the reaction in both the diplomatic and the public arena to any subversion of the Convention or of its new management procedure would be larger than whaling nations are prepared to accept.

I would like to consider briefly two key points that go beyond the mere setting of quotas proposed by the Scientific Committee, because the new management procedure as it now stands is inadequate for conserving

whales. Quotas are at present set on a highly risky basis. The current aim of the Commission is to hold whale stocks at their maximum sustainable yield level by numbers - a highly risky procedure likely to drive them rapidly to protection levels. Industrial concern for a sustainable yield alone should seek to change this and the aim for this year's meeting - since the moratorium is not on the agenda - should be to restore and maintain whale populations at a much higher level. We would suggest maximum sustainable yield plus 30 per cent for your consideration. Having established that whale stocks are at their desired level, the current practice of setting quotas at 90 per cent of replacement yield level needs to be modified. The reason for this is that inadequacies in the data and models used cause huge errors in the estimation of that level and the safety factor allowed is not sufficient. We would suggest that quotas might be set at no more than 70 per cent of the estimated replacement yield.

I have no doubt that the Commission could be strong enough to achieve this and more. It is in your hands.

INTERNATIONAL TRANSPORT WORKERS' FEDERATION (Mr Aso):

Ladies and gentlemen, it is a great honour and pleasure for me to have an opportunity to present our statement, on behalf of the International Transport Workers' Federation which is affiliated by 4.3 million workers from 83 countries, at the Twenty-ninth Annual Meeting of the International Whaling Commission.

At the Fisherman's Section Conference, held in Grimsby, England, in June 1976, the delegate of the All Japan Seamen's Union made an appeal on the plight of the industry and the apprehension of the workers and their families at the groundless accusations against whaling by extreme anti-whaling organisations in certain countries.

These organisations are persistently alleging that whale stocks are still being hunted to extinction, while it is evident that the strengthened control over whaling by this Commission in recent years has completely eliminated such danger.

We regret, however, to see that your Commission is still not free from the illegitimate pressure from these groups. In the event, if it was proved on sufficiently scientific grounds that whale stocks were really in danger of extinction, then it might be necessary for Japanese workers in the industry to endure the hardship of unemployment for the sake of preservation of the species. Japanese workers in the industry are prepared to accept any restrictions if they are in compliance in good faith with the spirit and provisions of the Australian resolution which your Commission adopted in 1974. As an international organisation of maritime workers, however, we cannot overlook the fact that the bona fide right

to work of our affiliated members is threatened or eroded by such emotional and unrealistic moves.

At the ITF Conference, the Japanese delegate stressed the limited space of Japan which is less than 5 per cent of Australia. And yet, 70 per cent of its land is totally inarable steep mountains, in contrast to the United Kingdom where the reverse is the case.

Due to such geographical circumstances Japan is very far from self-sufficiency in the production of food and she must import annually approximately 40 per cent of the food consumed by her 110 million people. In addition, Japanese dependence upon the sea in terms of food production is naturally no comparison with any countries in the world. For instance, more than 50 per cent of their animal protein is provided by the sea.

The Japanese fishermen's appeal at the meeting of the ITF in Grimsby was received by overwhelming sympathy of the delegates from all affiliated unions participating in the Conference. The meeting unanimously agreed to adopt the resolution which I have the pleasure to introduce to you now for your kind consideration.

THE CHAIRMAN: Do any other observers wish to speak?

WORLD FEDERATION FOR THE PROTECTION OF ANIMALS and THE HUMANE SOCIETY OF THE UNITED STATES (Miss Morkan):

I have spoken before this group many times and at this particular group meeting the World Federation for the Protection of Animals and ISPA wish to make a joint statement. That statement will not be presented by myself but instead by Colonel Harries from Australia, who I would like to present at this time. Thank you.

INTERNATIONAL SOCIETY FOR THE PROTECTION OF ANIMALS (Lt Col Harries): I represent the ICPA and WFFA. Mr Chairman, Gentlemen: Among the necessary qualifications in its report to this Commission in 1975, the Scientific Committee commented:-

'... a possible major source of error is in the assessment of whale population levels that will give Maximum Sustained Yield (MSY)' and

'... the Scientific Committee is faced with an array of possible values which cannot be subjected to proper statistical analysis.'

We suspect that if there were no commercially interested parties at this meeting, on the basis of these statements and other doubts expressed by reputable scientists, an objective Commission would probably reduce pelagic whaling quotas so as to make them no longer viable.

There is no whaling problem as such. The real question is the effective regulation of human conduct. We recognise that the countries represented here today are responsible for the gross depletion of the world's large cetaceans, no species of which are the rightful property of any one nation, whatever their traditions or power to exploit them. However, to secure the last profits from ageing equipment, two of the world's most powerful countries continue the pelagic exploitation of whales, on the basis of the new management procedure (NMP), a compromise plan, with an imperfect data base, which attempts to reconcile economic interests with biological realities.

Despite Japanese urgings that the NMP be implemented with fairness and good faith, however, it has not prevented Japan from allocating herself during the past year a quota of 240 Bryde's whales, purportedly for scientific reasons; this quota was economically utilised, of course. The official Japanese reply to ISPA's representations justified the quota by referring to the precedents set by other members of this Commission years prior to the institution of the NMP. Rejecting this answer as the manifestation of an attitude dominated not by the new, but the old management procedure (if such it could be called), we note that Japanese action blatantly disregards the Scientific Committee's recommendation that there should be no quota at all. This action is consistent with Japan securing whale produce from any source it can.

be obtained. All know the Japanese backed whaling occurs outside the jurisdiction of this Commission and that, as ISPA's 1975 Report on the 'N/V Sierra' shows, Japan also imports whale produce derived from flag of convenience operations in areas specifically closed to vessels of the IWC members.

Mr Chairman, ISPA submits that this state of affairs compromises the integrity of this Commission. It subverts the more genuine efforts of its whaling and non-whaling members to honour agreements reached under its auspices. The NMP is invalid while Japan directly and indirectly persists to violate NMP provisions. If the IWC continues to accept this situation without formal censure, it risks, however unfairly, accusations regarding its own integrity. The meeting will recall the moratorium issue, which originated with our international societies, was referred to by two Commissioners last year who stated that if the NMP was not made effective they would have the moratorium placed on the Agenda once again.

As for some years we have questioned repeatedly the validity of MSY as a sound basis for wildlife management, we welcome the placing of this item on the Agenda for this meeting.

It is gratifying also that at last the matter of humane killing is to be considered again. The ISPA has informed the Secretary of its readiness to share with the Commission all the ISPA's data on this question, so that objective appraisals may be made of new techniques practical for use at sea. Encouragingly, one member of

the Commission has stated the willingness of his country's industry to co-operate in field trials of any new practicable equipment.

ISPA/WSPA consider that since, in most member countries of the Commission, the method of killing would be illegal for any other mammal, that the Commission, as a body, has failed to give this question the consideration it merits. In view of this the present methods used to kill whales remains unacceptable for humane reasons.

During the year the international protection bodies have noted the increasing accrual of published information on small cetaceans, and trust that the Commission may address this question with the object of controlling unreasonable direct and indirect exploitation of them. We hope too, that the Commission may consider the matter of krill exploitation since, plainly, if any large scale operations start, these could affect adversely such recovery of the large Baleen whale populations as may be possible.

In conclusion, Mr Chairman, the ISPA and the WSPA fully recognise the difficulties of reconciling profoundly diverse and conflicting interests. Yet in arriving at the compromises inevitable at these gatherings, it is imperative decisions are implemented with fairness and good faith. The practice of integrity is not a matter to which one may - to use the Japanese phrase - 'empty the mind'.

FRIENDS OF THE EARTH (NORTH AMERICA),

(Mrs Stevens): Gentlemen, you should be aware that worldwide public demand for a complete moratorium on commercial whaling is stronger than ever before. That it is a more knowledgeable more determined demand, which has doubled in the last year and is escalating rapidly.

I have flown directly from the biggest whale demonstration Washington has yet seen, the whale survival day rally in Lafayette Park across from the White House, where the author of the prize-winning 'Blue Whale' Professor George Small, was repeatedly interrupted by loud bursts of applause as he explained and condemned the sordid economics of whale destruction.

More than 3,000 people signed petitions to the International Whaling Commission which were circulated on this single day and I was charged to deliver them to you which I would like to do at the conclusion, if I may.

To the International Whaling Commission Meeting in Canberra, Australia, June 20-24, 1977. We the undersigned demand true action to save the whales at this meeting of the International Whaling Commission including:

One: Prohibition of purchase of whale products from non IWC nations.

Two: Prohibition of sale of whaling vessels, harpoons and other equipment to non-IWC nations.

Three: A rapid phase-out of all commercial whaling to the total moratorium unanimously voted at the Stockholm Conference on Human Environment.

The multitude gathered in the park represents but a tiny fraction of the populace that feels as they do.

A 20-foot banner bearing the words: 'Thank you President Carter for your saving the whales message' referred to the President's environmental message of May 23. I have brought copies of the relevant page of the news release issued by the President's council on environmental quality, should the Commissioners desire to read them.

Major newspapers, wire services, television and radio stations covered whale survival day in Washington, where a forty foot replica of a sperm was drawn through the streets on a flat-bed truck. On the same weekend, rallies and demonstrations were scheduled throughout the world from Stockholm to Auckland, Paris to Vienna, Honolulu to Geneva, Ottawa to London, Vancouver to Canberra, San Francisco, Pittsburgh, Syracuse, and more than fifty other American cities.

Never before have so many diverse groups synchronised their efforts with the aim of achieving maximum impact on the thinking of this Commission. A report is being prepared so that all participants can assess the course of future activity vis-a-vis their own governments, the Commission and the whaling nations.

Greenpeace is sailing in a subchaser capable of 26 knots to place themselves between Soviet and Japanese whaling fleets and the whales. This is the first time these courageous young men and women have had a vessel of sufficient endurance to keep up with the whalers.

On the economic and legislative fronts organisations that are not in a position to make physical confrontations with the whaling industry are seeking a corresponding intensification of effort.

The world is watching. Will the Commissioners, representing 17 great nations, make statemanlike decisions this year - decisions that include the 3 moderate demands made by the 3,000 people in Lafayette Park - or will they go on extending the death throes of a dying industry and, in their fruitless agonizing, send the great whales, too, to their doom?

May I bring these up to you now, Mr Chairman?
Thank you very much.

GREENPEACE FOUNDATION (Mr McGonigle): I would imagine most people here know who we are and that we have over the past few years undertaken direct action on the oceans in order to save whales from the harpooner's gun. We have done this non-violently in order to assert and to show the world that the oceans and the seas are ours too. They belong to all men and to the whales and not just to the whalers.

But this year we have been so saddened by the continuing decline in the whale populations and by the Commission's total lack of recognition of just what is at stake here. We have felt that we have to come and to join with other groups in putting forward our demands of the Commission. We are realistic as to what we can accomplish. We recognise that the interests of the very few corporations are strong; they are organised and they are capable of threats. Moreover, we realise that many nations are still deceived by the concept of management, that this Commission has in the past managed the whales. But this is a short-term view.

It has forgotten the past. It cannot read the record and see the depletion to commercial extinction of the blue whale, the humpback, the fin whale. It cannot see it now that in the North Pacific for the first time the sperm whales are now threatened and the catches have dropped dramatically as a result. Despite statements of praise for the work of the Commission the facts scream for recognition. Some delegations and many people recognise that there is and should be a new way of seeing ourself on this globe and that we must accept this if we are to survive. New Zealand and

Panama have put it very well today and I am heartened to see that this idea is taking hold.

But what we have done in the past is dangerous, it is unnecessary and it is inhumane. We are not idealistic in our proposals because in fact we know that they are inevitable, that they will inevitably come. The signs are everywhere that the system that we have lived on in the past is reaching its limits - limits of foolishness. The issue is will we let it happen to us or will we take charge ourselves and direct change into a new era where we can live at peace and harmony with our environment? The answer to this determines the type of world we will live in. Will there be whales? Will there be fish? What will we have? So the whales here are a test - a test and a symbol. The interest of people throughout the globe proves that this is the case. People feel this whether or not governments care to recognise it. If this Commission can through zero quotas come up with a moratorium it would prove that we will not have to destroy ourselves; we will not have to be victims of this continuing slaughter for no economic gain or minimal economic gain. And regardless of the type of ignorance on which decisions have had to be based in the past, we can change from this.

With this message Greenpeace comes here in hope. We hope this body will work this week and we urge all conservationist delegations to hold fast. As Joanna Gordon Clark said earlier: We feel that world public opinion is strong enough and if people hold fast change will come. If the International Whaling Commission fails this year, Greenpeace will be back on the oceans; it will be expanding.

Australia now is planning on taking direct non-violent action to assert again that the oceans belong to all of us. This is the test. Seventeen men will decide for all of us, for our children and for times into the future. Do not be satisfied to accept the pattern of the past. Please, stop killing the whales.

PROJECT JONAH (Ms McIntyre): I am an accredited observer. I understand from the past that we may make our voices heard either at the beginning of the meeting or at the end. Mr Cullen, I would like to be heard at the end of this meeting. Would you so note that?

THE CHAIRMAN - We will try to fit you in if time permits.

Ms McIntyre - Thank you very much.

FARNA PRESERVATION SOCIETY, UNITED KINGDOM

(Mr Pitter): I would like to thank the Commission once again for allowing the Society to put its viewpoint. The Farna Preservation Society continues to support the voice of the international environment and conservation community, headed by UNCTAD, IUCN and the World Wide Life Fund in calling, for the sixth year in succession, for a moratorium on commercial whaling. The continued massive uncertainty over the size of many whale stocks re-inforces this demand and is indeed one of the chief arguments in its favour. We simply do not have a sufficiently firm data base to plan for the future of a secure and prosperous whaling industry, since such security and prosperity must depend on substantially larger stocks of whales than survive at present. It is a sobering thought to consider how much larger the whale stocks and quotas were in 1972, when the call for the moratorium was first made, than they are today.

The continued addiction of the I.C. to over-fishing its available stocks, as instanced by the uninterrupted decline of whale stocks since the Commission began its work, constitutes a grave danger to the whole concept of international regulation of renewable natural resources. If a body which has worked for 30 years cannot show a greater measure of success it must be working on the wrong lines. This is why we urge yet again a moratorium, not only to rebuild stocks, but to enable better stock assessment techniques to be worked out, and to ensure that whales continue to be an exploitable natural resource into the

twenty-first century. I repeat, we are not opposed to a prosperous whaling industry that manages its stocks at a high level, only to a dying one that is progressively eroding and destroying its resource base. Thank you, Mr Chairman.

THE CHAIRMAN: Are there any other observers who wish to speak? The Commissioner from the Argentine wishes to make a statement but he is waiting for a translation from his embassy so we can proceed with the other business and give him the opportunity to speak a little later.

SOUTH AFRICA (Mr Smith): Mr Chairman, I have also been requested to represent the International Commission for the Southeast Atlantic Fisheries in the capacity of observer, and thus on behalf of the chairman of ICSEAF, Mr Studenetsky, as well as of the Executive Secretary of that Commission, Mr Legarde, I wish to thank you for the invitation extended to ICSEAF to attend this meeting

They have requested me to convey to you, Mr Chairman, on behalf of ICSEAF, their best wishes for a successful meeting and fruitful debates. Thank you, Mr Chairman.

THE CHAIRMAN: This concludes the addresses by the observers and I thank you one and all for your comments. This also concludes the opening session and we will now be proceeding to agenda item 3. If there are any Press people still present I thank them for their attendance and at this point they will be requested to leave the Plenary Session. There may be an opportunity for Press statements and Press releases later in the day. I must also point out that some of the non-government observer organisations have an observer and an alternate, and the arrangement is that only one can be in attendance at one time, so I suggest that they decide which person should be present at any one time. If there are two of any one organisation in the hall at the moment, I would ask if one would please leave. While they are leaving, if there are any to leave, I would like to stress again that it is most important

that you wear your badges each time you come on the floor of this hotel. Without it, you may not gain admittance and I do not want that embarrassment to be imposed upon anybody. Also at the reception tonight, I would like you to wear your badges. You might note that we have used very large print this year so that we can identify each other much more quickly. The Minister has made a request that he would like to meet as many people as possible and it would assist him if you did wear your badge and wore it rather prominently; I am sure you will do so.

Agenda Item 3 - ADOPTION OF AGENDA

THE CHAIRMAN: The paper you have in front of you should be IWC/29/1, provisional annotated agenda.

This agenda was drawn up and circulated 100 days ago in advance of this meeting calling for comments and additions by 7 April. This was in accordance with rule 11 of the rules of procedure. The provisional agenda was distributed again on 19 April. Does any Commissioner wish to comment on the agenda as per this document which you have before you? If not, I will call for a nominator and seconder to confirm that this agenda be a document of this Commission.

NORWAY (Mr Rindal): I submit that the agenda be accepted.

THE CHAIRMAN: Is there a seconder? (Iceland). I propose to go through the agenda and allocate the items to the different committees for their consideration. Of course there will be some that will remain with the Plenary Session. I must point out that the secretariat, once we have decided on the allocation of the work, will be preparing new agendas for the 2 committees, particularly the Technical Committee and the Finance and Administration Committee. To avoid confusion of having new agenda item numbers on the Technical Committee and the Finance and Administration Committee, we will continue with the numbers on the Plenary agenda, so you will receive committee agendas with numbers missing and I hope you understand. It makes it so much easier when we are reporting back to the Plenary Session. We have already dealt with agenda items 1 and 2 which

were Plenary Session items. We are now on agenda item 3 which is also a Plenary agenda item and I suggest that you place a letter P in front of those numbers. Agenda items 4 and 5 I wish to discuss in the first place with the Commissioners alone. The Commissioners will recall at the meeting in London last year we had a special meeting of Commissioners together with the IWC Secretary to discuss this matter of observers to Committees, and access to papers. I think while the Commissioners are discussing item 4, they should also discuss item 5 before it is brought back to the Plenary Session. I will notify the Commissioners of when I can hold that particular meeting.

Going on to agenda item 8, the report of the Scientific Committee will be dealt with by the Technical Committee but it will need to be received as a Plenary Session document, so it will be discussed by the Technical Committee. You can place a T in front of that number and also a P for Plenary. Item 9 will be the final report of the Technical Committee, which we will receive in our last Plenary Session, so that is a Plenary Session item and you mark P for that one. Item 10 is a Technical Committee consideration, together with the Scientific Committee, so you can place a T in front of that one, with a small s in brackets if you like. Agenda item 11 is also a Technical Committee document and will also be considered by the Scientific Committee if it has not already been done so - I certainly hope it has - so just place a small s before that one.

Agenda items 12, 13, 14, 15, 16 and 17 are the Technical Committee, assisted by the Scientific Committee. Agenda item 18 will be a Plenary Session item, so mark that with a P. Agenda item 19 is also a Plenary Session item. Agenda item 20 is a Plenary Session item but I do understand that the Scientific Committee may want to make a statement in that regard. Item 21 is a Technical Committee item. I think agenda item 22 'Co-operation with other organisations' is entirely a Plenary Session item but we may have some reports from the Scientific Committee. That is so, so there will be a Scientific Committee involvement in that one.

Item 23 is a Technical Committee item. In the past you may recall we have appointed a small infractions subgroup.

so I presume that will be passed down to the infractions subgroup for consideration. Also, agenda item 24 is a Technical Committee item for consideration by an infractions subgroup. Agenda item 25 is a Technical Committee item, for consideration also by the Scientific Committee. Agenda item 26 is for the Finance and Administration Committee. Agenda item 27 is a Plenary Session item. Agenda item 28 will first go to the Technical Committee and then be brought to the Plenary Session; the last three - agenda items 29, 30 and 31 - are items for the Plenary Session.

I have been told by the Secretary that the date and place of the next meeting should go to the Finance and Administration meeting but I think I know the answer already.

Are there any objections or any suggestions in regard to my allocation of the work? There being no objections I assume you all agree with the allocations which we have made.

Before we pass on to agenda item 6, I have just been advised that Mr Bulacia, the Commissioner for Argentina, is now in a position to make his country's statement and I think we should hear him as soon as possible.

ARGENTINA (Mr Bulacia): I have pleasure in presenting my compliments to my colleagues present at the 29th Meeting of the International Whaling Commission.

I have the honour to represent my Government at this Meeting where important matters regarding the exploitation of the whale are considered. It is possible that if this exploitation is continued, it will lead to the total extinction of the whale.

At the moment, Argentina does not hunt the whale but nevertheless, because during a period of the year, some species do penetrate its epicontinental sea, it is considered a source of possible future profit.

Argentina considers that the indiscriminate capture of the whale is almost to the point where it is causing its possible extinction and due to this, my country considers it a matter of great importance to maintain a total ban on the killing of the following species: the Blue Whale (*Balaenoptera Musculus*), Cacholote (*Pyseter Macrophalus*), Hump Back Whale (*Megaptera Modosa*), Finned Whale (*Balaenoptera Physalud*), and also that low quotas of the remaining species be permitted.

The Argentine Government considers it is fundamental that the International Whaling Commission takes into consideration the protection of all Cetaceans during the BIOMASS Scheme which in 1978, the member countries of the Antarctic Treaty, of which my country is a member, will initiate.

THE CHAIRMAN: Thank you very much. We can now move on to Agenda Item 6, leaving 4 and 5 for an initial

meeting by the Commissioners. I have a couple of points to make and then I will be handing over to our capable secretary. I do ask Commissioners and delegates to be punctual at all times in view of this particularly long agenda.

You will be told the lunch breaks and the coffee breaks by the Secretary. I hope you all have invitations to a reception to be given by the Australian Government in Parliament House at 6 p.m. today. I understand that these have been circulated. So we will need to finish today at 5 p.m. so that we can be reasonably punctual there. Again I would ask you to wear your badges. Anyone having a particular problem with his invitation, would they please see Mr Tunks or Mr Hughes on the ground floor where you were registering this morning. I might make the point that after the reception this evening which will conclude at 7.30 p.m. at Parliament House, arrangements have been made for those who wish to be shown over the 2 chambers, the Upper House - the Senate - and the Lower House - the Representatives. There will be a bus from here to take people over there and there will be 2 buses coming back, one at the conclusion of the reception and one to look after those people who wish to be shown over our Australian national seat of government. Mr Tunks again will be looking after that particular matter. The Secretary now will deal with the other arrangements for this week in Canberra.

Agenda Item 6 - ARE DOCUMENTS FOR MEETING

SECRETARY (Dr Gembell): The general arrangements of the meeting are broadly the same as they are in London meetings. We have set up pigeon holes in the foyer. These are arranged in sets under Commissioner's name, national delegations and observers, so please take whatever documentation is there for you. The Secretariat will be turning out quite a lot more paper, I am afraid. The documents you already have received in some cases include revised versions of the documentation sent out in advance of the meeting. The revised versions obviously supersede the old ones. I must apologise that there have been some typographical slips and we do have 2 documents numbered two - IWC 29/2. One of them is the list of documents which really should be No. 1 and the agenda is No. 2. There are also one or two typographical errors in this documentation which we will correct for you in the course of the meeting where it is relevant.

You have in your documentation the first 125 pages of the report of the Scientific Committee. There is a lot more coming and we will get it out as soon as we can, but it is taking a little time. I apologise for that. The Scientific Committee is still meeting and we will produce the report as quickly as we can. It is bound in a loose-leaf format with a staple and the pages are not numbered. They are given a letter and a number code so that as you get new pages you can introduce them in the correct place in the report. So we go through the alphabet and then the

numbers sequence and you can make up your set in the right order eventually. The annual report of the Commission has been distributed to all Commissioners and to members of the Scientific Committee. I am sorry we do not have spare copies available at this moment but after the Commission has decided on its policy with regard to the handling of this document, we will have them available from Cambridge.

The papers of the Scientific Committee from this year's meeting are very numerous. If any delegates require copies of particular papers please give us a note of the numbered document which you require. It is a great strain to supply a complete set and it is hard to carry, apart from anything else. If you have a need for a paper, we can happily satisfy you on that but we would prefer not to make up very many copies of documents which are not widely required.

If you require any assistance from the Secretariat, would you please contact Mr Harvey who is the Executive Officer of the Commission. He will be hovering around the Secretariat area. Please hand any typing or any copying through him and him alone so that we can organise priorities. If you have typing, will you please state the time that it is required and who needs it back for checking. The same applies for copying; please state the number of copies, whether you would like it distributed through the pigeon holes and, again, the time that it is required so that we may get the priorities organised.

We have a break at 10.30 a.m. and a break at 3.30 p.m. lunch will be at the discretion of the Chairman of the session but presumably will be at about 1 o'clock.

Finally, I have been asked about telephones. There are red pay telephones in the hotel. I think that there is just one on this floor towards that end but there are others down in the main foyer of the hotel. With so many of you staying here you obviously can use the telephone system in the hotel on your own account. But there are no extra telephones put in for this meeting.

Agenda Item 7 - APPOINTMENT OF COMMITTEES
(RULES OF PROCEDURE, RULE XVII)

THE CHAIRMAN: In accordance with Rule XVII of the Rules of Procedure we will need to conduct a poll to determine which Commissioners wish to be represented on the Scientific Committee and the Technical Committee. We will proceed in the usual manner with a roll call for the Scientific Committee first.

SECRETARY: Firstly this is for representation on the Scientific Committee through the next year.

The following countries agreed to be represented:

Australia, Brazil, Canada, Denmark, France, Iceland, Japan, Netherlands, New Zealand, Norway, Panama, South Africa, USSR, UK, USA.

Those declining: Argentina.

Absent: Mexico.

SECRETARY: Everybody but Argentina, and Mexico who is absent, is on the Scientific Committee.

THE CHAIRMAN: Now can we proceed with the calling of the role for membership on the Technical Committee.

Mr Bulacia, do you wish to make a statement?

ARGENTINE (Mr Bulacia): I would change my vote yes.

SECRETARY: The Argentine has now changed to yes.

THE CHAIRMAN: You remember last year we adopted the system where we did not always start the voting with Argentina. We went around with a different starting point on each occasion. So now we are calling the role for membership of the Technical Committee. We will start with Australia.

SECRETARY: This is membership of the Technical Committee.

Those in favour: Australia, Brazil, Canada, Denmark, France, Iceland, Japan, Netherlands, New Zealand, Norway, Panama, South Africa, USSR, UK, USA, Argentina.

Absent: Mexico.

THE CHAIRMAN: The third committee which we require is the Finance and Administration Committee, and according to the rules, it is the prerogative of the chairman to select countries for this particular committee, and five are required. I suppose I am conscripting people really into this, but I would like Canada, Japan, USA, the Soviet Union and Australia to make up the composition of the Finance and Administration Committee now. Has any one of those 5 commissioners any particular objection to my selection? I see none and I would ask that for the first occasion the Committee meets that Dr Martin, the Commissioner for Canada, would convene it and appoint a chairman. That completes the requirements of the committees.

The Technical Committee will appoint a working group on

the infractions and observer scheme. That will be the function of that committee. There is one thing I want to say about the Technical Committee, and that is in view of the amount of work we have this year that I would like to see the work done in the Technical Committee completed, and so avoid the same sort of statements coming forward to the plenary session. It is my view that the Technical Committee should operate as a Technical Committee. It should have all the advice from the Scientific Committee and when it comes to the plenary session, the recommendations of the Technical Committee should be in clear and concise form and typed up so that our commissioners from our different countries, with our different language problems, see quite clearly what the recommendations are that are coming forward.

We have strengthened the secretariat of the Technical Committee to try to provide you with an up to date documentation of the recommendations as they are made. If this is done, I hope that there will be no need in the plenary session to go over the ground of the Technical Committee, or even call on the chairman of the Scientific Committee in our plenary session.

If we can do this, we can avoid duplication and it will mean that you will all be able to leave Canberra by 5 o'clock on Friday evening, if you wish. Those who wish to stay longer may do so.

This will conclude this session of the plenary meeting of this Commission. You have been extremely patient this morning, you have heard a lot of words, and I should give you a decent lunch break and say: Be assembled here at 2.30 this afternoon, when we will convene the technical committee. Dr Gamble will be the secretary of that particular committee and I will ask him to call a nomination for chairman. However, Mr Radway Allen wishes to make a statement in regard to his committee.

AUSTRALIA (Mr Radway Allen): We have called a meeting of the scientific committee for 2 o'clock, on the assumption that there might not be a meeting this afternoon. Since you have called a meeting of the technical committee for 2.30, I think it will be worthwhile still for the scientific committee to meet as originally arranged for that half-hour in between. So we will meet at 2 o'clock in the scientific committee meeting room. Thank you.

THE CHAIRMAN: I now declare this session closed.

29TH ANNUAL MEETING OF THE INTERNATIONAL

WHALING COMMISSION

23 JUNE, 1977

Held at
The Lakeside International Hotel

CANBERRA
AUSTRALIA

PROCEEDINGS OF THE MEETING

THE CHAIRMAN: I declare open this session of the plenary section of the Whaling Commission. Before we commence our work this morning, on behalf of my fellow Commissioners I would like to make an announcement in regard to the use of tape recorders in this meeting. I sincerely request that nobody - whether an observer, a commissioner, or delegate - use tape recorders during the sessions. The only sessions that we record, of course, are the plenary sessions. I see no reason for tape recorders being used. Their use inhibits discussion and I do not think that anyone wants that to happen at this meeting.

Use of
tape
recorders

I ask also, on behalf of my Commissioners, that any decisions reached during the meeting, whether in the technical sessions or in the plenary sessions, be withheld until the conclusion of the meeting and then statements can be made to the Press, but I would rather not have any statement attributed to any particular person.

Statements
to press

We have observers here as our guests and we want them to continue to come to our meetings, but we would not like them to offend us by making statements about the progress of the meeting, and, more particularly, by making personal attacks on some of the delegates. I am sure you will help us in this regard. Thank you very much.

I propose this morning to try to take through to finality the work of the Technical Committee to date. I will call on Madam Chairman of the Technical Committee to suggest where she wants to commence reporting the work of the Technical Committee and the order in which she would like to present it, having regard to the documents from which she will be working. Madam Chairman.

USA (Mrs Fox): Thank you, Mr Chairman. I am at your disposal to present it as you would like, but I propose that we simply go through it as it is given in Document 29/5, beginning with item 10, if that is acceptable.

THE CHAIRMAN: That is quite acceptable. What is the recommendation of the Technical Committee, Madam Chairman?

USA (Mrs Fox): The recommendation from the Technical Committee is that the conclusion of the Scientific Committee should be recognised, that the Scientific Committee at its next meeting will further examine the proposal by the United Kingdom with regard to the safeguards in the present management criteria.

Review of
criteria

THE CHAIRMAN: You have heard the recommendation from the Chairman of the Technical Committee. Do I have a seconder?

(Australia) (Mexico) ... That is carried.

Agenda Item 10 - CLASSIFICATION OF WHALE STOCKS
AND THEIR MANAGEMENT

- (b) REPORT OF SCIENTIFIC COMMITTEE, INCLUDING
REVIEW OF STOCK CATEGORIES AND CRITERIA
FOR MANAGEMENT OF INITIAL MANAGEMENT STOCKS
AND CONSIDERATION OF IUCN RESOLUTION

USA (Mrs Fox): Item 10 is with regard to the review of stock categories. The Technical Committee agreed that the present 3 categories should remain the same for the coming year and noted that the Scientific Committee would re-examine the matter at its next annual meeting. There is one item remaining under item 10(b) on which we have not made a specific recommendation. It is the criteria for the initial management stock category with relationship to male sperm whales. With that one exception the Technical Committee makes this recommendation that the 3 categories should remain the same. There may be some further discussion on the criteria within those categories but the 3 categories should remain the same.

THE CHAIRMAN: Is there a seconder for the initial recommendation? (South Africa) (New Zealand) ...
That is carried.

USA (Mrs Fox): The next item is in regard to the IUCN resolution. The Technical Committee recommends that the Scientific Committee's report with regard to that resolution be accepted.

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

Review of
stock
categories

IUCN
resolution

Agenda Item II - WHALE STOCKS AND CATCH LIMITS,
1977/78 SOUTHERN HEMISPHERE PELAGIC
SEASON AND 1978 PELAGIC AND COASTAL
SEASONS ELSEWHERE

(b) ACTION ARISING

(iii) NORTH ATLANTIC

USA (Mrs Fox): This item is with regard to North Atlantic stocks for essentially the 1978 season in the North Atlantic.

THE CHAIRMAN: Would it help us if we worked from the table on IWC/29/20 or is it easier to work from the report itself?

USA (Mrs Fox): I do not have too much of a feeling about this. I think if we are going through the Technical Committee report it might be easier just to see it sitting right there.

THE CHAIRMAN: You are working from the technical report?

USA (Mrs Fox): That is right.

THE CHAIRMAN: Proceed, please.

USA (Mrs Fox): I would suggest that we simply go stock by stock in the North Atlantic if that is acceptable: Minke whales in the Canadian east coast stock to be classified as sustained management stock with a quota of forty-eight. That is no change from last year except that the name of the stock is changed. It used to be North America.

North
Atlantic
minke
whales

THE CHAIRMAN: Is there a seconder? (Canada) ... That is carried. That will be included in the schedule.

USA (Mrs Fox): The second stock is the West Greenland minke whale stock, to be classified as sustained management stock on a provisional basis with a quota of 397.

THE CHAIRMAN: Is there a seconder? (Denmark) ... That is carried. That will be included in the schedule.

USA (Mrs Fox): The third stock is East Greenland-Iceland-Jan Mayen stock, to be classified as sustained management stock with a quota of 320.

THE CHAIRMAN: Is there a seconder? (Denmark) ... That is carried. It will be included in the schedule.

USA (Mrs Fox): The next stock is the Svalbard-Norway-British Isles stock, to be changed from its former classification as East Atlantic, to be classified as a sustained management stock with a quota of 1,790.

THE CHAIRMAN: Is there a seconder? (Norway) (Iceland) ... That is carried. It will be included in the schedule.

USA (Mrs Fox): The next stock is the fin whale stock, the Nova Scotia stock to be classified as a protection stock with a quota of zero. That is no change.

North
Atlantic
fin whales

THE CHAIRMAN: Is there a seconder? (Canada) ... That is carried. The schedule will be so amended.

USA (Mrs Fox): The next stock is the Newfoundland-Labrador stock, to be classified as an initial management stock with a quota of 90.

THE CHAIRMAN: Is there a seconder? (Canada) ... That is carried. It will be included in the schedule.

USA (Mrs Fox): The next is the West Greenland stock, to be classified as a sustained management stock on a provisional basis with a quota of four.

THE CHAIRMAN: Is there a seconder? (Denmark) ... That is carried. It will be in the schedule.

USA (Mrs Fox): The next is the East Greenland-Iceland stock. We do not need to take action, I believe, on the East Greenland-Iceland one. That is for 6-year quotas.

THE CHAIRMAN: So that remains in the schedule the same as it is now?

USA (Mrs Fox): That is right. The next one is the North Norway stock, to be a sustained management stock

on a provisional basis with a quota of sixty-one.

THE CHAIRMAN: Is there a seconder? (Norway) ...
That is carried. The schedule will be so amended.

USA (Mrs Fox): The next stock is the West Norway-Faroe stock, to be classified as a protection stock with a zero quota.

THE CHAIRMAN: Is there a seconder? (Australia) ...
That is carried. The schedule will be amended that way.

USA (Mrs Fox): The final fin whale stock is the Spain-Portugal-British Isles stock, to be classified as a sustained management stock on a provisional basis, and I think it probably needs to include the recommendation from the Technical Committee that on the advice of the Scientific Committee catches should not exceed present catch levels.

THE CHAIRMAN: The Secretary has asked whether that form of words be written into the schedule.

USA (Mrs Fox): I would think that the Technical Committee recommendation should be reflected in the schedule somehow. I would think that the exact wording would probably be: That the stock be classified as a provisional sustained management stock with the catches not to exceed present catch levels.

THE CHAIRMAN: I am just wondering whether we need an actual number. Is there an actual number?

ICELAND (Mr Asgeirsson): I think it is difficult to write it into the schedule unless we have a definite number. What exactly do we mean by saying 'present catch levels'?

THE CHAIRMAN: The Committee has this in its report.

DENMARK (Mr Lemche): I wonder whether we could just put an asterisk under 'classification' and have a footnote in

the schedule saying that the Commission recommends and so on.

THE CHAIRMAN: Would that be acceptable to the other Commissioners? Would you think that acceptable, Mr Secretary?

SECRETARY: I think it is scarcely legally binding.

THE CHAIRMAN: Scarcely legally binding is my advice.

UK (Mr Kelsey): I wonder whether the fact that it would not be legally binding is significant if no member country is fishing this stock anyhow.

THE CHAIRMAN: That is a point. I would be quite prepared to accept the Denmark suggestion. Does anyone have a differing view? What do you say about us doing it that way? Thank you. Madam Chairman, the next one please.

USA (Mrs Fox): The next stock is the sei whale stock, Nova Scotia stock to be classified as a protection stock with a quota of zero.

North
Atlantic
sei whales

THE CHAIRMAN: Is there a seconder please?
(Canada) That will be included in the schedule.

USA (Mrs Fox): The next stock is the Iceland-Denmark Strait sei whale stock to be classified as a sustained management stock and the committee has not as of yet set the quote on that stock.

THE CHAIRMAN: Will you be bringing that forward at a later session?

USA (Mrs Fox): We will be bringing that forward to you later.

THE CHAIRMAN: Thank you. Can I have a seconder that that stock be classified as a sustained management stock? (Iceland) ... That is carried.

The category will be included in the schedule.

USA (Mrs Fox): The next one is the sperm whale stocks in the total of the North Atlantic to be classified as sustained management stock with a quota of 685 whales.

North
Atlantic
sperm
whales

THE CHAIRMAN: Panama, do you wish to speak?

PANAMA (Mr Fortom Gouin): I have received the answers from the Scientific Committee on some of my questions and they confirm my fears. The Scientific Committee declares

that there is no direct evidence of an increase in the sperm whale pregnancy rate. This greatly over-estimates the female cachalot quota, the female sperm whale quota. Another fear that is confirmed is that the use of a net catch each day, if the number of days where no whales are found increases, which is a reasonable assumption if the population, scattered further is going down, does introduce an over-estimating bias.

THE CHAIRMAN: Is this relevant to this particular quota that we are talking about?

PANAMA (Mr Fortom Gouin): Could I ask Dr Allen whether there was an assumption of an increasing pregnancy rate in the determination of that quota?

THE CHAIRMAN: Excuse me, you may recall that I said at the first plenary session that all these technical matters should be dealt with in the technical session and not brought forward into the plenary session. If it warrants it, I am quite prepared to send this back to the Technical Committee, but this plenary session does not deal with technical issues such as this. Would you like to proceed, Mr Fortom Gouin?

PANAMA (Mr Fortom Gouin): I have only received the answer to the questions this morning so I could not very well intervene any earlier, so I think that this request for information cannot be dealt with very quickly so I will be happy to get an answer by the time we get in the plenary committee on sperm whales.

Maybe Dr Allen himself can answer this question or can get an answer fairly quickly from the Scientific Committee.

THE CHAIRMAN: Thank you very much. Madam Chairman, may we have that recommendation again, please?

USA (Mrs Fox): The recommendation is that the sperm whales in the North Atlantic be classified as a sustained management stock with a quota of 685.

THE CHAIRMAN: Is there a seconder? (Iceland) ... That is carried. That will be included in the schedule. Would you please proceed, Madam Chairman?

North
Atlantic
Protected
stocks

USA (Mrs Fox): The next recommendation is that the stocks of blue, humpback and right whales should remain as protection stocks.

THE CHAIRMAN: Is there a seconder? (Canada) (Netherlands) (Norway) ... That is carried. That remains in the schedule, I believe, Madam Chairman.

USA (Mrs Fox): Right.

THE CHAIRMAN: Would you please proceed?

USA (Mrs Fox): The Committee recommends a number of fairly detailed things in regard to support of recommendations from the Scientific Committee. There are 3 proposals in the middle of page 5 of the report with regard to research on humpback whales. I am not sure what the Plenary would like to do with those.

THE CHAIRMAN: For the purpose of the record, and as we are being reported verbatim, I would like you to read them, if you would not mind.

USA (Mrs Fox): As I say, all these recommendations are in regard to humpback whale research in the North Atlantic. The recommendations are;

Humpback
whale
research

(1) Personnel of research vessels, particularly those operating in the Newfoundland and Caribbean areas, be encouraged to photograph fluke patterns in view of the possibility of identifying individual whales.

(2) The Commission should, at its 1978 meeting, review the exemption which allows the taking of 10 humpbacks in Greenland waters.

(3) The Scientific Committee will examine all sources of mortality in the stock at its next meeting.

THE CHAIRMAN: Thank you, do we have a seconder? (Denmark) (Netherlands) ... That is carried.

USA (Mrs Fox): The next recommendation is for a schedule provision on bottlenose whales in the North Atlantic, to be classified as a protection stock on a provisional basis with a catch of zero pending the accumulation of sufficient information for classification. Again that comment should be included in the schedule.

North
Atlantic
bottlenose
whales

THE CHAIRMAN: Is there a seconder? (Panama) ... That is carried. The schedule will be so amended. Thank you, Madam Chairman.

USA (Mrs Fox): The Technical Committee's next recommendation is that the geographical boundaries for fin, sei and minke stocks in the North Atlantic, as listed in Appendix 1 to the Technical Committee report, be adopted.

Stock
boundaries

THE CHAIRMAN: Would you give the heading so that we shall have the reference in our records, please?

USA (Mrs Fox): It does not seem to be attached to my Technical Committee's report.

THE CHAIRMAN: Could we use the heading: 'Geographical boundaries proposed for fin, sei and minke whale stocks in the North Atlantic in Appendix 1?' That would be a sufficient cross reference, I think.

USA (Mrs Fox): Right.

THE CHAIRMAN: Is there a seconder please?
(Norway) ... That is carried. This has to be included in the schedule.

Agenda Item 12 - REPORTING REQUIREMENTS FOR SMALL-TYPE
WHALING OPERATIONS, OTHER DIRECTED
FISHERIES FOR SMALL CETACEANS AND
POSSIBLY FISHERIES INVOLVING INCIDENTAL
TAKE OF CETACEANS

(a) Report of the Scientific Committee

USA (Mrs Fox): The Technical Committee recommends ^{Small-type whaling} that there be a redefinition of the term 'small-type whaling' in the schedule. Do you want me to read out the definitions? There were 4 definitions. Why do I not say which definitions need to be included in the schedule. These should be included in section 1 of the schedule which is titled 'Interpretation'. The definitions to be included are those for small type whaling, bottlenose whales, pilot whale and killer whale as listed on page 7 of the Technical Committee report. Would you like for me to read those total definitions out?

THE CHAIRMAN: No, I do not think so. I think you have a sufficient reference for the verbatim report. Did you mention beaked whales?

USA (Mrs Fox): Sorry, I did not. That is correct. The total list of definitions should be small type whaling, bottlenose whales, beaked whale, pilot whale and killer whale.

THE CHAIRMAN: Is there a seconder? (Netherlands) ...
That is carried. The schedule will be so amended.

USA (Mrs Fox): The Technical Committee has not completed its work with regard to the rest of item 12 on reporting requirements. We will report later on that.

Agenda Item 13 -- EXTENSION OF GREENLAND WHALING SEASON

Greenland
season

USA (Mrs Fox): The Technical Committee recommends that section 2, paragraph 2(e), of the schedule should be amended to read as follows:

Notwithstanding this paragraph one continuous open season not to exceed nine months may be implemented so far as Greenland is concerned.

THE CHAIRMAN: Is there a seconder? (Denmark) ...
That is carried. The schedule will be amended in that way.

Agenda Item 14 - STOCKS OF SMALL CETACEANS

- (a) REPORT BY THE SECRETARY OF ACTION
TAKEN ARISING FROM THE REPORT OF
THE SMALL CETACEAN SUB-COMMITTEE
1976 (paper IWC/29/12)
- (b) REPORT OF SCIENTIFIC COMMITTEE,
INCLUDING REVIEW OF STOCK CATEGORIES
AS APPLICABLE TO SMALL CETACEANS

USA (Mrs Fox): The Technical Committee has no recommendation in regard to that and the recommendation in regard to 14(b) has already been taken care of.

THE CHAIRMAN: That concludes the work on agenda item 14.

USA (Mrs Fox): Right.

Agenda Item 16 - REVIEW OF SCIENTIFIC PERMITS - PROPOSED
AMENDMENT TO RULE XVII OF THE RULES OF
PROCEDURE

USA (Mrs Fox): The Technical Committee recommends ^{Scientific}
a change in rule 17 of the Rules of Procedure to read as ^{permits}
follows (it is given on page 9 of the Technical Committee
report). The change is underlined. I will just read the
change:

...shall review the scientific permits and the scientific
programmes for which contracting governments plan to
issue scientific permits...

THE CHAIRMAN: Is there a seconder? (Australia) ...
That is carried. The schedule will be so amended.

USA (Mrs Fox): Also on this item the Technical
Committee supported the new rule of procedure adopted by the
Scientific Committee which will enable them to implement this
new rule of procedure which was just adopted. We do not need
any action on that I think. It can just be noted.

THE CHAIRMAN: We will note this in the plenary
session. Thank you.

USA (Mrs Fox): The Committee also noted that the Scientific Committee will prepare a list of minimum data collection requirements which should be in scientific permits.

THE CHAIRMAN: That is also noted.

USA (Mrs Fox): Finally, there was a suggestion that the Schedule might be amended next year. This might require these permit proposals to be made available to the Scientific Committee.

THE CHAIRMAN: That is also noted.

USA (Mrs Fox): Thank you. We should also note that Japan has stated her intention of submitting her 1977-78 plans for Bryde's whale special permit to the Scientific Committee, in accordance with these rules.

THE CHAIRMAN: Yes, that is also noted. Where do we go from there?

USA (Mrs Fox): The next item is item 25, which deals with humane killing. The Committee agreed to recommend that:

All members of the Commission should, within 3 months, send references to published and unpublished reports on humane killing experiments and practices to Dr E.M. Mitchell of Canada for inclusion in an annotated, indexed bibliography. This document should be available to the 1978 meetings of the Scientific Committee and the Commission.

The Commission should, at its 1978 meeting, develop a specific program of research based on the resulting recommendations of the Scientific Committee.

THE CHAIRMAN: What action do we take on that, Madam Chairman? It is just noted, is it?

Humane
killing

USA (Mrs Fox): We note that this should be placed as an agenda item on the agenda of the Commission's meeting next year.

THE CHAIRMAN: Do I have a seconder? (Canada) (Netherlands) Are there any comments? ... That is carried.

USA (Mrs Fox): Thank you. There is only one final recommendation and that is that the Committee considers that the data gathered with regard to number of whales struck but lost by native peoples and information on time to death and consistency of force generated should commence immediately if possible and be considered next year together with further consideration of the value of collecting information on the number of harpoons used to kill each whale in the overall context of the program to be developed at next year's meeting.

THE CHAIRMAN: Is there a seconder? (Iceland) Do you wish to speak, Iceland?

ICELAND (Mr Asgeirsson): Just for clarification, Mr Chairman, I would like to ask the Chairman of the Technical Committee, through you, the meaning of item 25(c)(ii), 'consistency of force generated'. Is there any further or more detailed explanation of what this means?

THE CHAIRMAN: Madam Chairman, do you have the answer to that?

USA (Mrs Fox): I think quite frankly that was not discussed by the Technical Committee. I understand it has to do with the force of the harpoon. I believe it was further discussed by the Scientific Committee but it did not come to the Technical Committee.

THE CHAIRMAN: Does that answer satisfy you, Iceland?

ICELAND (Mr Asgeirsson): Well, I do not know if I am satisfied Mr Chairman. We would probably have some difficulties with giving or collecting this information but we will do our best and we will obtain the information from the scientists, I am sure.

THE CHAIRMAN: I would rather you did that than raise a scientific issue here in the plenary session. Do I have a seconder? (Australia) All in favour? Contrary? ... That is carried. Thank you Madam Chairman.

THE CHAIRMAN: Madam Chairman, did you not deal with agenda item 28 in your committee? Is it not on paper yet?

USA (Mrs Fox): That is correct, we dealt with it yesterday but we have not approved the report on item 28 as yet.

THE CHAIRMAN: It is only in draft form. Does that complete the progress so far?

USA (Mrs Fox): That completes the progress so far.

THE CHAIRMAN: Thank you, Madam Chairman, for facilitating that work and getting it through so quickly.

I understand that the Commissioner for Mexico wishes to speak on agenda item 10. Would he like to speak now?

MEX130 (Mr Cordero-Rossell): I am not going back to item 10 but considering that the Scientific Committee is always overloaded with work, my delegation thinks that on behalf of these review of criteria perhaps we could send the matter to be handled by this special meeting that is going to be dealing with the minke whales. It would be better because it will take time to get all this information and it would probably be easier this way. We could send it to the special meeting. That was all.

UK (Mr Kelsey): Mr Chairman, like my colleague from Mexico I attach considerable importance to the urgency of pressing on with this work but recognising the considerable amount of preparatory work that is involved to make a meeting of the Scientific Committee really fruitful, I think perhaps we might invite the chairman of the Scientific Committee to advise us on whether the timetable suggested by my Mexican colleague is indeed practicable. In other words, is the

necessary work that I believe has to be done on this in the interval is capable of fulfilment in time for this matter effectively to be dealt with at the special meeting that is going to be concerned with the minke?

THE CHAIRMAN: As this is not a scientific question I will allow Dr Allen to speak.

AUSTRALIA (Dr Radway Allen): I am sorry, Mr Chairman, but I would not like to give a clear answer on that until we have had a discussion in the Scientific Committee as to exactly what is involved. I would rather, if I may, defer a reply at this stage.

THE CHAIRMAN: I think it would be quite in order for the Commissioners for Mexico and the United Kingdom to have Dr Allen report this at a later stage for the information of the Commission. Is it agreeable? Thank you.

Mr Secretary, where do we proceed to from here? We have covered all the work of the Technical Committee at this stage. Can we receive the report of the Scientific Committee, which is agenda item 8? It is a formality. In the past we have received these although sometimes they have not been complete and I would like to strike it off my agenda.

DENMARK (Mr Lemche): I think we could do so, Mr Chairman.

THE CHAIRMAN: We have done it before. Do you move that way?

DENMARK (Mr Lemche): Yes.

THE CHAIRMAN: Do we have a seconder? (Norway)... That is carried. You can strike out agenda item 8.

Agenda Item 19 - THE ADHERENCE OF NON-MEMBER WHALING
AND OTHER COUNTRIES TO THE
CONVENTION (paper IWC/29/15)
(a) REPORT BY CHAIRMAN OF ACTION TAKEN
(b) PROHIBITION ON IMPORTATION OF
WHALE PRODUCTS

THE CHAIRMAN: Perhaps I should report what has happened on this matter. In accordance with the resolution of the Twenty-Eighth Meeting concerning the adherence of non-member nations of the IWC to the International Convention for the Regulation of Whaling, 1946, I addressed letters to the appropriate authorities in Spain, Portugal, Peru, Chile, Republic of Korea and the Somali Democratic Republic. Australian authorities in the Peoples Republic of China and Indonesia also made approaches on behalf of myself to the fisheries offices in those countries on this matter. The only definite response I received was from Portugal indicating that the joining of the convention was under study and that the Commission would be notified as soon as a decision is reached. At the suggestion of the United States Commissioner further letters were sent to governments of non-member whaling countries inviting them to send observers to the Twenty-Ninth Meeting. As you are aware this was successful in two or three cases.

I notice in the annotated agenda that the title of this item was changed by the United States with a comment that since whales inhabit the open ocean all nations with an interest in conserving these animals should be encouraged to join the IWC. Commissioner Aron, do you wish to speak on this point?

Adherence
of non-
member
nations to
Convention

USA (Dr Aron): Thank you Mr Chairman. We are most appreciative of the efforts that have been expended by you on behalf of the Commission in the attempt to add new member nations. I think that this has at least in part paid off with the addition of the Netherlands to this meeting - an addition which we are very pleased to note. We have not had as much success, however, as we would like to have had. We feel that an international conservation organisation such as the IWC can only be fully effective when all countries which harvest the concerned species are members of the organisation.

Non-member countries taking whales from stocks which are being regulated by IWC countries effectively weaken the conservation efforts of the regime. Membership in IWC is available to all nations; since whales inhabit the open oceans all countries with an interest in conserving whales should be encouraged to join. I think it is important that we do everything possible to seek to strengthen the Commission, to strengthen our action, and the United States, in our attempt to strengthen our efforts, will propose that section 5 of the schedule be amended by adding the following new paragraph:

Contracting governments shall prohibit the importation of all products derived from whales from countries which are not members of the Commission.

Prohibition
on imports

We think this is an important and necessary addition to our schedule.

THE CHAIRMAN: Does any Commissioner wish to speak on this point? Japan?

JAPAN (Dr Yonezawa): Thank you very much. We discussed this question when it was brought up at the Technical Committee. We indicated to other members of this Committee that Article V of the Convention cannot be interpreted in such a way that the present proposal can be incorporated in our schedule. Secondly, since an amendment of such a nature is not within the competence of this Commission, I object to including in the schedule an amendment to this effect. At the Technical Committee we discussed whether, rather than doing this in the form of an amendment to the schedule, we should pass a resolution, and I think that was the decision of the Technical Committee. Finally, I should like to say that we do not have authority to enforce this kind of schedule amendment unless our legislative branch passes a resolution.

My delegation is in the executive branch and we do not have any authority to agree on any amendment binding on my government.

It is very unfortunate that if this is passed we have to make an objection.

THE CHAIRMAN: Thank you. I thought you were going to second this motion Mr Yonezawa. I am looking for a seconder before we can discuss it.

JAPAN (Mr Yonezawa): Sorry.

THE CHAIRMAN: Denmark?

DENMARK (Mr Lemche): I am not a seconder, Mr Chairman. I just want to ask you are we in item 19 or in item 21?

THE CHAIRMAN: We are in item 19 and we have moved from (a) to (b) on the second page of IWC/29/15. (Netherlands).

NETHERLANDS (Dr van Bree): We want to second the American proposal.

THE CHAIRMAN: Thank you. The matter is open for discussion. Is this the problem we had yesterday where we were not sure that under the existing convention we could amend the schedule in this manner?

USA (Dr Aron): I wonder if I might call on the chairman of the Technical Committee. There seems to be some uncertainty as to exactly what happened in the Technical Committee.

USA (Mrs Fox): I think that the situation is that the item which we discussed in Technical Committee is agenda item 21 regarding the transfer of vessels and equipment. Item 19 was not referred to the Technical Committee and therefore we have not discussed item 19.

THE CHAIRMAN: We are quite in order to discuss it here.

CANADA (Dr Martin): We are in general sympathy with

the proposal by the United States but recognise the difficulty as pointed out by the Commissioner from Japan in amending the schedule to achieve this purpose. I was wondering if we could consider an alternative approach of dealing with this matter through a resolution.

THE CHAIRMAN: Do you have any suggested words?

CANADA (Dr Martin): No, Mr Chairman, we do not have them at this time.

THE CHAIRMAN: It is coffee break time and it might be a convenient time for the Canadian delegation to again do some more drafting for which I am extremely grateful. To proceed with our work for the remainder of this week, and it is getting very short, that I should close this session of the Plenary work of the Commission and endeavour to complete the work of the Finance and Administration Committee this morning. This will allow the Infractions Committee to (I hope), complete its work and the Scientific Committee clean up some of the questions that they have before them, in the hope that we can reconvene the Technical Committee at 2 o'clock this afternoon. Madam Chairman, does that appeal to you?

USA (Mrs Fox): Yes, that would be helpful. Thank you.

THE CHAIRMAN: Dr Martin, how does that affect your Committee?

CANADA (Dr Martin): Thank you very much, that will be very helpful.

THE CHAIRMAN: Mr Applebaum, how do you feel in regard to your Infractions Committee?

CANADA (Mr Applebaum): There is considerable drafting required on the Infractions Committee. I would rather use the time to prepare that draft and plan to hold an Infractions Committee meeting later this evening to go over the draft and finish off unfinished business. So I would not suggest the Infractions Committee meet over the next couple of hours.

THE CHAIRMAN: Mr Applebaum, I know you are a very willing worker. I want your work to be handed to the Technical Committee as soon as possible, so that I could have all day tomorrow in plenary if I could. I do not want to work late into the night on Friday. We do have the room until Saturday lunchtime. I live here and there is no problem as far as I am concerned. Please, we would like to see your work completed. If that is the way you think that you can most expeditiously do this, I bow to your judgment. Dr Allen, does this arrangement appeal to you?

AUSTRALIA (Dr Radway Allen): This will be very helpful. I would ask the Scientific Committee to meet at 10.50.

THE CHAIRMAN: This raises one question that I should answer myself: Will there be any possibility of a plenary session later this afternoon? Let us decide this at lunchtime or soon afterwards. I like to give Hansard due and timely notice on this because it means they have to have more people handling the equipment. So, at this point, I close this session of the plenary work of this Commission.

Conference adjourned at 10.35 a.m.

29TH ANNUAL MEETING OF THE INTERNATIONAL

WHALING COMMISSION

24 JUNE, 1977

Held at
The Lakeside International Hotel
CANBERRA
AUSTRALIA

PROCEEDINGS OF THE MEETING

THE CHAIRMAN: I declare the final Plenary Session of the Commission open. I regret that we are a little late starting but the Commissioners have had another meeting since we closed the Technical Committee. I do urge everybody to heed the time factor here today; we have a lot to get through. I request that Commissioners do not repeat the arguments and the issues which have been raised in the technical session so that we can complete our work in a reasonable time this afternoon. I would like to start the proceedings with a discussion on the Finance and Administration Committee Report which I understand has been circulated. I call on the chairman of the Finance and Administration Committee to present his report.

Agenda Item 26 - FINANCE AND ADMINISTRATION

CANADA (Dr Martin): Mr Chairman, in view of the fact that participants in this meeting have just received this document at lunchtime, do you suggest that we go through it in considerable detail?

Finance and
Administration
Committee
Report

THE CHAIRMAN: In view of the time factor, Dr Martin, I would rather that you just dealt with the recommendations. If any clarification is required by any Commissioner then we might go into the details.

CANADA (Dr Martin): In the first paragraph we note the problem resulting from late payments of contributions. This causes considerable embarrassment in the secretariat and the Committee recommended that when a new Convention is being considered, penalty provisions such as additional payment for late lodgment and a loss of voting rights for non-financial members should be included. There did not seem to be any room for such action at the present time.

Late
payments

The Committee agreed that the annual report should go ahead in its present form but felt that apart from the distribution to Commissioners, members of the Scientific Committee and those in an exchange mechanism there should be a charge for our publications, with the understanding that there would be a 50 per cent defrayment of the total cost of publications through the Commission.

Distribution
Annual
Report

You will note in the next paragraph some consideration to the development of promotional material and the need for a short document describing Commission activities during the year in a form suitable for much wider distribution. The secretariat has this in mind. We noted the urgency of the new item that is included in the budget of a 10 per cent

contingency component as is the practice with other Commissions.

Budget
contri-
butions

One of the important areas of discussion was one we went through last year, and that is a consideration of contributions from contracting governments. I think Commissioners will recall the discussion we had on this a year ago and the agreement at that time that countries would have an opportunity to present alternative schemes. On the fourth page of this document you will see a series of columns pointing out how contributions would be made under the existing formula. In the second column is the Canadian proposal that was made last year. An amendment of the Canadian proposal by the USA is in the third column. In the fourth column is the Japanese proposal, in the fifth column the Australian and in the final column is an Icelandic proposal.

After considerable discussion the Committee unanimously agreed that the USA proposal would provide relief for the larger catching nations, assist in reducing costs of smaller nations, provide a flexible system to take account of increasing or decreasing catches and allow for additional areas of interest to be declared where appropriate. In this case the USA proposal is recommended as a replacement of the existing formula.

Then we go on to explain just what this proposal is. The basis for it is a 50 per cent flat rate. Thirty per cent is then divided on the basis of areas of interest, with every member required to have one area of interest and all members encouraged to accept voluntary areas of interest on the basis of possession of coastlines and areas where cetaceans occur, membership in the Antarctic Treaty and so on. Twenty per cent, a lower amount than in the past, is divided in the proportion of

the weight of whales caught by member countries.

On the basis of the information we were able to obtain we have indicated below, for each country, the number of areas of interest. This is related to the 6 areas that have been recognised to date, plus an additional area, the Arctic, up to a ceiling of seven, so that the total number of areas of interest listed is tentatively set at forty-four, as a basis for understanding just what these calculations mean.

The Committee also agreed that as billing of individual contracting governments was required to be carried out immediately following the Commission meeting, Commissioners should be asked during the meeting to indicate their country's areas of interest, and furthermore that declared areas of interest would remain as such until individual countries indicated their intention to either increase or decrease their areas of interest.

I think at that point, Mr Chairman, since this is a major item in our report, I will stop for consideration by the Commission of this recommendation from the Finance and Administration Committee and I move that the USA proposal, as explained in the text, be adopted for billing for the coming year and subsequent years.

THE CHAIRMAN: Thank you Dr Martin. Is there a seconder? (UK). The matter is open for discussion.

DENMARK (Mr Lemche): Point of clarification, Mr Chairman. On the bottom of page 3 there are indicated some Antarctic, Antarctic, Antarctic; I would like to ask Dr Martin if all those Antarctic are the members of the Antarctic Treaty because as far as I know, I am not quite sure. I would like to ask that question to the legal

people of the United States who are not here. I think we are a member of the Antarctic Treaty.

THE CHAIRMAN: Dr Martin, can you clear that up?

CANADA (Dr Martin): That was our intention; as a base for identifying interest in the Antarctic we used our understanding of membership in the Antarctic Treaty.

THE CHAIRMAN: Thank you. Does that satisfy you, Mr Lemche?

DENMARK (Mr Lemche): Mr Chairman, I will have to find out whether or not Denmark is a member of the Antarctic Treaty. I am concerned with Greenland matters you know, on the top of the globe, but if Denmark is, well I would like Denmark to be included in the Antarctic business also.

THE CHAIRMAN: I cannot help you as to whether Denmark is a member of that Treaty or not.

ICELAND (Mr Asgeirsson): Thank you Mr Chairman. On top of my language difficulties, I am having difficulties in discussing this report because I have not read it yet. I reached my pigeon-hole and there it was. Well, as I understand the discussion, we have now on the table a proposal for a new method of allocating contributions to the member countries which is the best proportion. This is correct is it not?

THE CHAIRMAN: Yes.

ICELAND (Mr Asgeirsson): Well I want to make a few comments. Iceland is having great difficulties with all the proposals listed on page 2 of this report, with the exception of course of our own, and the main problems we are having relate to the element of basing the contributions on the catches. In our opinion, the catches do not in any way reflect the interests that member countries have in being members of this

Iceland
suggested

Commission, and in addition to that we do not think it is just or right to try to evaluate the different interests the different member countries may have in being members of the Commission. As a matter of fact this element of basing the calculations on the catches, is, in principle, totally unacceptable to my Government. I will not make a lengthy speech about this but, just for illustration, may I say that if, in the future, catches are reduced in most or all areas, except in the Icelandic area, because I believe we are managing our stocks very well, automatically we would be paying 20 per cent, or 25 per cent of the budget. In other words, if the lowest quotas are adopted by this Commission the heaviest would be for my Government. I therefore propose an amendment, or make a new proposal, which is also reflected in this report. The page I am referring to does not have a number but it is the page immediately before page 2 so I imagine it is page 1.

My proposal is based on the so-called capacity-to-pay principle which is used in the United Nations and many of its specialised agencies. We think that the ones who have the money should pay the most. This Commission is growing bigger and bigger and the activities of the Secretariat are growing too. We are very pleased to note this but of course this results in a great increase in the budget from year to year. Quite frankly, Mr Chairman, the amount of money involved is creating difficulties for us. We are having problems finding the money to make our contribution. So therefore we favour that the new method should be adopted in this Commission which we like to call the capacity-to-pay method.

We do not go entirely by this method, though. In our proposal we have modified the UN formula by also taking the

base of a flat rate into account. As it appears in page 1, our proposal is based by two-thirds on the capacity to pay and by one-third on the flat rate. I think this is a rather simple formula; I believe it is in fact much simpler and can be worked out much quicker by the Secretariat than any of the other formulas. My proposal is that the new method which appears on page 1 and the contributions shown in the table on page 2 be adopted by the Commission.

THE CHAIRMAN: Do I have a seconder for Iceland's proposal? (Denmark). Denmark, I can inform you that your country is a ^{signatory} to the Antarctic Treaty, and Brazil is also.

JAPAN (Mr Fujimoto): I want to seek clarification of this rate of contribution. I recollect that when this question of contribution was taken up at the Finance and Administration Committee we were given the table appearing in page 3 of the Committee paper which enumerated various formulas, namely 5 formulas. I supported the United States amendment to the Canadian proposal which I believe is quite sound and I certainly appreciate the wisdom on the part of our fellow delegates in trying to relieve the burden of the whaling nations. However, Mr Chairman, I find in this new document before us that in the case of Japan we have a new figure under the United States formula of £8,287, which is different from what we saw in the Committee deliberation papers where it stood at £7,318. I want you to make a clarification of this point.

CANADA (Dr Martin): Mr Chairman, in our discussion of this subject in the Committee we had before us document 29/8 and as the Japanese delegate has pointed out the column for the United States proposal at that time did show a breakdown of the

£60,000 estimated budget showing a figure of £7,318 for Japan. That was calculated on the basis of 33 areas of interest. During our meeting we were able to get enough information within the Committee and outside contacts to arrive at a figure of 45 areas of interest, I think it was. On the basis of that more useful information in line with the recommendations of the Committee the United States proposal column was recalculated and it resulted in the figures you have before you. The main impact as far as Japan was concerned was that they had declared an interest in 5 areas and that is the major factor responsible for the differences noted by Japan. Thank you.

THE CHAIRMAN: Thank you.

JAPAN (Mr Fujimoto): I do not want to take up the time of the Committee so I wonder if the Secretariat can show me the basis of the calculation during the course of the meeting. May I reserve the right to come back to this point?

THE CHAIRMAN: That is quite an order but we may be taking a vote very shortly and I hope that does not interfere with your judgment on the way you want to vote.

JAPAN (Mr Fujimoto): Mr Chairman, I should have thought that if the areas of interest increase to 44 or 45 from the 33 on which the previous former calculation is based, the conclusion should be that Japanese contribution should not increase. But perhaps the Secretary will give me the figures and since I do not want to take up the time of the Committee, I can see that the Committee should proceed. Thank you.

THE CHAIRMAN: We have an immediate answer here for you from the Secretary.

SECRETARY: If I may explain the calculations, the

original document IWC/29/8 was calculated strictly according to the United States proposal, as received by the secretariat, allocating or suggesting allocation of areas to a total of 33 for all the members. Of those Japan was allocated two in their proposal. In the subsequent updating developed in the Finance and Administration Committee meeting the number of areas allocated to various countries was increased. The total number comes to 44 as you see on page 4 of the new document of which Japan has five. So the relative increase from two out of 33 to five out of 44 accounts for the difference.

THE CHAIRMAN: Does that answer the Japanese query?

JAPAN (Mr Fujimoto): Thank you.

THE CHAIRMAN: Any further comments?

ICELAND (Mr Asgeirsson): Mr Chairman, I would like through you to pose one question to the US delegation and this is: How do they calculate the weight of the whales? In their formula, 20 per cent is based on the weight of the whales. How do they find out what figure to apply here?

THE CHAIRMAN: Dr Aron, could you answer that question please?

USA (Dr Aron): I am not sure of the detailed answer. It was my impression that the Secretary has a scheme for doing this. Perhaps Dr Gambell could comment.

THE CHAIRMAN: We are passing the buck to you Dr Gambell.

SECRETARY: Mr Chairman, IWC/29/8 revised Appendix A gives the table of catches by IWC members for the 1976-77 Antarctic and the 1976 outside Antarctic seasons. It shows the total number of whales for each member nation by species with a weighting factor, which was suggested by the Canadian authorities in the first place, which I have checked and which

is substantially correct. Essentially it is worked out in terms of minke whale units where one fin equals 5 minkes and a sei, a Bryde and a sperm are worth $2\frac{1}{2}$ minkes. This is based on average weights of catches calculated using the latest formula to convert length to weight.

THE CHAIRMAN: Thank you Dr Gambell. We have 2 proposals on the table at the moment: The recommendation from the Finance and Administration Committee as per the USA proposal on page 2 of your document, and the amendment by Iceland on page 1 of the document, on the flat rate principle as set out. If there is no further comment I think the only solution is to put this to the vote. We will have to deal with the amendment first. Would you please make it clear, Dr Gambell, what we are voting for and call the roll.

SECRETARY: The amendment to the original proposal is the one proposed by Iceland, seconded by Denmark, that the scheme be based on the capacity-to-pay principle, which gives the final column on page 2 in the document before you. This is the proposal put to the vote. We will start the roll at the top of the list and work down.

Vote on
Icelandic
formula

Those in favour: Brazil, Denmark, Iceland, Mexico.

Those against: Argentina, Australia, Canada, France, Norway, South Africa, USSR, UK, USA.

Abstaining: Japan, Netherlands, New Zealand.

Absent: Panama.

SECRETARY: The amendment was defeated by 4 votes to 9 votes. In this matter a simple majority carries the case, so we move now to the original proposal which was the United States version of the contribution system. That is the one which is dealt with in detail in this document and results in

Vote on
U.S.A.
formula

the third column of figures on page 2. The United States proposal is for a 50 per cent flat rate, 30 per cent areas of interest as defined, and 20 per cent weight of whales in the latest season's catches. I start the roll at Australia.

Those in favour: Australia, Canada, Denmark, Japan, Netherlands, New Zealand, Norway, South Africa, USSR, United Kingdom, USA, Argentina.

Those against: Iceland.

Abstaining: Brazil, France, Mexico.

Absent: Panama.

THE CHAIRMAN: That motion is passed by 12 votes to one, and so that is the decision of this Plenary Session.

DENMARK (Mr Lemche): Mr Chairman, I am informed that Denmark is an outstanding member of the Antarctic Treaty. We are a signatory but we are not really a member of the club that demanded claims of the Antarctic. Anyhow even if it did not do that, I would like to indicate that Denmark would opt also to have the Antarctic as voluntarily as was indicated by the United States proposal. This would mean that we would have 3 areas of interest. I will ask the Secretary to give me at some time tonight before I go home the exact figure for Denmark and all the others as well. Thank you.

THE CHAIRMAN: Brazil, would you also like to be included in an extra area of interest?

BRAZIL (Dr De Moura): Yes.

THE CHAIRMAN: That will be done. Dr Martin, can we now proceed to Part B of that Agenda items.

NEW ZEALAND (Mr Scott): Mr Chairman, I hate to question your authority in this matter, but my best information is that Brazil is not a member of the Antarctic Treaty, and I say that because I remember that our delegation made some slight comment on this issue last year, and I am reasonably

certain that Brazil has not joined since last year.

I think it is a point that perhaps ought to be looked into.

THE CHAIRMAN: Apparently my advice was incorrect, Mr Scott. We will have it checked out.

CANADA (Dr Martin): Mr Chairman, in reference to this last point, I just wanted to emphasise that the number of areas of interest is voluntary and in order to go ahead with the final calculations and the billing which should take place immediately after this meeting it is important that all Commissioners should indicate the number of areas of interest before they leave this meeting or as soon thereafter as possible.

THE CHAIRMAN: Thank you, Dr Martin. I suggest anyone who wishes to change the number of areas of interest contact Dr Gambell as soon as we break. Dr Martin, can we proceed with the budget?

CANADA (Dr Martin): All of the Commissioners had distributed during this meeting a single sheet which is indeed the last sheet of document 29/7. It is the estimate of income and expenditure that was distributed by the secretariat in advance of this meeting. The Finance and Administration Committee approved the estimates proposed in this sheet, noting that it is a bare bones budget and had to take account of some of the developments in this meeting, as we understood them, when we were having our meeting discussions. We noted the proposal for a special meeting of the Scientific Committee on North Pacific sperm whales and the computing costs associated with such a meeting. We noted that the cost of such an undertaking, if it were held at the Commission headquarters, would be of the

Budget
estimate
1977

order of £7,000 which is an item which would have to be added to the budget. I heard at the beginning of this session that it is now expected this meeting would be held in Cronulla. That item would not be a charge against the Commission. Could Australia confirm that situation?

THE CHAIRMAN: I would like to call on the Chairman of the Scientific Committee, in his capacity as an officer of the CSIRO in Australia. Could you assure us that there will not be this charge?

AUSTRALIA (Dr Radway Allen): I am in a slightly difficult position. I am, as you know, an officer of the CSIRO but at the time of any proposed meeting I will not be an officer of CSIRO. I would stick my neck out far enough to anticipate strongly that CSIRO would carry the cost; in other words the Australian Government would carry the cost. But I regret that I am not in a position to make a formal commitment.

THE CHAIRMAN: I think the Australian Government would look fairly carefully at providing this if they possibly could. I think you should do your budget on that basis.

CANADA (Dr Martin): It was also noted that if a special meeting of the Commission were held there would be a cost to the Commission of about £3,000 if the Commission meeting were held in Cambridge; if it were held in an alternative place like London the cost would be more like £5,000 to £6,000.

We also had before us the report of the Scientific Committee on the international decade of cetacean research.

The Scientific Committee have identified 5 programs that would require marks and marking guns. The estimated cost to the Commission of carrying on with their past practice of providing the marks and marking guns would be of the order of £13,400.

We have made a detailed inquiry about the likelihood of all of these programs going ahead. It seems unlikely that the one on minke whales in the Southern Hemisphere would have to be a charge against the Commission during the coming year. So the figure of £8,400 listed in our document, on the second page of this item, would be reduced to something of the order of £2,000.

It is now our view that we may be able to accommodate this within the research fund - the expectations we would have for money received from the research fund during the next year if it conforms in any way with money we have had in the past. So the net result of this exploration is that the budget as set before you and as distributed before the meeting is approximately the cost that would be anticipated during the next year. You recognise some of the difficulties we have in being precise about this since we do not know whether or not a special meeting would be required.

I think in order to play safe with it, it would be my recommendation that the budget you have before you which would involve contributions from member governments of £60,888 should be increased by £3,000 to £63,888 as contributions, and the appropriate increase of £3,000 in the expenditure column.

THE CHAIRMAN: Is there a seconder? (Australia) ...
That is carried. Would you proceed Dr Martin?

CANADA (Dr Martin): The next section, Mr Chairman, Amendments to rules of procedure deals with amendments to the rules of procedure and financial regulations. These were discussed last year and had to be brought forward this year in order to have the 60 days notice in advance of this meeting. The Finance and Administration Committee went through these in detail and apart from very minor amendments, are as you have seen them previously. Since they are revised rules would you like me to read them?

THE CHAIRMAN: I think you had better have them inserted in the record.

CANADA (Dr Martin): Revised Rule XI(d) of the Rules Procedure should; despatch by air mail; (i) a draft agenda for the annual Commission meeting to all contracting governments and Commissioners, a hundred days in advance of the meeting for comment and any additions with annotations they wish to propose, (ii) an annotated provisional agenda to all contracting governments and Commissioners not less than 60 days in advance of the annual Commission meeting. Included in the annotations should be a brief description of each item and insofar as possible documentation relevant to agenda items should be referred to in the annotation and sent to member nations at the earliest possible date.' Addition to Rule XVII; add the following as the penultimate sentence in the paragraph commencing

'The Scientific Committee': 'The preliminary report of the Scientific Committee should be completed and available to all Commissioners by the opening date of the annual Commission meeting'. Amend the final sentence of the above paragraph to read: 'The Secretary shall be an ex officio member of the Scientific Committee without vote'. Proposed new rule to be numbered XXI and the present rule XXI to be renumbered XXII.

'The Chairman's report of the most recent annual Commission meeting shall be published in the annual report of the year just completed'. And financial regulations replace the first sentence by: 'The budget estimate for the ensuing year shall be despatched by air mail to each contracting government and each Commissioner not less than 60 days in advance of the annual Commission meeting and the statement of income and expenditure for the immediately preceding year as soon as possible after the close of the financial year'. Those are the amendments proposed to Rules of Procedure and Financial Regulations.

THE CHAIRMAN: Thank you Dr Martin; is there a seconder? (Denmark) ... That is carried. We are about to break for coffee, but I understand that the observer from Peru has an interpreter here and wishes to make a statement and I will take that particular statement providing it does not go for more than 5 minutes and then we will break for coffee. The observer from Peru please.

PERU (Dr Abraham Ramirez Lituma): In the name of my Government and myself I would like to thank you for the invitation to attend this important event.

Peru
statement

We have come here to contribute in the search for better solutions in order to overcome a problem which concerns us: The conservation of one of our expensive resources of the sea, the marine mammals.

Our presence in this assembly gives not only a unique opportunity to observe the improvements concerning marine mammals but also it allows us to expose certain concepts that I hope will contribute to ratify the position of my country in relation to the protection and exploitation of these mammals.

Peru is a country which bases its economic potential in mining and fishing. Peru is the world's leading producer of fish flour and fish oil.

Peru keeps a fishing policy along our 2,745 kilometres of coastal longitude and within our jurisdictional limit of 200 miles. Therefore our aim is to protect the different marine resources.

With the installation of the Consorcio Ballenero S.A. in 1950 Peru started the whale industry. Later in 1956, the Compania Ballenera del Norte S.A. was established in Paita, some 1,000 kilometres north of Lima. Both industries were obliged to operate terrestrial stations.

Until the end of 1960 the whaling industry in Peru made efforts to exploit cetaceans with the purpose of making good use of the primary resources, oil and flour.

In November 1967 the Compania Ballenera del Kinkai was set up and since then cetaceous meat has been produced for human consumption as well as the oil.

In the same year the Compania Ballenera del Norte ceased its activities.

Investment is possible through shares owned by the workers of this company. La Ballenera del Kinkai is the only one which remains in activity. The investments in this company are constituted by Japan 73% and Peru 27%.

Of the different species in our waters the whale industry is concentrated only in 4 species, fin, sei, Bryde's and cachalot; the latter is the base for the whale industry and this can be corroborated by statistics.

The capture in Peru from 1968 to 1974 was about 1,600 cachalots per year. In 1975 the number was reduced to 793 and in 1976, only 1,500 cachalots were captured. We must stress that since 1968 the season has been between six, eight and 9 months per year.

At present Peru is member of the South Pacific Commission, together with Chile and Ecuador. This international organisation approved the regulations of maritime fishery in South Pacific waters and made clear in the first article its decision to protect the cetaceans in the area. My Government abides by the regulations.

The above-mentioned regulations were approved in August 1952 and they were ratified on May 6 1955. The regulations are copies of the First International Whale Convention in Washington in 1946, which my country also signed, although it did not ratify them.

The regulations have not been renewed, however, and they remain exactly as they were originally drawn up. The text of Washington has been changed and for this reason differences in the application of the rules have been originated.

Our Government forbids the capture of lactating whales, breeding whales and the blue whale.

Peru is working out the possibility of avoiding the capture of some of the species that are in danger of extinction.

It is worthwhile drawing to your attention the fact that although there has been some excesses, it does not represent a factor that can jeopardise the species. There is only one company in Peru which operates from a terrestrial station, with a limited fleet in a reduced area so this cannot be compared with the activities of the great whaling powers.

The possible restrictions in the capture of some of the species should be dictated accordingly; that is, a volume of capture should be fixed in relation to our needs and in fair proportion to the volume of the capture of the whaling powers.

The agreement in the regulations set by the International Whaling Commission and the capture of some species by Peru has not been fulfilled.

The number of cachalots captured in Peru is lower than the number fixed by the international regulations. In 1975-76 only 1,260 cachalots were captured, representing only 30% of the quota fixed by the Commission.

Mr President, I have shown that our country is willing to preserve the marine resources, and our policy is in accordance with those principles to make an effort to preserve such important wealth, not only to obtain more dollars but also to provide the necessary proteins required by our population.

We must keep and enforce the preservation policy of the cetaceans. We draw to the attention of this assembly and the organisations which support the idea that Peru is new in the whaling industry. Peru began its activities when the great

powers reduced some of the species, and now the voices which defend cetaceans come from these countries.

Mr President, I would like to thank you for the opportunity of participating and for the attention given by the Australian authorities which reinforce the ties between our countries.

Short adjournment

THE CHAIRMAN: Dr Martin, would you continue with your presentation of agenda item 26 please?

CANADA (Dr Martin): We are now at item (d) (ii) which deals with consideration of change of the Commission's financial year. Some consideration has been given to that during the past year and we have decided to recommend no change.

Financial
year

Item 26(c) deals with the report of the establishment of the Permanent Secretariat. The Committee has noted with great satisfaction the progress made by the Secretariat in its first year, in line with the discussion at last year's Plenary Session on the efficiency with which our meetings are moving ahead. We had a series of suggestions for the Secretariat and felt that these need not be formalised.

Permanent
Secretariat

You will note on the top of the next page our proposal that documentation should be available to Commissioners a day before the opening Plenary Session, insofar as that is possible. Other documents should be in the hands of Commissioners sufficiently in advance of the time they are voted on to allow Commissioners an opportunity for study and translation as necessary.

Going on to the next page, which deals with the continuation of the Secretary's position, we noted with great satisfaction the work of the Secretary to date and hoped he would be able to continue in the position beyond the initial contract period which terminates in May, that is, before our next annual meeting. We felt that every endeavour should be made to encourage the Secretary to

accept a further term of office. The Committee agreed that the Secretary's current contract should be extended by a period of 3 months, from 30 April to the end of July, to enable a decision on his part concerning continuation and any further action that is necessary.

Extension of
Secretary's
Contract

THE CHAIRMAN: Dr Martin, while you are on that point I would like to record in the minutes the great satisfaction of the Commissioners in the work being done by our Secretary and the way in which he set up the Secretariat. We would all fully endorse what has been said by your Committee.

CANADA (Dr Martin): We reviewed the Secretariat's salaries, agreed to increases which are consistent with the rules applying in the United Kingdom and noted the relatively small cost of £600 involved in this item, including the increases in social security and pension contributions.

Salary
increases

THE CHAIRMAN: Do we need a recommendation and a motion to make these increases, Dr Martin?

CANADA (Dr Martin): If we adopt the report and incorporate this in the report it will suffice. On conditions of service for the Secretariat, we agreed that the Secretary should be given authority to investigate and subsequently implement a program with the IWC staff designed to cover such conditions as sickness disability, death and so on. The Commission further agreed that this program should only be implemented on the basis that it would not cost more than one per cent of the total salary provided in each case and would provide a corresponding benefit to the Commission.

Staff
benefits

It is proposed that the 30th Annual meeting be held in the week commencing Monday, 26 June, and the place would be the Mount Royal Hotel in London. In Other Business we had a request for \$1m and it is proposed that a negative reply be sent on that. That is the Report of the Finance and Administration Committee and I would move its adoption.

THE CHAIRMAN: Is there a seconder? (Australia)

While we are on the point the Secretary has distributed leaflets concerning the Mount Royal Hotel in London and concessional tariff rates for us when we attend the meeting. I would encourage everyone who can possibly stay at that hotel to do so. It has been extremely convenient to the people living here at the Lakeside Hotel and it has made the convening of the meetings just so much easier.

Is there any discussion on the report which we are about to adopt? Before I adopt it I would like to thank you, Dr Martin, most sincerely for a comprehensive report. It is very concise. It tells us all we want to know and I would like you to convey to your Committee our thanks for the work that they have done outside the hours of the meeting. Thank you very much. Do you all agree that this report be adopted? ... That is carried.

Can we proceed now with the remainder of the report of the chairman of the Technical Committee please, Madam Chairman?

USA (Mrs Fox): Yes, Mr Chairman. How would you like to proceed?

THE CHAIRMAN: I think it is more convenient to go straight through your report and we will take in Agenda Items 10 and 11 together as we go along.

USA (Mrs Fox): For the sake of putting everything together for the final report it might be best if we were to proceed through the agenda as it is in the plenary agenda.

THE CHAIRMAN: I bow to your judgment.

Agenda Item 11 - WHALE STOCKS AND CATCH LIMITS, 1977/78
SOUTHERN HEMISPHERE PELAGIC SEASON AND
1978 PELAGIC AND COASTAL SEASONS
ELSEWHERE

(b) ACTION ARISING

- (i) SOUTHERN HEMISPHERE
- (ii) NORTH PACIFIC
- (iii) NORTH ATLANTIC
- (iv) ARCTIC

USA (Mrs Fox): The first item concerns sperm whales in the Southern Hemisphere. The recommendation of the Technical Committee is as follows: Do I have to read through all of these quotas?

Southern
Hemisphere
sperm whales

THE CHAIRMAN: Why do you not give us the totals as set out in the document?

USA (Mrs Fox): The totals for divisions 1 through to 9 in the Southern Hemisphere are males, 4,538 and females, 1,370. The classifications of specific numbers for each division are those given on page 1 of the Technical Committee report. I would move the adoption of those quotas.

THE CHAIRMAN: Is there a seconder? (Australia) (Netherlands). It is not necessary to have a vote if we have a unanimous decision. Are you all in favour? ... That is carried.

JAPAN (Dr Yonezawa): It has been a practice to have a 10 per cent allowance clause on area quotas as it is provided in the present schedule, on condition that the total number to be caught does not exceed the quota but the catch in each area can exceed up to 10 per cent of the quota allocated, so I take it that this is retained. I think there is a recommendation to the same effect. May the Chairman of the Technical Committee confirm this please?

THE CHAIRMAN: Why do you not just recommend that we do this, and I will get a seconder and we will have it carried? Is that your recommendation, Dr Yonezawa?

JAPAN (Dr Yonezawa): Yes.

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

DENMARK (Mr Lemche): Mr Chairman, I think we did not deal with the allowances in the Technical Committee but as far as I remember something was said in the Scientific Report about allowances. I just cannot find it in all this mass of papers. Please clarify for me, Dr Allen.

THE CHAIRMAN: I do not want to get involved too much in the Scientific Committee while we are in the Plenary Session, but if Dr Allen can clarify the point I will allow it on this occasion.

AUSTRALIA (Dr Radway Allen): Thank you Mr Chairman. The Scientific Committee did make some consideration of this question, and there is some discussion of it on page G9 of our report. We did not make any recommendation regarding the continuance of this practice, but we reviewed some results of it.

THE CHAIRMAN: Does that satisfy you, Mr Lemche?

DENMARK (Mr Lemche): Yes, thank you.

THE CHAIRMAN: I understand we have agreed to the Japanese proposal on the 10 per cent allowance. ... That is carried. Madam Chairman, what is our next item please?

USA (Mrs Fox): Mr Chairman, under this same item I would like to note the comments made by the Japanese delegate and the Danish delegate in regard to the definition of initial management stocks and the re-examination of the new management procedure which should be taken into account at next year's Commission meeting.

The next recommendation is on sei whales. The recommendation of the Technical Committee is as follows:

Southern Hemisphere sei whales. Area 1, classification: Sustained management stock with a quota of 353 whales. Area 2, protection stock with a quota of zero. Area 3, a protection stock with a quota of zero. Area 4, sustained management stock with a quota of 418. Areas 5 and 6, protection stocks with a quota of zero.

Southern
Hemisphere
sei whales

THE CHAIRMAN: That is your recommendation. Could I have a seconder please? (Australia). I do not want to go to vote when I know it is an absolute majority but if you like we will record the fact that-

JAPAN (Dr Yonezawa): No, I am not requesting a vote on this. The result is quite obvious.

THE CHAIRMAN: Do you want it recorded that you are not in favour?

JAPAN (Dr Yonezawa): No, it is an abstention.

THE CHAIRMAN: You are abstaining. Thank you. We will have it recorded that you abstain. ... That is carried. Proceed please, Madam Chairman.

USA (Mrs Fox): Thank you, Mr Chairman.

JAPAN (Dr Yonezawa): With respect to this species as well we would like to request 10 per cent allowance on the same condition. 10%

THE CHAIRMAN: Do you want a species allowance of 10 per cent between area 1 and area 4?

JAPAN (Dr Yonezawa): That is right, Yes.

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

USA (Mrs Fox): The next proposal in the Southern Hemisphere is in separate reports of the Technical Committee. I would propose taking next the minke whale stock in the Southern Hemisphere which is on the draft document, beginning with item 21. It is a buff coloured document. The recommendation of the Technical Committee is as follows: That the total quota for minke whales in the Southern Hemisphere be 5,690 minke whales with the quotas in each area as given on page 2 of this draft report. I can read them by areas if you like?

Southern
Hemisphere
minke whale

THE CHAIRMAN: I think the totals will do, Madam Chairman.

USA (Mrs Fox): I move the adoption of the Technical Committee recommendation for a quota of 5,690 minke whales in the Southern Hemisphere.

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

Those against: Japan, USSR.

Abstaining: South Africa, Denmark.

THE CHAIRMAN: There are 2 votes against. If you want me to go to a roll call, do not hesitate to ask. We still have the required majority. ... That is carried. Which one is next, Madam Chairman?

USA (Mrs Fox): The other stocks in the Southern Hemisphere are the protection stocks; the Bryde's whale is to be an initial management stock pending satisfactory estimate

Southern
Hemisphere
Bryde's
whales

of stock size. I would move the adoption of the Technical Committee report which is right whales, protection stock with a zero quota; blue whales, protection stock with a zero quota; humpback whales, protection stock with a zero quota; fin whales, protection stock with zero quota; and bryde whales, an initial management stock with a zero quota pending satisfactory estimate of stock size.

Southern
Hemisphere
protection
stocks

THE CHAIRMAN: Is there a seconder? (Brazil) (Denmark). ... That is carried. The amendment will be made in the Schedule. The next one please?

USA (Mrs Fox): I believe that covers the Southern Hemisphere. The next area is the North Pacific and that is in the yellow coloured draft report. The recommendation of the Technical Committee on minke whales in the North Pacific is as follows: The Okhotsk Sea - West Pacific stock should be a sustained management stock with a quota of 400; the Sea of Japan stock should be a sustained management stock with no quota; the remainder of the North Pacific should be an initial management stock with a zero quota pending satisfactory estimate of stock size.

North
Pacific
minke
whales

I move the adoption of those quotas.

THE CHAIRMAN: Is there a seconder? (Netherlands).
... That is carried. The amendment will be made in the
Schedule.

USA (Mrs Fox): Under this item there also is a
resolution, the Plenary adoption of which the Technical
Committee would recommend be sent to the non-IWC countries
taking the stock in the Sea of Japan. Could I move acceptance
of that resolution, or whatever is necessary.

THE CHAIRMAN: What do we need there, Mr Secretary?

SECRETARY: Just to agree to do it.

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

USA (Mrs Fox): The next species in the North Pacific
is the Bryde's whale. The recommendation of the Technical
Committee is that the stock be classified as an initial
management stock with a quota of 524 whales. There is a note
which was requested by the Japanese Commissioner in regard to
further considerations. I can read that note. I think people
do not have the note so I guess I do need to read it out.

North
Pacific
Bryde
whales

THE CHAIRMAN: I think you had better read it.

USA (Mrs Fox): Japan noted that the Scientific
Committee had proposed 3 possible quotas of 524, 870 and 1,216,
all of which are consistent with the new management procedure.
Japan therefore requested understanding of the situation with
their industry and indicated they would accept 90 per cent of
MSY next year if the intermediate quota is set this year at 870.
I would move the adoption of the recommendation of the Technical
Committee for 524.

THE CHAIRMAN: Do we have a seconder? (Mexico).
Do you wish to comment, Japan?

JAPAN (Dr Yonezawa): I would like to move an amendment to the proposal by the Technical Committee that the intermediate catch of 870 should be the quota for next year. As indicated at the Technical Committee, we are quite prepared to go to 90 per cent of MSY which on the calculation this year would be 524. This stock is at the moment classified as initial management stock and a report of the Scientific Committee clearly indicates that a catch of 870 will not reduce the present stock into sustained management stock. That is, by the catch of 870 the population will still be in the initial management stock category. I do not think there is anything adverse to the management of this stock; also the difference will not affect in any way in next year the classification of this stock.

THE CHAIRMAN: Do I have a seconder for the Japanese amendment that the quota should be 870? (USSR)

DENMARK (Mr Lemche): Point of clarification Mr Chairman, Is the proposal that the quota should be 870 in 1978 and 524 in 1979 regardless of what the Scientific Committee might find out in the meantime?

THE CHAIRMAN: Is that your recommendation Dr Yonezawa?

JAPAN (Dr Yonezawa): That is certainly not the intention of my recommendation. Of course the Scientific Committee has to review the population status every year and may change the classification as it wishes. However the report of the Scientific Committee notes that there are 2 options. One is when the stock is classified as initial management stock, that is, one is 5 per cent of the initial population, and the second one is in this way 90 per cent. The report of the Scientific Committee notes that the population next year is also estimated to be in initial management stock, even if we take 870. On the assumption that the Scientific Committee will classify this in initial management stock, next year we will be willing to accept a figure of 90 per cent. So if all figures we have stand next year that means 524, but if the Scientific Committee comes up with a conclusion which is entirely different of course results would be different and the quota should be modified accordingly. I am not requesting the setting of the quota for next year, I am just expressing the intention of my delegation.

THE CHAIRMAN: Thank you. Well the Japanese amendment is for initial management stock of these pryde's whales with a quota of 870. This being an amendment we will call the roll and vote for it. Would you proceed, Mr Secretary?

SECRETARY: The Japanese amendment for the North

Pacific Bryde's whales is classification as initial management stock with a quota of 870 for 1978.

Those in favour: Japan, USSR.

Those against: Brazil, Canada, Denmark, France, Iceland, Mexico, Netherlands, New Zealand, Norway, South Africa, UK, USA, Argentina, Australia.

Abstaining: Panama.

SECRETARY: The motion is lost by 2 votes to 14.

We now move to the original proposal which was for classification as initial management stock with a quota of 524. This requires a three-quarters majority to make the amendment to the Schedule.

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

Those against: Japan, USSR.

Abstaining: Panama.

SECRETARY: That motion received 14 votes for with 2 votes against. It therefore achieves the necessary three-quarters majority to amend the Schedule.

THE CHAIRMAN: Thank you. ... That is carried.
The schedule will be accordingly amended. Madam Chairman,
can we proceed to the next stock of whales please?

USA (Mrs Fox): Yes, the next stock of whales is sperm whales in the North Pacific. The recommendation from the Technical Committee is that an interim quota be established of zero males as a protection stock and 763 females as a sustained management stock. The second part of the recommendation is that a special meeting of the Scientific Committee be held, and a special meeting of the Commission be scheduled which would be cancelled if the special Scientific Committee meeting

North
Pacific
sperm
whales

recommended the same quotas. I move this recommendation from the Technical Committee.

THE CHAIRMAN: Do I have a seconder? (Norway) (Canada) (Japan). Did you wish to speak, Dr Martin?

CANADA (Dr Martin): I have a very minor amendment to the words 'the same quotas', proposing the wording 'a special meeting of the Commission which could be cancelled if the special Scientific Committee meeting recommended quotas which in the opinion of the Chairman of the Commission do not justify calling such a meeting'.

THE CHAIRMAN: Do I have a seconder for that amendment? (USA).

Japan do you wish to have the floor?

JAPAN (Dr Yonezawa): I do not think so, thank you Mr Chairman.

THE CHAIRMAN: Norway?

NORWAY (Mr Rindal): I am sorry Mr Chairman but we seem to have made the same error as in the original text; it is 763 not 263?

USA (Mrs Fox): Yes that is right - 763.

THE CHAIRMAN: Now we have an amendment to that resolution, I do not want to go to the trouble of calling the roll if I can be assured that all the Commissioners are in favour of the amendment. Soviet Union?

USSR (Dr Nikonorov): As we said in our statement we would like it accepted that no quota will be accepted now until a special meeting be held.

THE CHAIRMAN: Do we have a seconder for that? (Japan). We will treat this recommendation by the Soviet Union and

seconded by Japan as a recommendation quite separate from the quota. Are you all in favour of the Soviet Union recommendation? USA?

USA (Dr Aron): No, we would be opposed to such a recommendation.

THE CHAIRMAN: Is it your wish that we have a vote on this?

USA (Dr Aron): Yes.

DENMARK (Mr Lemche): I just want to explain my vote, Mr Chairman, if we are going to vote. I did explain my vote in the Technical Committee meeting. I am going to be opposed as well. I am going to be in favour of the USSR proposal and opposed to the Canadian thing and the US thing because of the reasons I said. I shall not reiterate them. Thank you.

THE CHAIRMAN: We will take the proposal from the Soviet Union first and vote on that.

SECRETARY: The proposal from the USSR is that: No quota for North Pacific sperm whales be set for the 1978 season until after the special Scientific Committee meeting has been held.

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

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

Abstaining: Iceland.

SECRETARY: The proposal was defeated by 5 votes to 11. Is it your wish that we go to the first proposal?

THE CHAIRMAN: I am just wondering whether we could incorporate the amendment by Canada into the original recommendation from the Scientific Committee. Would that be acceptable to the proposer and seconder of the original proposal?

USA (Dr Aron): A point of information. I am unclear whether the Soviet proposal represents an amendment to the Schedule, and if so how the Schedule would be amended?

THE CHAIRMAN: Can you clarify this, Mr Secretary?

SECRETARY: As I understand it, Mr Chairman, for the Schedule to be amended there needs to be a three-quarters majority in favour and this motion from the Soviet Union failed to gain that three-quarters majority.

USA (Dr Aron): I understand.

THE CHAIRMAN: Dr Martin, so that we can get it quite clear what we are voting on, would you go through your revised wording of this recommendation that was proposed originally by the Technical Committee and I hope that we would all agree to vote on this particular recommendation.

CANADA (Dr Martin): Mr Chairman, I was simply proposing a simple amendment of the wording, by replacing the words 'the same quotas' by the words 'which in the opinion of the Commission Chairman would not justify the calling of a special meeting'.

THE CHAIRMAN: Is that acceptable?

PANAMA (Mr Fortom Gouin): I would like to vote separately on that amendment if it is proposed.

THE CHAIRMAN: Does anyone second that? I have no seconder for that suggestion. Would you like the Secretary to read out the wording again so you are absolutely sure? Are you all satisfied? We will vote on that.

SECRETARY: The proposal is to change the wording in the recommendation from the Technical Committee and to delete the last 2 words before the final word of the paragraph, 'the same', preceding the word 'quotas' and replace them by 'quotas

which, in the opinion of the Chairman of the Commission, would not justify the calling of a special meeting of the Commission'. We will vote on that amendment to the recommendation of the Technical Committee.

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

Those against: Denmark.

Abstaining: Iceland, Japan, Panama, South Africa, USSR.

SECRETARY: That motion was passed by 11 votes to 1 vote. It actually only required a simple majority and so that is the wording of the recommendation adopted. ... That is carried.

Can we now go to the original proposal from the United States of America which stands as a recommendation for a Schedule amendment for the North Pacific sperm whales. The proposal is that the males are a protection stock with a zero quota and the females are a sustained management stock with a quota of 763. That would be the amendment to the Schedule and I think there is with it an understanding that this is an interim quota or agreement pending the results of the special meeting to be held with the proviso as we have just amended that recommendation. That I think does not go into the Schedule. The proposal is for a Schedule amendment which will require a three-quarters majority.

DENMARK (Mr Lemche): The Secretary announced that there would be a provisional quota. I would like to ask what majority will be needed if we want to change that provisional quota at the special meeting?

THE CHAIRMAN: It will be a three-quarter majority.

DENMARK (Mr Lemche): Thank you, Mr Chairman. Because of that and because of the reasons I gave yesterday in the Technical Committee I have to go against that.

JAPAN (Dr Yonezawa): I am not quite clear on the whole thing. This is a provisional quota so that I think it automatically loses its validity when the Special Committee's recommendations and the Scientific Committee at least are at variance with the present results. That is what it means, I take it?

THE CHAIRMAN: I think the Secretary can help us on this point.

SECRETARY: Mr Chairman, as I understand the rules of procedure, the Commission is able to change the schedule at any time by a three-quarters majority.

JAPAN (Dr Yonezawa): Thank you, Mr Chairman. Normally I think the procedure as explained by Dr Gambell applies. I am posing no objection to it, but in this case the recommendation of the Technical Committee is exclusively based on the recommendation of the Scientific Committee. This is what it is: It is the consensus of the Scientific Committee that their findings are of a provisional nature and, of course, some scientists are vigorously opposed to these 2 figures. At any rate it is a provisional decision of the Scientific Committee. And the motion as proposed is also a provisional decision on the quotas pending the outcome of this special meeting. So that the recommendation should lose its validity effects as soon as the Scientific Committee recommends a different figure at the forthcoming meeting.

THE CHAIRMAN: I presume that if we vote on this quota and it receives the three-quarter majority that will go into the schedule and it will stay there until it has been changed by another vote. Does anyone disagree with that?

AUSTRALIA (Mr Purnell-Webb): I am not going to disagree with you, Mr Chairman, but just a point of clarification. The Technical Committee's report recommends an interim quota or interim quotas. Is there any difference between an interim quota and a provisional quota, and if so what would be the effect on voting?

THE CHAIRMAN: Can anyone answer the Australian question? The only way I can see of overcoming this situation is for us to be voting for a quota which, if it receives the majority, will go into the Schedule. And if the Scientific Committee makes a change which in the view of the Chairman warrants the calling of a meeting of the Commission, that Commission meeting will amend the Schedule again, or, if possible - it may be, I do not know - vote to change the Schedule. I think we must be fairly definite that we are voting to change the Schedule. Would you agree Mr Secretary?

SECRETARY: Yes, I go along with your interpretation, Mr Chairman.

THE CHAIRMAN: Does this mean that our wording of this motion is not quite clear in that the use of the word interim should be deleted?

NEW ZEALAND (Mr Scott): I fully agree with your interpretation and I think your suggestion to delete the word interim would get us out of our difficulty, and I would so propose.

THE CHAIRMAN: The Secretary has pointed out that Rule 2 says that special meetings of the Commission may be called at the direction of the Chairman after consultation with contracting governments, so we can completely legalise this; so is it your wish, then, that we delete the word 'interim' from this recommendation which we have before us?

JAPAN (Dr Yonezawa): I cannot really understand the proposal put forward by the New Zealand delegation. When we discussed the matter, as a Technical Committee, many of the delegations made pledges to follow the recommendation of

the Scientific Committee. The consensus view of the Scientific Committee is that their recommendations are of a provisional nature and they recommend unanimously the holding of the scientific special meeting to review the whole thing once again. I do not quite understand why the Commission has to be at variance with the wish of the Scientific Committee, particularly at this moment.

THE CHAIRMAN: I must remind the Commissioner for Japan that the final decision taken by the International Whaling Commission is done in this Plenary Session, and if we do not want to accept the recommendation of the Scientific Committee or the Technical Committee we have the power to do so; and I think the situation is now that we are deciding that we must have a quota. If we do not vote on this and we do not have a quota there could be a breakdown, and I think we must proceed with the deletion of the word 'interim' and vote for a definite quota at this point in time. Would anyone wish to disagree with the Chair on that?

JAPAN (Dr Yonezawa): Perhaps you might not note, but there is a clause for objection, so that if we are not going to set a quota at this moment, there also is a provision for 90 days objection clause. So suppose if we have a different quotas, or entirely different situations, I am not quite sure as to how the provisions for objections work in these situations; that is, for example, if most of the delegations - this is perhaps an extreme supposition - but if most of the delegations do not show up at the special meeting, for example, or decide to reject the new recommendation of the Scientific Committee, we do not have any safeguard; so that in order to avoid this situation happening Japan has

to lodge objection to the quotas which are of provisional nature. This puts us in a rather difficult position, so if you note that these quotas you are going to set are of a provisional nature and not binding in their effects until confirmed or rejected at the next annual meeting - at the special meeting - then that would simplify the situation quite a lot. This is my observation.

THE CHAIRMAN: I think I should point out to the Commissioner of Japan that, by removing the word 'interim' I thought I was doing away with anything of a provisional nature. Possibly, to overcome your problem, we could vote for a zero quota and just close the stock down until the scientists meet again.

DENMARK (Mr Lemche): I understand why Japan has to do as Dr Yonezawa indicated. I think it would be most sad for this Commission to have an objection to a quota. Nobody would understand the reason behind it, which is really that the Scientific Committee is uncertain and would like to do this thing over once more. Under these circumstances I would like, if I am in order, to urge - I think the next proposal we are going to vote on is that of the United States - that the United States withdraw its proposal. Thank you.

NEW ZEALAND (Mr Scott): I do not want to take up the time of the Commission unduly but there is a little uncertainty as to where we are with our procedure. I must say that on the basis of the report we studied in the Technical Committee, it was my impression - and it is so stated in that report - that the amendment was adopted by a vote in the Scientific Committee. When we discussed it in the Technical Committee I seem to recall that the Commissioner of Canada raised the amendment which we have now adopted. But he did not pursue it in the Technical Committee and said he would raise it again in the Plenary Session. It was then my recollection that the Technical Committee went on to accept, without a vote, the recommendation of the Scientific Committee.

We are faced here, not with the proposal by the United States, but with a decision by the Technical Committee. I wonder whether, if you were to ask the Chairman of the Technical Committee for a clarification on the point, we might get out of the difficulty. I should add that my understanding is exactly the same as the Commissioner for Denmark in the sense that what we are proposing to do now is to make an amendment to the quota. It would be subject to the possibility of a further decision by the Commission when it is in receipt of the report of the Scientific Committee's special meeting in case that report should recommend a further change in the quota we are about to amend today. Thank you.

THE CHAIRMAN: Madam Chairman, would you clarify this point?

USA (Mrs Fox): Thank you. I believe that the Commissioner from New Zealand is correct, that indeed the proposal before us is the one that I recommended from the Technical Committee as amended by the Commissioner from Canada as was agreed. Thank you.

THE CHAIRMAN: Is it your wish that we vote on this proposal on the change of the Schedule - dropping the word 'interim'? That appears to be the case. Mr Secretary, I think we proceed.

ICELAND (Mr Asgeirsson): I wonder if it might help the Japanese delegation in their difficulties if we inserted a rider or a special paragraph in the Schedule. If we adopt now an interim or provisional quota and do not show a rider or a special paragraph in the Schedule saying that the quota would cease to exist at the next meeting of the Commission

we cannot change it unless we have a meeting of the Commission. I think it is perfectly in order and legally possible to put such a paragraph in the Schedule. Thank you.

THE CHAIRMAN: Is there any need to put this wording into the Schedule, that it is a resolution from the Commission that there will be another meeting of the Scientific Committee to look at this particular quota? I was thinking that all that needs to go into the Schedule was the quota and the classification. However, the Secretary suggests we could put a footnote.

DENMARK (Mr Lemche): Would that actually have the same legal effect as the proposal by the Icelandic Commissioner?

THE CHAIRMAN: I would have to seek the advice of a lawyer; I am not a lawyer.

DENMARK (Mr Lemche): Along the same lines as the Icelandic Commissioner's proposal, my concern is that even if at the special Scientific Committee meeting the scientists would find out some higher quotas than those voted upon now, we will not get a three-quarters majority to change the quota upwards. Even if there was a unanimous recommendation from the scientists we would not get it. That is my concern. Thank you.

THE CHAIRMAN: I cannot judge what the voting will be in future.

CANADA (Dr Martin): Mr Chairman, I wonder if we could propose^a means of dealing with the Japanese problem. If you look at article 5, section 3, of the Convention, it says that each of such amendments shall become effective with respect to the contracting governments 90 days following notification of the amendment by the Commission to each

contracting government. If in this particular case we postponed the notification until 1 November, it would not be necessary to object until 90 days after 1 November, which would be the end of January, by which time some clarification of the situation would be in hand in sufficient time to be applicable to the 1978 season.

THE CHAIRMAN: Thank you, Dr Martin. Dr Yonezawa, would this solve your problem, if we deferred the notification of the amendment to the Schedule?

JAPAN (Dr Yonezawa): Just give me, please, one minute. I am not an expert on any legal questions, but if that can be done, and if it is agreed by the whole Commission that all countries are not notified of this decision until 1 November, that could solve the question. Thank you.

THE CHAIRMAN: I take it you are satisfied to proceed on this basis.

JAPAN (Dr Yonezawa): Yes.

DENMARK (Mr Lemche): I am afraid if I understand correctly what Dr Martin said, and I think I did, his proposal does not cover my concern.

THE CHAIRMAN: Has anyone else a view on this, that we defer the notification of this particular amendment to the Schedule until 1 November. Dr Martin, was that your suggestion?

CANADA (Dr Martin): Yes.

THE CHAIRMAN: All those in favour? Against?

JAPAN (Dr Yonezawa): What is the vote that you are taking at the moment?

THE CHAIRMAN: I have a recommendation. No, I have not, I do not have a seconder to Dr Martin yet. I take it Dr Martin your recommendation is that the notification of this particular amendment of the Schedule be deferred until 1 November. Is that right?

CANADA (Dr Martin): Yes.

THE CHAIRMAN: Do I have a seconder? (Australia)

JAPAN (Dr Yonezawa): I just have a question. I think the vote should be taken - I may be wrong - on 2 accounts. One is setting the quota, not interim quotas, and the second one is deferment of the notification. So, I think that for voting purposes they should be combined and one vote should be sufficient.

THE CHAIRMAN: Can someone tell me what we are going to vote for?

SECRETARY: The proposal for the meeting is that the North Pacific sperm whales should have the males classified as a protection stock with a zero quota and the

females classified as sustained management stock with a quota of 763 for the 1978 season, and that notification of any amendment to the Schedule resulting from this vote, which requires a three-quarters majority, will not be sent out by the secretariat until 1 November 1977.

JAPAN (Dr Yonezawa): I would like to see someone second this proposal.

THE CHAIRMAN: We had a seconder from Australia.

JAPAN (Dr Yonezawa): In that case I would like to propose an amendment to this. I am not quite sure if I am the person to propose but I would like to put forward the Icelandic proposal. That is, the quota as proposed with a proviso that they lose validity when a special meeting of the Commission is called.

THE CHAIRMAN: Is there a seconder? (Iceland) (South Africa). We will take the amendment first.

USA (Dr Aron): Could you please tell us what amendment we are voting on now?

SECRETARY: The amendment is the classification and quotas as proposed with a rider that they will become ineffective after a special meeting of the Commission which may be called.

USA (Dr Aron): As I understand this proposal, and if I do understand it correctly I would vote no on it, but as I understand this proposal, the quota would become invalid automatically on the next meeting of the Commission independent of whether or not the Commission reaches agreement on a new quota. I do not think that is an acceptable procedure. I am prepared to accept an amendment

which makes it clear, but I think it is redundant to say that a new meeting of the Commission will set a new quota and the old quota is cancelled out; that is by the rules of the Commission. But to take the kind of risk which I think is inherent in the Icelandic proposal is not acceptable to us.

JAPAN (Dr Yonezawa): I do not quite understand the logic which is behind the United States delegation because we decided that the Scientific Committee should hold a special meeting to review the whole thing, and if its recommendation remains the same then perhaps a decision of the Commission can be done by mail vote. If the proposal of the Canadian delegation passes, the only condition necessary to hold the special Commission meeting is when the Chairman of the Commission finds it justifiable to hold a special Commission meeting. That is, when they receive it. As a matter of fact, this means when they receive the recommendation by the Scientific Committee - at variance with what we have at present. So logically there is no problem. The holding of the special Commission meeting is conditional upon the recommendation of the Scientific Committee. If the Chairman of the Commission sees it as quite justifiable to call the special meeting there is a reason for it. So it is not illogical that the quotas set at this meeting lose their effectiveness and things are open for the Commission to make a new decision. Thank you.

THE CHAIRMAN: We cannot waste much more time on this. We are going around in circles.

ICELAND (Mr Asgeirsson): Mr Chairman, a very short comment. The quota, if we decide on it now, will not be forever in existence. It will lose its effect by the end of 1978 in any case. What I am proposing is that we limit the validity of the quota only until the next Commission meeting.

THE CHAIRMAN: You are changing now the amendment which was suggested by Japan, which you seconded?

ICELAND (Mr Asgeirsson): I am just explaining the Japanese proposal which I supported.

THE CHAIRMAN: I suggest that we vote on the Japanese amendment to the motion of Canada, seconded by Australia, which supersedes more or less the recommendation from the Technical Committee. Is that the position, Mr Secretary?

SECRETARY: What we have before us are the classification and quotas with which we have become familiar, with a form of wording which is not an amendment to the schedule; it is an understanding by the Commission that there will be a special meeting of the Commission called by the Chairman if he thinks it is fit as a result of the special meeting of the Scientific Committee. The amendment to that proposal is that these quotas become ineffective after the special Commission meeting.

I will call the roll on this amendment. This is the Japanese amendment, and we start the vote with Japan.

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

Those against: Mexico, New Zealand, Panama, UK, USA, Argentina, Australia, Brazil, Canada, France.

Abstaining: Netherlands.

SECRETARY: That amendment was defeated by 6 votes to 10 votes and so we should go on to the original proposal as amended by Canada. That is the quota figures plus a special meeting of the Commission if that seems appropriate.

THE CHAIRMAN: Dr Martin, on this matter of deferring the notification of this amendment to Schedule until 1 November, was it your intention to have that incorporated into the original motion from the Technical Committee?

CANADA (Dr Martin): That would be quite satisfactory but it has already been dealt with.

THE CHAIRMAN: I do not think that it has been dealt with. We certainly have not adopted it by vote. Japan?

JAPAN (Dr Yonezawa): I am not quite sure about the interpretation of notification. It should be a practice that notification should be served as soon as practicable after the decision is taken. This is a rule, so I am not quite sure that this has value.

THE CHAIRMAN: Would you point out where that rule is please? Is it in the Convention or in the Rules of Procedure?

JAPAN (Dr Yonezawa): Yes; it is Article V, item (3)

THE CHAIRMAN: Does this say that the notification must be made immediately after the meeting of the IWC?

JAPAN (Dr Yonezawa): Mr Chairman, normal procedure would be for the Commission to make notification as soon as practicable and I cannot see from this provision that notification could be deferred for, say, almost half a year.

THE CHAIRMAN: We were making this 90-day arrangement, this deferral, to suit the Japanese, but if this is now a problem with the Japanese shall we drop it and just vote on the original recommendation from the Technical Committee? Is that the position? Dr Martin, you were trying to assist the Japanese situation were you not?

CANADA (Dr Martin): That is correct Mr Chairman, and to accommodate the problem we propose the incorporation of the November 1 notification into the motion, either with the satisfaction of the mover and seconder or through an amendment.

THE CHAIRMAN: It seems to me now that the Japanese

delegation is not very much in favour of this deferral. Is that the position Dr Yonezawa?

JAPAN (Dr Yonezawa): Yes.

THE CHAIRMAN: So if we do not need this any more why do we not go ahead on the original proposal? Let us do that Mr Secretary. We will take the recommendation straight from the Technical Committee and leave out the word 'interim,' shall we?

SECRETARY: Yes, and with the final wording as amended by Canada, the original first amended Technical Committee proposal.

THE CHAIRMAN: We are not worrying about the 90-day arrangement?

SECRETARY: No, the Canadian amendment is to change 'the same quotas' to 'the provision for the calling of the special meeting of the Commission'.

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

Those against: USSR, Denmark, Japan.

Abstaining: Norway, South Africa, Iceland.

SECRETARY: That proposal is passed by 11 votes to 3, which is the three-quarter majority needed for a change to the Schedule ... That is carried.

THE CHAIRMAN: The Schedule will be amended accordingly. United States, what is the next item on your list?

USA (Dr Aron): Mr Chairman we are now committed to hold a special meeting of the Scientific Committee. I urge that all of the governments which have within their scientific delegations experts on sperm whale problems, even though some of them may not be working directly in the North

Pacific, please give careful consideration to permitting their scientists to attend this special meeting. I think it would be very difficult indeed for the members of the Scientific Committee and for the Chairman if in fact this decision is made by a very small group consisting of scientists from just the United States, the Soviet Union and Japan. I hope that we can get a large turn out of professional experts at the Scientific Committee meeting. Thank you.

THE CHAIRMAN: Thank you. Madam Chairman?

USA (Mrs Fox): I would just note in regard to the sperm whale special meeting that the Technical Committee has noted the requests of both Canada and Japan for specific work to be done by that special Committee.

THE CHAIRMAN: Is this the appropriate place to deal with where we are going to have this meeting?

USA (Mrs Fox): No, these are the recommendations. Canada asked them to consider the 2 separate stocks in the North Pacific and the Japanese requested that they consider step procedures to minimise the economic dislocation from a biological standpoint, if you recall. The next recommendation of the Technical Committee is the classification of the protection stocks, which is on page 3 of this draft. It is to classify the following stocks as protection stocks with a zero quota: Right, blue, humpback, fin, sei and gray whales in the North Pacific. I would move that these be included in the Schedule as they are at present.

THE CHAIRMAN: Is there a seconder? (Australia) (Denmark) (Canada) ... That is carried. The Schedule remains the same I assume. Would you proceed, please?

USA (Mrs Fox): The next recommendation is to accept the Scientific Committee recommendations regarding gray whales, those are firstly that current US research, including annual migration counts be continued and extended and, secondly, that Mexico and the United States reduce harassment of whales in all breeding areas. Those are similar to a resolution made by the Commission last year.

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

JAPAN (Dr Yonezawa): I would like to request the indulgence of the Chairman because of oversight I forgot to raise a 10 per cent allowance with respect to minke whales for the southern hemisphere. I take it that with respect to minke whales in the southern hemisphere my delegation gets the consensus of the Commission on the 10 per cent allowance we got for other species.

10%
allowance
Southern
Hemisphere
minke
whales

THE CHAIRMAN: A 10 per cent allowance for minke whales in the southern hemisphere. Is there a seconder? (Norway) (USSR) ... That is carried. The allowance will be granted.

USA (Mrs Fox): The next items are 2 remaining items in the North Atlantic. The first is the sei whale stock, the Iceland-Denmark Straits stock. The recommendation of the Technical Committee is that the catch be 84 whales. It is a sustained management stock. I move that it be adopted.

North
Atlantic
sei whales

THE CHAIRMAN: Is there a seconder? (Australia) (Netherlands). Are there any comments?

ICELAND (Mr Asgeirsson): The recommendation of the Technical Committee for a quota of 84 whales is based on the average catches of the last 5 years. I proposed in the Technical Committee that the 1976 catches of only 3 whales should not be counted and that the quote be based on the 1971 to 1975 catches. This was done last year and would result in an unchanged quota. I thought I had some very good arguments to support my proposal in the Technical Committee but in order to save time I will not repeat them here in the hope that Commissioners around the table will still remember them. I will, however, draw your attention to the fact that when we dealt with this in the Technical Committee we did not

have the full report from the Scientific Committee. However we have now received that report and I see that on page 5 revision one, there is a further support for my proposal. If I may quote one sentence from this report: 'The occasional low catch years were not an indication of stock decline.' I think that if the Commissioners had had this in front of them in the Technical Committee it might have helped them understand my arguments better. I will not, however, try to pursue this through this Commission but in the spirit of compromise I am going to make an amendment proposal to what is proposed by the Technical Committee and this is to base their quota, not on the last 5 years, but on the last 6 years. This would result in a figure of 110 and I think that this is a fair compromise. I hope the scientists from the different delegations would not have an objection to basing the quota on 6 years instead of 5 years. Thank you.

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

Mr Secretary, we will take the amendment first.

SECRETARY: The amended proposal for North Atlantic sei whales, the Iceland-Denmark Strait Stock, for a quota of 110. The role starts at The Netherlands.

NETHERLANDS (Dr van Bree): Abstain.

THE CHAIRMAN: The United States.

USA (Dr Aron): If it is proper in the Plenary it is my understanding that even use of the 6-year quota was discussed in the Scientific Committee. I wonder whether it is proper now, Mr Chairman, to request a view of the Chairman of the Scientific Committee. I know your views are not wanting to go back and I am sorry but it has been raised through the Scientific Committee Report. It is an amendment

we have not heard before and I would appreciate the views of the Chairman.

THE CHAIRMAN: It was not discussed in the Technical Committee, was it?

USA (Dr Aron): It was not, sir.

THE CHAIRMAN: Well, can we hear from you Dr Allen on this point of a 6-year figure.

AUSTRALIA (Dr Radway Allen): Mr Chairman, when the matter was referred back to the Scientific Committee for further consideration it had before it an array of averages which could be obtained by counting back for different numbers of years and from starting from different final seasons. Having looked at those it decided to retain its recommendation of 84. I think that is all I can say, Mr Chairman.

THE CHAIRMAN: Thank you.

USA (Dr Aron): Thank you very much.

SECRETARY: The amended proposal for 110 sei whales from the Iceland-Denmark Strait Stock.

Those in favour: Norway, USSR, Denmark, Iceland, Japan.

Those against: New Zealand, UK, USA, Australia, Brazil, Mexico.

Abstaining: Netherlands, Panama, South Africa, Argentina, Canada, France.

SECRETARY: The proposal was defeated by 5 votes to 6 so we go to the original proposal which was a quota of 84 for this stock.

Those in favour: Argentina, Australia, Brazil, Canada, Mexico, Netherlands, New Zealand, Norway, South Africa, UK, USA.

Those against: Denmark, Iceland.

Abstaining: France, Japan, Panama, USSR.

SECRETARY: That proposal was adopted by 11 votes to 2, which is the necessary three-quarters majority for an amendment to the schedule.

THE CHAIRMAN: The proposal was adopted. ... That is carried.

USA (Mrs Fox): The only other item in the North Atlantic is a series of resolutions which were passed by the Technical Committee in regard to the non-member countries taking whales in the North Atlantic. I wonder if we could simply adopt all of those at once.

Resolutions to non-member nations

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

USA (Mrs Fox): We proceed to the Arctic.

THE CHAIRMAN: Do we have any more stocks?

USA (Mrs Fox): The only stock left I believe is the bowhead in the Arctic, unless we have already adopted that.

THE CHAIRMAN: Have we done the fins in the North Atlantic?

USA (Mrs Fox): Yes, we did those in the other plenary. We are on Arctic stocks. I am sorry, I cannot find my report. I see it is under the sei whales. I thought it was all part of the sei whales. The recommendation from the Technical Committee is that Schedule paragraph 7 be changed by deleting the words 'or right' from that paragraph. I would move that recommendation from the Technical Committee.

Arctic bowhead whales

THE CHAIRMAN: Is there a seconder? (Canada)
(Denmark) (Netherlands)

USA (Dr Aron): I think for the record and for the reason cited in Technical Committee I would like my vote recorded as an abstention please.

THE CHAIRMAN - The United States abstains. ... That is carried.

USA (Mrs Fox): I think under that item I would just like to make sure that most of the comments are noted and in particular, comments from Denmark and the United States that were requested to be noted.

DENMARK (Mr Lemche): I am only on the bottom of the page where we are dealing with the Arctic. I am not sure I got the last revision of that, Mr Chairman. Could you please read the very last line on that page out for me so I know which paper I have before me?

THE CHAIRMAN: 'Problems are resolved'. Is that the page?

USA (Mrs Fox): I think that the Commissioner from Denmark is perhaps referring to the last sentence. We had agreed to include a sentence which would say: 'Comments from Denmark are given in annex such-and-such' and we would simply attach them as an annex. Is that acceptable?

DENMARK (Mr Lemche): Yes. And, Mr Chairman, unfortunately I had not the time today to work out this annex, but as soon as I go home I will draw it up. I will contact my colleagues in the United States about it, and then send it to the Secretary. Would that be the feasible thing to do?

THE CHAIRMAN: I would like to refer that to the Secretary.

SECRETARY: Mr Chairman, it had been my intention to consolidate the report of the Technical Committee over this weekend, but if it is the wish of the Commission that we should delay it for some weeks, then there is no objection on my part.

THE CHAIRMAN: Madam Chairman, does that complete the whale stocks and catch limits?

USA (Mrs Fox): Yes, it does.

THE CHAIRMAN: So that means we have now dealt completely with Agenda Items 10 and 11?

USA (Mrs Fox): Mr Chairman, I just noticed in looking over the agenda that we do have Agenda Item 11(c). I assume there is no real need for action on that. It is the opening and closing dates of the Antarctic season, but perhaps we need to make a comment on that.

Opening and
closing dates
of Antarctic
season

NORWAY (Mr Rindal): I would like to recommend that there be no change in the Antarctic season for the coming year.

THE CHAIRMAN: I think we will leave it off the agenda in future. That completes Agenda Items 10 and 11.

Agenda Item 12 - REPORTING REQUIREMENTS FOR SMALL-TYPE
WHALING OPERATIONS, OTHER DIRECTED
FISHERIES FOR SMALL CETACEANS AND
POSSIBLY FISHERIES INVOLVING INCIDENTAL
TAKE OF CETACEANS

(a) REPORT OF SCIENTIFIC COMMITTEE

(b) ACTION ARISING

Reporting
requirements

USA (Mrs Fox): The first recommendation of the Technical Committee has already been taken care of. All that we need to do now is to accept the resolution of the Technical Committee with regard to calling for collection of information from directed fisheries for small cetaceans and fisheries involving incidental take of cetaceans. I move adoption of that resolution.

THE CHAIRMAN: Is there a seconder? (Canada)
(Netherlands) ... That is carried. Thank you
Madam Chairman. That deals with Agenda Item 12.

USA (Mrs Fox): We have covered 13 and 14, I believe, so the next Item is 15.

Agenda Item 15 - INTERNATIONAL DECADE OF CETACEAN RESEARCH

- (a) REPORT BY THE SECRETARY OF ACTION TAKEN
- (b) REPORTS OF ACTIVITIES BY MEMBER GOVERNMENTS
- (c) FURTHER ACTION REQUIRED

USA (Mrs Fox): The Technical Committee noted that special funding from the IWC was requested through the Finance and Administration Committee to provide for computing facilities which we have already discussed. The Committee also endorsed the recommendation of the Scientific Committee that the Secretary be empowered to discuss with IUCN the submission of the priority programs recommended by the Scientific Committee, and that the Secretary should be the co-ordinator. Also responsibility for co-ordination of the programs should rest with the Secretary and local organisers. Those are simply notes. There is no need for action by the Plenary Committee.

CANADA (Dr Martin): Mr Chairman noting the priority of the Scientific Committee attaches to this program, and the items that they hope to move ahead with this year to answer some of the outstanding questions we have in this Commission, I would hope that Commissioners would note the great importance of recognising the research fund of the Commission and the opportunity for voluntary contributions to it.

Agenda Item 17 - REQUIREMENTS FOR COLLECTION OF
BIOLOGICAL DATA

USA (Mrs Fox): The Committee urges the Commission to consider ways in which the data required can be collected in a timely fashion, and therefore recommends a new Schedule provision to be included in section 6, titled 'Information Required'. I will read out the Schedule provision:

Collect
of Bio-
logical
data

(a) Where possible all factory ships and land stations shall collect from each whale taken:

(1) the combined weight of both testes and tissue samples from one testis or both ovaries;

(2) at least one ear plug or one tooth
(preferably first mandibular).

(b) Where possible similar collections to be described in sub-paragraph (a) of this paragraph shall be undertaken by small-type whaling operations conducted from shore or by pelagic fleets.

(c) All specimens collected under sub-paragraphs (a) and (b) shall be properly labelled with the platform or other identification number of the whale and be appropriately preserved.

THE CHAIRMAN: Thank you. Is there a seconder for this amendment? (Netherlands) (Australia). ...
That is carried.

Agenda Item 21 - PROHIBITION ON THE TRANSFER OF WHALING
VESSELS AND EQUIPMENT AND OTHER TYPES OF
ASSISTANCE FROM IWC MEMBER COUNTRIES TO
NON-MEMBER COUNTRIES

USA (Mrs Fox): The Technical Committee recommends
adoption of a resolution on this subject. I move acceptance
of this resolution.

Transfer
of vessels

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

Agenda Item 23 - INTERNATIONAL OBSERVER SCHEME

- (a) REPORT FROM OBSERVERS ON 1976 AND 1976-77 SEASONS
- (b) GUIDELINES FOR, AND AVAILABILITY OF, OBSERVERS' REPORTS
- (c) APPLICATION OF OBSERVER SCHEME TO SMALL-TYPE WHALING
- (d) SOUTHERN HEMISPHERE LAND STATION AGREEMENT
- (e) CONSIDERATION OF THE INTERNATIONAL OBSERVER SCHEME IN LIGHT OF POSSIBLE INCLUSIONS OF ADDITIONAL RESPONSIBILITIES FOR OBSERVERS
- (f) ACTION ARISING

Agenda Item 24 - INFRACTIONS

- (a) REPORTS OF CONTRACTING GOVERNMENTS
- (b) ACTION ARISING
- (c) CRITERIA AND METHODOLOGY UTILISED BY THE INFRACTIONS COMMITTEE

USA (Mrs Fox): The Committee recommended a number of items on the basis of the report of the Infractions Sub-Committee. These recommendations relate both to Agenda items 23 and 24. I wonder if I could cover these recommendations under both agenda items?

THE CHAIRMAN: Certainly.

USA (Mrs Fox): The first one is to accept the recommendation with regard to the system of remuneration of gunners. Do you want me to run through the whole list of recommendations and we might accept them all together?

THE CHAIRMAN: I think so.

USA (Mrs Fox): That is the first recommendation.

The second recommendation is to Japan and the United States asking them to establish an appropriate expansion of the observer scheme to cover minke whales in the North Pacific.

The next recommendation is with regard to the recommendation of the Infractions Committee, which is a request to the Scientific Committee on the size limit of minke whales. I believe that is correct; I am not absolutely positive. Is that correct?

THE CHAIRMAN: We are just having a look at this. Was it on the bottom of page 3 of the infractions report?

USA (Mrs Fox): I believe that is correct; yes, that is No. 6 in the Infractions Committee; that is the recommendation to the Scientific Committee that they should consider this when they have time. No. 7 - the Committee recommends the establishment of observer programmes, if possible, in Greenland and Alaska, and also note the progress of establishment of an agreement between Australia and Brazil to exchange observers. The next recommendation is at the top of the next page with regard to Infraction Committee reports; again it is a request to the Scientific Committee to provide advice on this when possible. The next recommendation is in regard to a presentation of the infractions report which will be taken care of by the Secretary. The next recommendation is with regard to listing of the penalties; in that case the Committee requested that member nations supply the information necessary to put into the report that the Secretary will prepare.

The next recommendation 6 under infractions reports is just a note; it is not a recommendation. The next is also a

note as to the explanation which was made by the Danish Commissioner in regard to Greenland whaling operations. Recommendations under 'General': This was a recommendation which was not accepted by the Technical Committee and would be considered by the Commission at next year's meeting. The next item is a recommendation that member nations seek legal advice as to the problems which might arise from public knowledge of observer reports, and the Technical Committee urges that the Commission at its 30th meeting make a final decision as to the availability of observer reports. The next recommendation with regard to public statements and publications by observers is acceptance of the recommendations by the Sub-Committee. The next is a recommendation with regard to the observer scheme with relation to North Atlantic minke whales.

The Committee accepted the sub-committee's recommendation that the Secretary be authorised to assign representatives of interested member nations to analyse the minke whale fisheries of the North Atlantic and report to the 30th meeting of the Commission on measures required in order to adopt an observer scheme for the North Atlantic minke whale stock. The Committee also noted the expression of willingness of Norway and Denmark to co-operate. The Committee also recommended that funding of the proposed meeting be agreed by participating governments.

The final recommendation, I believe, is that the Infractions Committee should continue to operate as it has and that its method of procedure might be written down. That covers those 2 items, Mr Chairman, if we could accept those at the same time.

THE CHAIRMAN: Have we someone move that this report be adopted?

JAPAN (Dr Yonezawa): I do not wish to be argumentative on this at all, but I do not recollect a proposal for transfer to the Commission of receipts from penalties for infractions - transfer to the research fund. If my memory serves me correctly, there was no recommendation at all. So we do not have the recommendation that the proposal be placed on the agenda of the next IWC meeting. I would like to clarify this point. I am not quite sure. Thank you.

USA (Mrs Fox): Dr Yonezawa is right. When I read that I wondered. I think the draft is incorrect. We should simply delete that.

THE CHAIRMAN: Please tell me which we delete before we adopt the report.

USA (Mrs Fox): It is c(1).

THE CHAIRMAN: What do we delete?

USA (Mrs Fox): The whole thing. We did not take any action on that at all.

THE CHAIRMAN: Okay. On the basis of that amendment.

ICELAND (Mr Asgeirsson): Thank you, Mr Chairman. I have just a few corrections to make to the Technical Committee report. May I do it now?

THE CHAIRMAN: Yes.

ICELAND (Mr Asgeirsson): The first one relates to the point 4 observer in Iceland: The sizes of our boats, shrimp or minke whale boats are not correct in the report. They said the sizes were from 15 tonnes to 30 tonnes.

Secondly, the shrimp season is in the period from October to April; the minke whale season would then be from April to October.

Lastly, unfortunately we could not afford to recruit 17 inspectors; we have recruited seven, not solely for this purpose. So I suggest that we change the wording by deleting the word 'this' and inserting 'the purpose of observing fisheries, including the minke whale fishery', if that is acceptable. Finally, I also wish to express the Icelandic Government's willingness to co-operate in the observer scheme related to the North Atlantic minke whales.

THE CHAIRMAN: Any more amendments?

DENMARK (Mr Lemche): Yes, Mr Chairman, I am sorry. Maybe I was not aware of the thing when we went through the Infractions Report. I am referring to point 7 under (b) Infractions Report. The phrasing here looks like saying 'investigate the unrecorded taking of humpback calves'. It looks like it is something which takes place. I will try to reword it and just give my understanding on which questions I was opposed by the Infractions Sub-committee and the answers I gave them. I will give 5 lines. I can read them quickly now and you can read them slowly afterwards as I will give them to the Secretary.

THE CHAIRMAN: Read them quickly and if we are happy you can hand in the piece of paper.

DENMARK (Mr Lemche): The Committee noted that the Danish Commissioner - delete the rest - in response to a question whether humpback calves are taken unrecorded in Greenland, regretted not to have basic recording schemes present but would investigate the matter as soon as possible and report to the Secretariat.

THE CHAIRMAN: You will hand those in? Are there any other suggested amendments to the Technical Committee report? If not, it has been moved by the Chairman of the Technical Committee that the report be adopted. Is there a seconder? (Australia). (Iceland) ... That is carried. That means agenda item 9 has now been dealt with as well.

USA (Mrs Fox): I am sorry, I was just seeking to get the infractions matter cleared up. There is one small item left - item 28 - which I believe we have not accepted in Plenary.

Agenda Item 28 - REVISION OF SCHEDULE

(a) PROPOSED NEW LAYOUT FOR
SECTION III

(b) MISCELLANEOUS PROVISIONS

USA (Mrs Fox): This is simply the proposed new layout of the Schedule and a few minor editorial changes that were proposed by the Secretariat. I propose that we accept that.

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

Madam Chairman, does that complete your report of the Technical Committee?

USA (Mrs Fox): Yes.

THE CHAIRMAN: Mrs Fox, I would like to take this opportunity to thank you most sincerely for the work you have done in handling this most difficult function of this Commission. It has been well recognised for many years that the most difficult piece of work we have is the chairing of the Technical Committee and on behalf of all the Commissioners I would like to congratulate you most sincerely on a job so efficiently done and with such expertise. I congratulate you on the way you have been able to control the Commissioners and keep them in order. I thank you also for having paper in front of us - a thing we have not had for many years - and in thanking you for that I must be aware of the work that has been done by people outside the conference room as well as the Secretary and his Executive Officer. To all those people, on behalf of the Commissioners I thank you most sincerely.

I now propose to go through the agenda, starting at agenda item 4 and taking in the ones that we have so far left out.

Agenda Item 4 - ADMISSION OF ACCREDITED OBSERVERS
TO COMMITTEES AND ACCESS TO PAPERS

THE CHAIRMAN: I would like to call on the
Commissioner for the United Kingdom to comment on this. Accredited
Observers

UK (Mr Kelsey): I will be quite brief. The paper
is fairly self explanatory; it is directed, as my fellow
Commissioners will observe, to that section of the
Scientific Committee's report which will be found on page
3 of the Scientific Committee report under Rules of
Procedure where the discussion which the Scientific
Committee had is recorded. Paragraph 3 under the section
headed A. Membership and Observers, deals with the
attendance of accredited observers.

It is there suggested that such observers may attend the meeting subject to the agreement of the Chairman and Vice Chairman of the Scientific Committee and the Secretary of the Commission, acting according to such policy as the Commission or the Scientific Committee may decide. This question has given rise to some problems in the past and it did seem to the United Kingdom that it would be helpful for those who have to take the decision to have some indication of what that policy might be. This is what we have sought to do in this paper, Mr Chairman, and as you know the paper before us reflects the outcome of some informal consultations between the Commissioners, so I would like here and now to make a formal proposal in the sense of this paper.

THE CHAIRMAN: Thank you. Do I have a seconder?
(Netherlands) (Norway) (Denmark)

NEW ZEALAND (Mr Scott): Mr Chairman, I would like to ask the representative of the United Kingdom if he would accept a small amendment to the last line. It would be to add the words 'of observers admitted under this rule'.

UK (Mr Kelsey): I hate to suggest it and I am not surprised under the weight of paper, but I am not quite sure that my New Zealand colleague is looking at the latest version of this document. The one which I have, which is on yellow paper, has indeed included the words that he wants to see.

NEW ZEALAND (Mr Scott): I see it now, Mr Chairman. I am sorry, I withdraw my suggestion.

THE CHAIRMAN: Are we all in favour of this recommendation? Those against? ... That is carried.

JAPAN (Dr Yonezawa): I would like to record my reservation to this resolution. We are opposed to the Scientific Committee being open to outsiders. I think it is of paramount importance to keep the quality of the meeting as high as possible. I would like to place my reservation on the record. We are opposed to the opening of the Scientific Committee to outsiders. Thank you.

THE CHAIRMAN: Thank you. On the definition of an international organisation, the Commissioners have agreed that we adopt the definition utilised by the Union of the International Associations, which is based in Brussels under part of UNESCO. This reads that an international organisation, is any organisation with offices in more than 3 nations. I would also like you to hear from the Secretary some conditions under which participants attend this meeting. This also has been agreed upon by the Commissioners. For the record, I think the Secretary should read it.

SECRETARY: Mr Chairman, 'Rules of Conduct for Observers at meetings of the International Whaling Commission'. These rules apply to meetings of all committees and to plenary sessions. A copy of these rules will be issued to each observer at the beginning of each meeting. They read:

1. Comments to the media on discussions in committee meetings and in plenary sessions are prohibited until the Commission meeting has been completed.
2. Entry and use of recording equipment in committee meetings and plenary sessions is prohibited.
3. Following the conclusion of the Commission meeting, observers may speak freely to the media subject to the following conditions:
 - (a) attribution to individuals or countries of statements made at committee meetings is prohibited;
 - (b) quotations from, or use of draft documents, is prohibited. Note: Statements by Commissioners in plenary sessions may be quoted and attributed.

Failure to conform to these rules or any other rule that the Commission may adopt, will result in withdrawal of accreditation.

THE CHAIRMAN: Thank you. I think that concludes agenda item 4 and we move on to agenda item 5.

Agenda Item 5 - ADMISSION OF THE PRESS AND OBSERVERS TO
PLENARY AND TECHNICAL COMMITTEE - PROVISION
FOR AMENDMENT OF RULE III OF THE RULES OF
PROCEDURE

THE CHAIRMAN: The Commissioners have considered
the admittance of accredited people from the Press to
our meetings, and it has been agreed that they will be
allowed to be present at the opening and closing plenary
sessions of the Whaling Commission meetings. I think that
there is nothing further to add to that. We can move on
to agenda item 18.

Admission
of Press

Agenda Item 18 - REVISION OF THE INTERNATIONAL CONVENTION
FOR THE REGULATION OF WHALING, 1946

- (a) PROGRESS REPORT BY CHAIRMAN
- (b) CONSIDERATION OF TIMING FOR MEETING
OF PLENIPOTENTIARIES TO RE-NEGOTIATE
THE CONVENTION

THE CHAIRMAN: You should have a paper IWC/29/24 which has a cover sheet and a progress report of a working group which was held on 16 June, and a document setting out the Convention and the suggested amendments to it. I think that the best way to handle this would be for me to call on the Commissioner for Canada to give his views on the next step in the bringing about of the amendment to our present Convention.

CANADA (Dr Martin): Thank you Mr Chairman. A great deal of work has gone into the preparation of this document 29/24 over the last 3 years. At a meeting of a working group dealing with drafting we had useful consolidation of all of the views that were expressed in writing by the various time limits. We are now in a position to proceed with the distribution of this document to the list of countries that we drew up at last year's meeting. That is shown in document 29/14.

It is our view in light of experience with the development of new conventions, that it is most important to have a preparatory conference of all of the interested parties. All the countries represented on this Commission and those listed for circulation - that is, those countries that in the view of this Commission may have an interest in the development of a new convention - should be called together in a preparatory conference.

This enables all of those concerned to explain to those who have not been involved in this development all of the ramifications and questions. It provides an opportunity for countries that have not been involved to date to introduce their new proposals and to reach some degree of agreement and some consolidation of the varying views that have developed to the date of such a conference. We believe that it would take a considerable amount of time for countries to adequately consider this document that we would hope would be distributed soon after this meeting. It would be our view that some time during the next year, in advance of the next meeting of this Commission hopefully, a preparatory conference could be held to lay the groundwork for the revision of this convention that we are most interested in in this Commission.

So it would be our proposal, Mr Chairman, that we should follow this procedure and think in terms of a preparatory conference at some suitable place and time, possibly next Spring, but certainly within the next 12 months. Thank you.

THE CHAIRMAN: Thank you, Dr Martin. A point for clarification: Which Spring are you talking about?

CANADA (Dr Martin): The Spring of 1978.

THE CHAIRMAN:

I assume you mean the Northern Hemisphere Spring?

CANADA (Dr Martin): That is correct.

THE CHAIRMAN: Denmark.

DENMARK (Mr Lemche): I really think it is a useful idea that Dr Martin came up with, that we have a preparatory working conference before jumping to the diplomatic

conference. I do not think the thing is mature now just to be handed over to the diplomats. In a diplomatic conference the legations would be headed by people from ministries of foreign affairs and it is my experience that for ministries of foreign affairs - I am certainly not speaking about anybody present here but generally - fisheries are foreign affairs. So having given his support I feel somewhat obliged to proceed with the matter further and if it is the general view that it might be feasible to hold such a preparatory conference sometime next Spring in Denmark in Copenhagen, I personally would welcome that very much. Having just heard the proposal from Canada now, I certainly cannot speak on behalf of my Government but if it is convenient and if you could accept it, I will go straight back to my Government and do everything I can in order to hold such a preparatory conference. I think it would be in the capital, Copenhagen, because of all the facilities, Telex, embassies and so on. I would like to take you to Greenland but I could not do that because the facilities are not there. I shall do everything I can. If somebody were to ask me what is the chance of the Danish Government saying 'Yes' to that, I would say that the chance is 99 per cent. Thank you very much, Mr Chairman.

ICELAND (Mr Asgeirsson): Although I submit that the people in the Icelandic Ministry of Foreign Affairs and the diplomats are pretty well informed on fisheries, I also support the Canadian proposal and I welcome the Danish comment that it is possible that the Danish Government will be able to host such a meeting. I will be looking forward to coming to Denmark to attend such a meeting. Thank you.

NORWAY (Mr Rindal): As one of the persons mentioned in my Danish colleague's remarks, I quite agree with him. I also quite agree with Dr Martin that it is very important for such a meeting to be held before we launch into something really important. I would also be very grateful to Denmark for having offered to hold such a meeting, preferably next Spring. Thank you.

THE CHAIRMAN: Mr Rindal, in regard to your suggestion and the suggestion by Dr Martin on the timing of such a meeting - you suggested the Northern Hemisphere Spring - is this taking account of what may be happening in New York right now and the need for us to see the outcome of the revised single negotiating text before we push on with the convention? Is this a consideration? Apparently it is not.

USA (Dr Aron): I very much welcome what I think is a very kind invitation by our colleague from Denmark. While I must confess that we are not overwhelmingly enthusiastic about a preparatory meeting, I guess there is a perception in spite of 3 years of very hard work that such a meeting is needed. We can accept this. We had hoped that this meeting could be conducted at the time suggested by my Danish colleague. We would hope that this meeting could take place and not occupy an extended period of time. Certainly we think this early preparatory work could be completed in no more than one week.

I would remind the Whaling Commission, and this is a point we feel very strongly about, that there is urgency in

renegotiating the convention. We have seen problems occur at this meeting on a number of issues dealing with transfer of equipment. We have seen a number of problems.

I would also remind you that recently at the Governing Council of the UN environmental program in Nairobi, there was very strong support by many nations including many who are members of IWC for a renegotiation of the Convention. We would hope that this can be conducted. I do have instructions from our own government that we would be prepared to consider hosting such a meeting in late 1978 or in early 1979. I commend to the Whaling Commission the hope that we can move ahead promptly on what we consider to be an important issue and one which is necessary for strengthening this body. Thank you.

THE CHAIRMAN: Thank you. United Kingdom.

UK (Mr Kelsey): I would just like to say, Mr Chairman, that the United Kingdom's government's position is very much in line with that expressed by my United States colleague. We are very anxious to see movement into a renegotiation but we accept the point of view that there are still perhaps one or two loose ends to tie up, particularly with people who have not had the benefit of the Commission's deliberations so far. Accordingly I would like to express the United Kingdom's appreciation of the kind invitation extended by our Danish colleague and hope that the key note at such a preparatory conference will indeed be preparation and not procrastination. Thank you Mr Chairman.

THE CHAIRMAN: Australia.

AUSTRALIA (Mr Purnell-Webb): Thank you Mr Chairman. We would certainly agree that there is a need for a preparatory meeting of the type proposed by the Canadian Commissioner. It would be essential to have such a meeting to clear up the text and put it in final form, to discuss the agenda for the conference of plenipotentiaries, and the rules of procedure.

We certainly appreciate the offer made by the delegate from Denmark and we could agree with a conference at about that time. Thank you.

THE CHAIRMAN: Any further comments? I assume that the actual timing will depend on Mr Lemche getting the approval of his Government and the convenience of his Government as the host. What do you say, Denmark?

DENMARK (Mr Lemche): Mr Chairman, could you maybe indicate when in the next Spring it would be feasible. I think the question you put to Mr Rindal about the Law of the Sea business might be one of the things we would not necessarily need to deal with at that stage because that is of a highly political nature and could be dealt with in the diplomatic conference. So could you give me some kind of indication of when in the Spring? Would it be feasible when the beeches in Denmark are coming out, that is, at end of April, beginning of May, something like that?

THE CHAIRMAN: I am not fully aware of the climatic conditions of Copenhagen at that particular time of the year, but I would have thought early April, having regard to your weather. Anyone with a particular view?

USA (Dr Aron): Mr Chairman, I would hope that whenever the preparatory meeting is conducted it would be conducted early enough to provide assurances to the Commission that we could hold the plenipotentiary meeting no later than in early 1979. I would hope that, if we do agree to a preparatory meeting, we would also at this session agree to set a timing on the meeting of plenipotentiaries. I would hope that, with all due respects - in fact because of the enormous beauty of Copenhagen and the surrounding area - I would hope in fact the meeting is held in

mid-February or mid-March, encouraging people to work.

NORWAY (Mr Norby): Being the other foreign service officer in the Norwegian delegation, I cannot refrain from commenting upon this question too; and I will briefly comment upon the question raised by you and now touched upon by the Danish Commissioner. The question of the timing of the diplomatic conference is in our view strictly dependent upon the question of when the Law of the Sea Conference will have concluded its work. It is therefore at the present stage impossible to discuss what month, or rather, what Spring, we are going to have the diplomatic conference, and this delegation would like to be on record that within the framework of our work we cannot, or we should not, do anything that might prejudice the outcome of the Law of the Sea Conference; so one question that can hardly be touched upon at the preparatory meeting is the important question of the scope of the Convention - the Whaling Convention.

CANADA (Dr Martin): Mr Chairman, the only concern we would have about timing is that it should not conflict with any session of the Law of the Sea. I would like to add a couple more points: One is that the Secretary prepare a draft covering letter - we have a number of suggestions concerning the letter, and he may indeed have other suggestions from other delegations - we would be willing to assist in any way possible in helping with the drafting of a letter. I am thinking about time and place, and the things that would be carried out at a preparatory conference, such as consideration of the time and place of a plenipotentiary conference, rules of procedure, the sorts of things that we have been discussing in the working group and in this Commission.

THE CHAIRMAN: Thank you for your offer of assistance, Dr Martin. I would assume that the letter going out to the interested countries and we have quite a long list of them, should be over the signature of the Chairman of the Commission. I would appreciate any help that you and my secretary could give to complete that. I would assume that the next step will be to circulate the document which is now in front of you. Is that agreed?

USA (Dr Aron): We welcome the very good advice of Canada and we also, because we see the need for urgency here, will commit ourselves to help in this matter. I think what we would like to see, among other things, is maybe a somewhat better distribution of material to more countries that may be interested. I realise the proposed list is a tentative list. It is a very good start and we will be prepared to work very closely with you and any other Commissioners on this. We certainly would expect that the preparatory meeting would set a firm date for the plenipotentiary meeting and that it would be as early as possible, recognising the constraints mentioned by many people here.

THE CHAIRMAN: The secretary has some communications from other organisations and I would like him to draw your attention to them.

SECRETARY: I would just like to draw your attention to the decision of the governing council of UNEP. This is contained in a document that was distributed at the outset of this meeting under the heading of 'IWC Agenda Item 18'. There is the text of a resolution and decision drawn up by the governing council in May which specifically calls on this

Commission to make the necessary arrangements for calling the meeting to consider the conservation of cetaceans under a new convention arrangement. UNEP specifically asked that they be informed of the decision which we reach so I shall be in a position now to tell them of the decision of this meeting. They also encourage us in our work by welcoming the efforts of this Commission in the field of conservation and management of whales and they extend support as appropriate to research activities. So I think we should endeavour to associate ourselves as closely as possible with UNEP in this whole field. Thank you, Mr Chairman.

NORWAY (Mr Norby): The American Commissioner's latest intervention necessitates a clarification, or rather an explanation, on my part. I thought I had been clear enough when I said that the timing of the plenipotentiary conference is dependent upon the timing of the conclusion of the Law of the Sea Conference and to make my point quite clear, article 54 in the single negotiating text contains principles with which this delegation and other delegations are in disagreement. We are willing and able to discuss the contents of that article but only within the framework of the Law of the Sea Conference, not within the framework of our Commission. Thank you.

USA (Dr Aron): Mr Chairman, I would be forced to indicate that our country must respectfully disagree with our colleague from Norway. We are in the process - and many nations here are involved with this - of renegotiating other fisheries treaties that might likewise be involved with Law of the Sea actions. We appreciate the difficulty but we really do disagree that determination of the LOS is necessary before we move ahead with the renegotiated convention and a

meeting of plenipotentiaries. Hopefully, this could all come out in any case in a preparatory meeting; we may get a better understanding of where we stand at that point. Thank you.

THE CHAIRMAN: Thank you.

DENMARK (Mr Lemche): Thank you Mr Chairman. I would speak to the suggestions made by the Commissioner of Canada. Canada suggested that we should invite all the countries - the Secretary knows what it is; could he please give me the number - listed in document 14? It suggests that many countries - all the coastline places in the world, I would think - should be invited, not only to the plenipotentiaries conference but also to the preparatory conference. I shall at this time address myself only to the question of the preparatory conference. One of the things the preparatory conference will deal with is the question of whether or not all kinds of cetaceans should be included in the new convention.

Speaking out of my heart - I have not prepared this - it would be my personal view that what we really need, if it could be done, is some kind of eco-system management commission. It would deal mainly with the south and polar seas where there are relatively few species which are competitors. There are whales, there are crab eater seals, there are penguins, there are krill for instance. Those are the species I know; I am a paper man not a biologist. It would be my personal wish that such a thing could be set up.

On the other hand, again speaking personally, I cannot really see the need in the new convention to include all those stocks of small cetaceans which are exclusively within 200 miles of some coastal states. Certainly those coastal states which

wanted the advice of this Commission, or the coming Commission, should certainly be allowed to have the advice. There are also cases where such stocks of small cetaceans would migrate outside the area of one single coastal state's fisheries jurisdiction.

We could deal with that. We could also deal with some small cetaceans where we are especially concerned, but it is my personal view that it is much more important to have some sort of ecosystem thing in the southern Polar Sea than to have every kind of small cetacean put into the new Commission. This would in fact change the new Commission into some kind of a new Law of the Sea Conference. I am not speaking of the issues but about the number of delegations, the timings and all the practical things and so on.

For these reasons I wonder whether it is worth while to invite the whole list suggested by Canada to the preparatory conference. I think we should invite those who are here. Certainly we should have some scientists with us and if there are scientists who are multi-species scientists and know about whales as well as krill and penguins and so on it would be a pleasure to have at least an opportunity to contact them during the conference. I do not know whether it would be necessary to have them sitting there, but it should be arranged. I am sorry, Mr Chairman, for this long intervention but you see my point. I am certainly completely in the hands of the Commission. If the Commission wishes to invite all of the 100 states on the list then I will try to provide for that and do my best, but I just wanted to ask your advice and your guidance and I gave you my personal view of whom we should invite to the preparatory conference. Thank you.

CANADA (Dr Martin): I think the appropriate action is to follow through with the advice of the working group and the agreement of the Commission, that this Commission recommend to the host government the sort of list prepared on page 29, under item 14. It would of course be up to the host government to reach a decision on who would be invited to such a conference.

THE CHAIRMAN: Although we may invite quite a number of countries and the host government may invite quite a number of countries there would be no assurance that all those countries would accept the invitation. Does anyone else have a view on this? Does this complete our discussion on this particular item?

USA (Dr Aron): I think I must respond to Mr Lemche's comments. A working group has been looking at the problem of renegotiating the convention for a 3-year period. They have worked hard. I think they have produced an extremely useful document. That document was produced with the full consent, knowledge and approval of the Commission. It was a document designed for a new international whaling or international cetacean convention. I look with some alarm at changing the ground rules at this time. Will all the work that has gone on for the past 3 years be undone? I think we must stick with what we have been doing. Thank you.

THE CHAIRMAN: Are there any further comments on this agenda item? Then we shall proceed to agenda item 19.

Agenda Item 19 - ADHERENCE OF NON-MEMBER WHALING AND
OTHER COUNTRIES TO THE CONVENTION

(b) PROHIBITION ON IMPORTATION OF
WHALE PRODUCTS

THE CHAIRMAN: In our first Plenary Session I think I reported to you what action I had been taking in this regard but if my memory serves me correctly we have not dealt with item 19(b), Prohibition on the Importation of Whale Products. Is that the position?

Prohibition
on whale
imports

USA (Dr Aron): Again, as we said in the Technical Committee when we dealt with the matter of transfer of equipment and expertise, we had originally, as you know, proposed a Schedule change and in discussing this matter with a number of delegations we recognised that there were problems from a legalistic point of view in developing and accepting such a Schedule change. We have therefore proposed, and it has been distributed to each of the Commissioners, a resolution which we trust will be acceptable to all and we ask your favourable consideration at this point.

THE CHAIRMAN: Could you identify that paper?

USA (Dr Aron): The paper is dated 23 June; it is a pink sheet. The operational paragraph suggests that it be further resolved - to the bottom of the page - that the member nations shall actively seek to encourage membership by all non-member whaling nations and shall take all necessary steps, including such amendments to their laws and regulations as may be required, to prohibit the import into their countries of whale products from non-member nations in the interest of ensuring effective

conservation and management of whale stocks; and be it further resolved that the member nations shall report to the Thirtieth Annual Meeting of the Commission on measures they have taken to implement this resolution.

CANADA (Dr Martin): We too would have preferred to see this prohibition contained in the Schedule but we understand the legal difficulties and we will be doing our best to see that when the new Convention is drawn up these difficulties are removed. We wish also to note that as we understand it, a great deal of the whale products now being produced by non-member countries are exported to member countries. Accordingly, if this resolution is implemented effectively by member countries, we would expect to see a considerable reduction next year in the operations of non-member countries and this evidence will be the test of the effectiveness of the action we have taken. We would like to second the motion of the United States to adopt this resolution and in so doing would propose, in the bottom paragraph on the page, that the word 'shall' in line one and the word 'shall' in line 3 be changed to 'should'.

THE CHAIRMAN: Are there any other speakers on this point?

CANADA (Dr Martin): To make one additional point, Mr Chairman, on page 2: Be it further resolved that 'Commissioners' rather than 'member nations' shall report to the 30th annual meeting of the Commission on measures taken by their Governments to implement the resolution.

THE CHAIRMAN: We have a proposer and a seconder for that resolution. Is there any further comment?

JAPAN (Dr Yonezawa): I am just comparing the 2 resolutions we have passed on. One is transfer of factory ships and this is with respect to the import from non-member nations. I am rather inclined to use as similar words as possible. The change suggested by Canada seems to be in line with the one we had, with respect to the transfer of vessels, so that I wonder if also 'necessary' can be replaced by 'practicable' so that it is: 'Should take all practicable steps, etc.'

THE CHAIRMAN: Dr Yonezawa, could you tell me where this amendment of yours would come?

JAPAN (Dr Yonezawa): Six lines from the bottom.

THE CHAIRMAN: Instead of 'necessary' it is 'practicable'.

JAPAN (Dr Yonezawa): Yes.

THE CHAIRMAN: Is that revision acceptable to the original proposer and seconder? It is OK by the United States.

CANADA (Dr Martin): Mr Chairman, we prefer 'necessary'.

THE CHAIRMAN: Denmark.

DENMARK (Mr Lemche): Mr Chairman, in reply to what Dr Martin just said, I want to recall what happened last year when we passed the bowhead resolution.

THE CHAIRMAN: United States?

USA (Dr Aron): We would support the Canadian view on this. We would prefer to see 'necessary' left in as well.

JAPAN (Dr Yonezawa): I have just checked what my instructions say on that. My delegation cannot find it possible to associate with this resolution, because of the implications of GATT. Also this may be construed as establishing trade barrier. We are people in the executive branch and we are not really empowered to take steps to amend our laws. It is not mandatory to amend our laws. Also I think it is not good practice to penalise non-member countries by imposing these kinds of regulations. For these reasons I think I cannot associate myself with this resolution. Thank you.

AUSTRALIA (Mr Purnell-Webb): Australia would certainly support the resolution. It is in line with our policies. We have prohibited the importation of whale products from non-member countries since 1973. Like the Canadians we would like to see it in more formal form but for the time being we can certainly support the resolution.

NEW ZEALAND (Mr Scott): My position is very much like that just stated by the Commissioner for Australia. We can support the resolution with the amendments that have been suggested. I suppose that, in the light of the later statement by Dr Yonezawa, he would not insist on changing the word 'necessary' to 'practicable'. I hope that since we have already passed legislation to prohibit the import of whale products from all countries that there is no possibility that

he would challenge this in GATT.

DENMARK (Mr Lemche): On the point that the United States and Canada made that we should have 'necessary' and not 'practicable' I want to recall what happened when we drafted the resolution last year on bowhead whales. This was appendix F again in the Chairman's report. The first draft which I made in the recommendation said something like 'as early as possible' to take all necessary steps to limit the extension of the fishery. Then Dr White said: 'We have some concern. Could we not say feasible instead of necessary?' He explained that what might be necessary might not be feasible. I think this is a statement of some general value.

THE CHAIRMAN: Could our Commissioner for the United Kingdom give us his views on the language so that we get a word that might suit everybody?

UK (Mr Kelsey): As I explained when we discussed the corresponding one in relation to trade, I am no legal draftsman. The normal term used in our regulations and so on would be 'practicable' rather than 'feasible'.

While I have the floor, Mr Chairman, I will take the opportunity of saying that my Government has full sympathy with the objective of this resolution which, of course, is to encourage non-member countries to adhere to the Convention. We have some reservations^{at} this time, when we have just been talking on the previous item of setting up a preparatory conference at this particular time, about whether it will have a beneficial effect. It is never easy to predict the result of sanctions. We also have some reservations purely from the point of view of trade policy about the introduction of what would effectively be a discriminatory trade barrier. Let me make it quite plain, of course, that^{the} United Kingdom banned the import of most whale products from any country in 1973. But having expressed those 2 reservations and having listened to my fellow Commissioners I am happy to say I can go along with this resolution if, as I understand, it is your proposal to have incorporated the amendments which have been discussed.

THE CHAIRMAN: Thank you.

ICELAND (Mr Asgeirsson): I am also in sympathy with the objectives of this resolution, but there are points I would like to have clarified. The last part of it states that the member nations shall report on the measures they have taken to implement this resolution. I do not think the Icelandic authorities have to do anything to implement it. We are not importing any whale products, and this is my point: Does this resolution, if we try to implement it, require that our laws or regulations be amended or that we make new laws and regulations in order to prohibit imports of this kind although there is no such import, and therefore no requirement for such a law?

THE CHAIRMAN: Is not the word 'should' being used instead of the word 'shall' acceptable to the Japanese position? My point is that it is not binding.

JAPAN (Dr Yonezawa): It is not binding, but it says, 'should take all steps including such amendments to their laws'. This binds us to do something we cannot do. We can transmit the wish of the executive branch to the legislative branch, but something we cannot pledge to do is to influence our legislative branch to introduce amendments.

THE CHAIRMAN: If I could encourage the proposer and seconder to use the word 'practical' instead of 'necessary', would you go along with that?

JAPAN (Dr Yonezawa): Mr Chairman, we have an additional problem. We have in our neighbourhood a friendly nation which is not party to this Convention. This nation may wish to join this Commission, or if not, of course we do not know what is the intention of this nation, but this nation may stay with the declarations of the International Whaling Commission. So I am not quite sure if we could do anything against this friendly nation simply because this nation is not a member of this Commission. So also, as it has been mentioned, my country depends upon free trade. We do not have any resources so that we have to depend on free trade. As government policy, we are not in favour of establishing trade barriers. There may also be complications with our policy vis-a-vis the GATT agreements.

CANADA (Dr Martin): Mr Chairman, in response to the comments from the Commissioner from Iceland, we feel that it is quite clear that we should have no problem with drawing up

laws and regulations since they are obviously not required in that case, but it may accommodate his problem by changing the word 'prohibit' to 'prevent'.

THE CHAIRMAN: Would the United States go along with that amendment?

USA (Dr Aron): We are pleased to accept the amendment by the Canadians.

THE CHAIRMAN: Can I get the proposer and seconder to soften this down a little so that it will be acceptable to everybody, or have we reached an impasse?

DENMARK (Mr Lemche): In my bad English language I do not see the difference between 'prohibit' and 'prevent'. I think in the other resolution we made we said 'discourage'. Could that be used here maybe?

ICELAND (Mr Asgeirsson): In my understanding of the English language, which is not too good, there is a distinct difference between the words 'prohibit' and 'prevent', and the Canadian suggestion helps me quite a lot because as it stood 'prohibit' would, in my mind, require definite action to be taken, but if we change it to 'prevent', then I think we could get along with it without taking any action unless it was necessary.

THE CHAIRMAN: I think the proposer and seconder are quite happy to use the word 'prevent' but my problem, of course, is to meet the Japanese situation. I am beginning to think that it will be an impossibility.

JAPAN (Dr Yonezawa): Mr Chairman, could you give me a few minutes?

THE CHAIRMAN: While Dr Yonezawa is looking at this I would like some clarification from Commissioners. I suppose

we would like this to be the consensus of the meeting rather than put this to a vote. If we put it to a vote it still could not be really binding. It would not be in the Schedule. Am I right on that interpretation? Can anybody help me?

JAPAN (Dr Yonezawa): We have to deal with a difficulty here. As I mentioned, one is through our relationship with our neighbouring country and the second one is that the trade policy is a matter for the ministry of trade and industry and it is not our matter. Our instruction was decided in consultation with the ministry of trade and industry, so I am in full sympathy with the intent of the resolution but I do not think that my delegation can accept this resolution. Thank you.

THE CHAIRMAN: If I put this to the vote would you be quite happy to abstain?

JAPAN (Dr Yonezawa): Yes.

THE CHAIRMAN: It has been moved and seconded that this resolution prepared by the United States with minor amendments of changing 'shall' in 2 places to 'should' and 'prohibit' in one place to 'prevent' and on the second page it reads: 'To be further resolved that Commissioners shall report to the 30th Annual Meeting of the Commission on measures taken by their Governments to implement this resolution'. We are still using the word 'necessary' I understand. We will have a vote.

Abstaining: Japan.

THE CHAIRMAN: Thank you very much ... That is carried. I think we can now move on to Agenda Item 20 - The Convention on International Trade and Endangered Species of Wild Fauna and Flora.

USA (Dr Aron): I would request the Secretary to send that resolution to all of the non-member nations as well as the one drafted in the Technical Committee, please.

THE CHAIRMAN: Is that agreeable?

CANADA (Dr Martin): Are we onto endangered species now?

THE CHAIRMAN: We are just saying that we circulate this to non-member whaling nations. Any objection to that? We move on to Item 20, the Convention on International Trade Endangered species of Wild Fauna and Flora.

Agenda Item 20 - CONVENTION ON INTERNATIONAL
TRADE IN ENDANGERED SPECIES
OF WILD FAUNA AND FLORA

(a) RESULTS OF THE CONFERENCE IN BERNE,
SWITZERLAND, 2-6 NOVEMBER, 1976, AND
IMPLICATIONS FOR THE IWC.

(b) ACTION ARISING.

CANADA (Dr Martin): Mr Chairman, Canada and several other members of the IWC have ratified the Endangered Species Convention and thus participated in actions taken under both Conventions. We think that the two can profit from co-operation. The IWC can supply expert advice to the Endangered Species Convention on the status of whales in relation to ESC criteria. The ESC deals with many groups of plants and animals and requires expert advice from specialist groups in order to function effectively.

Action by the ESC could assist the IWC in discouraging commercial exploitation of badly depleted or endangered stocks of whales.

I would therefore suggest to my fellow Commissioners firstly that the IWC offer to the ESC to act as its adviser on cetaceans; secondly, that the IWC accept the ESC invitation to participate at the October meeting in Geneva and be represented there by the Chairman or Vice-Chairman and the Secretary of the Commission; thirdly, that the IWC advise the ESC of the conclusion of our Scientific Committee regarding the status of whale stocks in relation to ESC criteria and provide advice at Geneva on any exploitation by non-IWC members of those stocks whose biological status is appropriate for Appendices 1 or 2. In addition, the IWC representatives should be prepared to discuss problems of identification of cetacean parts and products.

THE CHAIRMAN: I understand that the Scientific Committee has been looking at this agenda item. I think we should hear from the Chairman of the Scientific Committee.

AUSTRALIA (Dr Radway Allen): Our comments on this item will be found in section 10.1.3 on page B4 of our report. When the Endangered Species Convention was negotiated in 1973 all those species which were then protected by this Commission were included in Appendix 1 under the ESC. But these were made only on very generalised criteria which did not give very specific guidance as to how the species should really be handled.

The Scientific Committee looked at a number of points which are relevant to the task of trying to get as much compatibility as possible between the 2 systems of classification. There is a problem of timing because the ESC meets every 2 years and the IWC meets every year and, of course, may change classifications at any time. This would be particularly a problem if a species

under this Commission was moved from the protected to the sustained management category. These are matters which become problems if you have any automatic system of saying that all species or stocks classified in a certain way by this Commission are automatically classified in a corresponding way under the ESC.

We also pointed out that the IWC protection stock classification is too broad for direct application either to Appendix 1 or to Appendix 2 of the ESC. This is because under the protection stock classification this Commission includes species which are so depleted as to be in danger of biological extinction and species which are well above the endangered level but are more than 10 per cent below the MSY level. There are also problems with regard to the identification of stocks. The ESC does have a provision for listing biological stocks which are not taxonomic sub-species.

The listing of a species in Appendix 2 of the ESC has the connotation that species may become threatened without regulation of trade if trade is not regulated. In the case of whales, as of many other animals, this is not necessarily true; for example, in the case of whales which are not subject to harvest. And there is a difficulty because the ESC sometimes lists higher taxa, in other words genera or families, where the identification of species particularly at the product level is difficult or impossible. In the case of many terrestrial animals this may work quite well because the country of origin may give you the sufficient information. But, of course, when you are dealing with whales this does not apply. On page B6 we have tried to define suitable criteria for use in dealing with whale stocks which could be applied to Appendix 1 and Appendix 2 species and stocks under the ESC, and I think this would be a very useful piece of information to take to the ESC at the meeting mentioned by the Commissioner for Canada. I will not read those definitions now. As I say, they are on page B6. Finally, on B7, the last page of our report we have listed certain species and stocks which in the opinion of the Scientific Committee could be classified either into the Appendix 1 or Appendix 2 under the ESC. In the case of Appendix 1 among the large whales, these are the whale, the blue whale, the humpback whale, the bowhead whale and the right whale, and also two of the smaller cetaceans, *Plantanista minor* and *Lipotes vexillifer*. The stocks we consider should be listed in Appendix 2 are sei whales, and the fin whales, the North Pacific stock, and all the Southern Hemisphere stocks except Area 6, and also one small cetacean which is named at the bottom of the page.

THE CHAIRMAN: Thank you.

NORWAY (Mr Norby): The report given by the Scientific Committee is very useful to us. We would like to thank the Chairman of the Committee because we have needed some clarification as to the situation in the ESC Convention which in my country normally is referred to as the Washington Convention. The situation in that Convention, as we see it, has been somewhat confusing, and I think the initiative taken by the Australian authorities and by the Canadian authorities has been very useful. I think the note presented to the Commission by the Canadian delegation sums up neatly the problems and the situation, and the proposals now put forward here by the Canadian Commissioner have the full support of this delegation. Thank you.

THE CHAIRMAN: Thank you, very much.

USA (Dr Aron): Mr Chairman, I wonder if I may turn this discussion over on behalf of the United States to the former Chairman of your Technical Committee, Mrs Fox, who is perhaps the most experienced person in our delegation on the endangered species problem.

USA (Mrs Fox): Thank you. The United States supports the conclusions of the Scientific Committee as to the biological status of the various whale stocks. But we feel there may be benefits to be gained from regulating trade in certain whale species because of problems of identification and other considerations. These considerations should be further discussed at the endangered species meetings. We also would like to raise a question with regard to the definitions of appendix 1 and appendix 2 species in the Scientific Committee Report.

We believe these are useful but involve an interpretation of legal matters with reference to the Endangered Species Conference. We would request the opportunity to review these further and try to make them consistent with the Endangered Species Convention. Thank you.

THE CHAIRMAN: Thank you. We have a proposal from the Canadian delegation. Do I have a seconder? (Australia):

ICELAND (Mr Asgeirsson): I wish to associate myself with what was said by the Norwegian delegate. I am in support of the actions which have been taken by the Canadian delegation. I think I can fully support the proposal. But since we do not have it in a written form, may I seek your indulgence and ask the Canadian delegate to repeat it?

THE CHAIRMAN: Certainly. Dr Martin, would you oblige us please?

CANADA (Dr Martin): Mr Chairman, I am sorry that we have not prepared this for distribution around the table. I think we can concentrate on the specific proposals:

- (1) that IWC offer to the ESC to act as its adviser on cetaceans;
- (2) the IWC accept the ESC invitation to participate at the October meeting in Geneva and be represented there by the Chairman or the Vice Chairman of the Commission and the Secretary of the Commission;
- (3) the IWC
 - (a) advise the ESC of the conclusions of the Scientific Committee regarding the status of whale stocks in relation to ESC criteria;
 - (b) provide advice at Geneva on any exploitation by non-IWC members of those stocks whose biological status is appropriate for appendices (1) or (2).

In addition, the IWC representatives should be prepared to discuss problems of identification of cetacean parts and products.

THE CHAIRMAN: I seem to have general agreement on this proposal and I have a seconder. Is everyone in agreement? Anyone contrary? ... That is carried. Thank you. Does this mean we can move on to the next item on the Agenda which we have not dealt with, item 22?

Agenda Item 22 - CO-OPERATION WITH OTHER ORGANISATIONS

(a) REPORT ON FAO/ACMRR WORKING PARTY
ON MARINE MAMMALS

THE CHAIRMAN: I understand the Scientific Committee did deal with item 22(a) but it was not discussed or referred to the Technical Committee. Perhaps we should hear from Dr Allen first on that item.

Co-operation
with other
Organisations

AUSTRALIA (Dr Radway Allen): Thank you, Mr Chairman. The Scientific Committee did have before it the report of the FAO/ACMRR working party. Unfortunately it did not have the time to give the detailed discussion to the individual recommendations which they undoubtedly require and merit.

The Committee did, however, want to express the opinion that it believes this was a most important activity and that it is likely to generate a substantial contribution towards the knowledge of marine mammals. The Committee intends to give the matter serious consideration at its next meeting and it has been advised by Dr Holt, who is in charge of the project, that comment at that time would still be extremely appropriate to the development of events flowing out of activities of that working party. Thank you, Mr Chairman.

THE CHAIRMAN: Thank you Dr Allen. Anyone else wish to comment on 22(a)? In 22(b), I believe we now have the report of Dr Bertrand on that particular meeting, and I think we have yours, Dr Gambell, do we not, on (a)? Should I go through them one by one to see if anyone has a comment? Anyone wish to make a comment on (b), the report on the meeting on the Living Resources of the Southern Ocean at Woods Hole in August 1976? If not we pass on to (c), the report on the meeting of the International Council for the Exploration of the Sea at Copenhagen in October 1976.

SECRETARY: Mr Chairman, I represented the IWC at that meeting and the ICES meeting adopted a form of resolution asking non-member countries who do not provide the data on their whale catches to do so, and this of course, applies particularly to the countries in the North Atlantic. I think this is another way in which we can encourage co-operation between IWC members and non-members and I hope that we shall be able to obtain the information which the Scientific Committee needs for proper assessment, or fuller assessment, of the North Atlantic stocks.

THE CHAIRMAN: Appendix (d), the report on the meeting of the International Commissioner for the Conservation of Atlantic Tunas in November 1976. There is no comment on that so we will move on to the report on the meetings of the American Tropical Tuna Commission of October last year and June in this year. Dr Yonezawa, have you anything to comment in regard to that?

JAPAN (Dr Yonezawa): Mr Chairman, I am the Commissioner of this Tuna Commission but unfortunately I could not attend this meeting last year because of the conflicting schedule of my trips. Reading through the documents and decisions at this meeting I found nothing relevant to the work of this Commission. This is what I can report at present.

USA (Dr Aron): I am sorry, Mr Chairman, in the press of other activities we have been a little bit delinquent, but we have just given to Dr Gambell a report on the meetings just referred to; the June meeting has yet to take place, but I think the report will provide the information you need and we will report back on the results of the June meeting.

THE CHAIRMAN: Will anyone be representing the IWC at the June meeting? We have been invited to their meeting in October I am told. Would anyone here be able to attend that and represent the Commission as an observer?

USA (Dr Aron): There will be marine mammal experts from the United States present and I would certainly be prepared to see that an appropriate report is developed for the Secretary for distribution to the Commissioner.

THE CHAIRMAN: Thank you, Dr Aron.

DENMARK (Mr Lemche): If I am not out of order, I have a small comment on item 22(a). I would like to draw your

attention to the paper IWC 29/16. I have only the first draft here. If you count the pages the third one is called page 2. It is called IWC 29/16 appendix A. It was the report of Dr Gambell from the Bergen meeting. I am referring to the third paragraph of that and would like to call to your attention what Dr Gambell wrote there: It was also apparent during the consultation that only the active whale biologists who are already associated with IWC Scientific Committee are at present contributing material of real value to any assessment work. Thank you.

THE CHAIRMAN: If that concludes the work on that agenda item, we can move to the next.

Agenda Item 27 - 28th ANNUAL REPORT

THE CHAIRMAN: I think, Mr Secretary, this has been
circulated and all we need is to officially adopt it. Will
someone move that the 28th Annual Report be adopted?
(Australia). Is there a seconder? (Iceland). All those in
favour ... That is carried.

28th Annual
Report

Agenda Item 29 - DATE AND PLACE OF NEXT MEETING

THE CHAIRMAN: I think that has been covered in the Finance and Administration Report.

Agenda Item 30 - ARRANGEMENTS FOR PRESS RELEASE

THE CHAIRMAN: It is the normal custom in this Commission for the Secretary with the help of the Secretariat to prepare for the Chairman a release for the Press. That will be done as it has been in the past. Before I close this 29th meeting, we have still more observers who wish to make statements and to be fair with those people with whom I had to be very strict at the opening of the meeting, I will confine them to 5 minutes each and I plead with them that they observe this. Would you in turn go to the lectern, state your name and your organisation please.

Press
release

INTERNATIONAL OCEAN INSTITUTE (Ms Belding): My fellow homo sapiens. This is the first time that a representative of the International Ocean Institute has had an opportunity to address this Commission and I shall follow your rule and be brief. Our interest in whales is not new. In 1972 our board and council, whose members include the President of the United Nations Law of the Sea Conference, now President of the United Nations General Assembly, and the 3 committee chairmen of the United Nations Conference on the Law of the Sea, supported the Stockholm call for a moratorium on commercial whaling. Since then we have been, as far as I know, the only non-governmental organisation regularly attending the Law of the Sea Conference. Our constant themes have been that the living resources of the ocean should, like the seabed beyond the limits of national jurisdiction, be regarded as a common heritage of mankind and that proper institutional arrangements are needed to ensure that the management of the various interacting uses of the ocean is undertaken as an integrated whole.

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statement

It has always seemed to us that the great whales - indices of the well being of the ocean - were prime candidates for application of the common heritage principle. Our participation in this meeting has confirmed that view. Certainly improvements have been made in the past few years and they are continuing, but the major political issues are barely touched. Five years of feeble effort to bring other nations into the Commission have given minimum results. We hear that in certain countries because of departmental frontiers IWC delegates have no authority to take decisions on such crucial matters as the transfer of whaling equipment and trade in whale products. The International Decade of Cetacean Research, named as the obverse side of the coin to the management policy which was minted by the Commission to pay off some of the weaker supporters of the moratorium, is being implemented on a sub-minimal scale.

The Commission is certainly paying very scant attention to the possibility that developing countries might have a long term interest in restored whale populations. Thus it seems to us evident that either a new world organisation is needed or the International Whaling Commission, properly reconstructed, should be brought under the umbrella of the United Nations. Thus we are pleased that the United Nations Environmental Organisation and FAO have declared their continuing interest and concern for the whales.. We hope their first priority will be the reformulation of global objectives of management which is so obviously needed.

I should like to end my address with a personal note. One question is still echoing in my mind along with the haunting songs of the whales. The question was put to the Chairman of the Scientific Committee: What difference would 2,000 minke

whales make? I should like to remind the members of this Commission that many things, many of the finer things, of life are indeed unquantifiable. I believe that life itself is unquantifiable. However, I am entrusted by the children of California to tell you that all whales make a difference. The children of the world have a right to a future which includes playful, singing, loving, diving, stroking whales. Thank you.

THE CHAIRMAN: I believe Project Jonah would like to speak and also the observer for the Government of Korea.

PROJECT JONAH (Joan McIntyre): I have been spending the last $1\frac{1}{2}$ years or 2 years of my life in the water swimming with whales, swimming with dolphins, observing them and being around them, and to me, a meeting like this is very curious. I have also attended a number of these meetings. I have come to know a lot of you over the years by name, by number. A meeting like this is really curious because it is so deprived, because it is so incredibly boring and so immensely ugly and so immensely ungracious. If I contrast the way life feels in this room with the way life feels on the ocean in the presence of the animals that you people have decided to kill I can only conclude that it is a better life out there than it is in here. This life is rationalistic; it is cold, it is unloving, it is unsensual, it is boring; the food is bad, the air is bad; it is bad for the body and it is bad for the mind and it is bad for the soul. So it has always struck me that this is the worst possible forum in which to decide the future because if we want a future that has life in it we are going to have to be alive ourselves. I do not want to harangue you. I have thought of all the possible harangues and all

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the possible nasty things I could say to the people that I particularly think are behaving least generously. But I think rather than harangue you, if I may have your attention for a minute or two, we will just listen to the whales and you can make your own conclusions. They have not really been represented in this room; they will not be represented in this room. But we will find a way to represent them because they do have a voice.

(Tape was then played.)

I would like to conclude my less than 5 minutes by inviting any of you who might so like, to come to the islands where I am, and come in the water with me, and see what you are killing.

THE CHAIRMAN: Is the observer from Korea in the hall and does he wish to speak? I think that completes the statements.

DENMARK (Mr Lemche): Just 15 seconds, Mr Chairman, addressing myself to what was said by the representative of the International Ocean Institute, who was speaking about something echoing in her mind. Speaking about ECO, I can assure you that several things after this meeting are echoing in my mind also.

Agenda Item 31 - ANY OTHER BUSINESS

THE CHAIRMAN: Does anyone have any particular points they want to raise? I would like to take the opportunity to thank you all most sincerely for coming here - particularly the Commissioners - for the work you have done and the way you have got through your work. I would like to thank, too, the delegates who have been with you, who have helped in the proceedings of this meeting.

I have already thanked, I think, the Scientific Committee, the Technical Committee and the Finance and Administration Committee, but I have not thanked the Infractions Committee, which started off about three years ago as something we did in about ten minutes but which now is becoming quite a major operation. If you do not mind me singling out some people, I would particularly like to thank Bob Applebaum for the work he has done on the Infractions Committee - and his colleagues who worked with him, of course.

It has been quite noticeable the way the Canadians have been volunteering on the drafting. This certainly facilitated the work. This also applies to the American delegation too. It is very nice to have people who can sit down and put a draft before us to save us floundering around on language. I have appreciated that very much.

Of course, I am sure you will all agree with me when I thank Dr Gambell and Mr Harvey for the work they have done over the year getting ready for this meeting, and what they have done prior to your arrival and while you have been here. I am sure you will all agree with me that it has simplified our work here over the last week.

I would like to thank the people on the staff of my own Department who helped in the work with the secretariat. They have spent time and effort helping Dr Gambell and Mr Harvey. I suppose I will be up for a big bill of overtime next week. I guess we will overcome that somehow. I am looking forward to seeing you all again in London if not before. I do not know whether we will have many new faces next year but I certainly hope that my long standing colleague Bob Martin, from Canada, will be able to convince his Government that he should still continue to represent Canada next year, and we look forward to seeing him there. I will not go around the names. All I wish to do now is to thank you once again and wish you a very safe journey home. I am so pleased to see you in my country and I am looking forward now to Copenhagen. Thank you very much.

CANADA (Dr Martin): We cannot leave this meeting without a word of appreciation on behalf of the Commissioners and indeed all the participants in this meeting, to you and to the Australian Government for the marvellous reception you have given us here. All of the facilities have been quite outstanding. I think they are unparalleled in the history of this Commission. The staff that you provided to assist our secretariat has worked tirelessly and produced a tremendous volume of paper and had it available to us in a timely way so that we were able to accomplish an unprecedented amount of work in the time allotted. We had only 5 days for this Commission and 2 weeks for the work of the Scientific Committee. So I hope that you will express to the appropriate people in the Government our very great appreciation of the welcome that

the Government has given this Commission. We also express our gratitude to you, Mr Chairman. Thank you very much.

THE CHAIRMAN: One duty remains before I switch off this microphone of course and that is to thank the Hansard people on my left who have been so patient with us and so attentive. I think you will all agree that the system which they have provided has been excellent and that it has been marvellous to have a verbatim report practically next day. To you people from Hansard, on behalf of all the people here we thank you very much.

I declare this Twenty-ninth meeting of the International Whaling Commission closed.