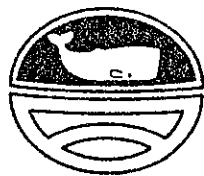


# International Whaling Commission



V E R B A T I M   R E C O R D

of the

THIRTY-FIRST MEETING

LONDON

9-13 July 1979

The Red House,  
Station Road, Histon,  
Cambridge. CB4 4NP

September 1979

VERBATIM RECORD

31ST MEETING

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# International Whaling Commission

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## THIRTY-FIRST MEETING

CAFE ROYAL, REGENT STREET, LONDON

9 - 13 JULY 1979

## FIRST PLENARY SESSION

Chairman

Ladies and gentlemen I welcome all of you to the thirty-first Annual Meeting of the International Whaling Commission which I now declare open. I wish to extend a special welcome to representatives from the six new member countries which have joined the Commission since the last Annual Meeting. These countries are the Republic of Korea, the Republic of Seychelles, Sweden, Peru, Chile and Spain. The adherence of these countries to the International Whaling Convention does indeed increase the capability of this international body to properly conserve and manage the harvesting of the world's whale stocks and I hope that the new membership of these countries will inspire the very few whaling countries which are still not members of this group to join in the very near future so that all the whale stocks can be protected and conserved through this Commission.

The meeting place once again is the United Kingdom's capital, London, and I take great pleasure in welcoming on behalf of the Commission Mr. Buchanan-Smith, the Minister of State for the Ministry of Agriculture, who has been kind enough to come here in order to address us. Since we are all looking forward to hearing what you want to tell us please take the floor.

Mr. A. Buchanan-Smith

Opening  
Address

Mr. Chairman, ladies and gentlemen, it gives me very great pleasure this morning to welcome you all here on behalf of Her Majesty's Government for what is of course as you know, the Thirty-First Annual Meeting of the International Whaling Commission and I would also like to repeat what our Chairman has said in extending a very particular welcome to all those delegations from countries who have joined the Whaling Commission as full members for the first time and certainly I believe that their membership can only help to assist the work of the Commission in making

it more effective in conserving the world's whales. As you know the United Kingdom Government - we only came to power just over two month's ago, but I must say that in that short period of time I have certainly learned a great deal about the work of the Commisson. I've also leaned a great deal about the strength of feeling that there is in this country and elsewhere of the work which you carry out and in this period and against this background of general interest and general concern my Government has, as you know, been reviewing its policy in relation to whaling and in relation to the part which it plays in the International Whaling Commission.

I'd just like to say straight away that I certainly recognise and acknowledge that the establishment of this Commission in 1946 was of course a very major advance in ensuring the effective conservation of whales. However, equally, I am aware that since that time there has been a growing awareness of man's responsibility to conserve his environment and in particular wild life, and indeed I think it was back at the Conference in Stockholm on the Conference on the Human Environment in 1972 that my Minister, Mr. Peter Walker, made clear the interest at that time of the British Government.

Now whales, of course, have a very special significance for man, but in recent years we have come to realise that large scale commercial whaling has, of course, placed the survival of some species of whale at risk and I think we owe it to future generations to ensure that stocks are not over-exploited.

Now successive governments in the United Kingdom have believed that the world's whales can best be conserved by our continuing membership of the IWC and I certainly want to make that plain this morning. We still believe this to be so and we certainly intend to continue to play a constructive and active part in the work of this Commission. However, we have also to recognise that since the time when the Commission was first established nearly every whale stock has declined and some species of course, as we all know, have to be totally protected. In this period some of those stocks that have been protected have in fact shown little signs of real recovery. These of course include the blue, the humpback and the bowhead whales. The largest stocks have been reduced to a mere fraction of their original size and of the great whales only the sperm and minke whales are still found in large numbers, but even in relation to some of the stocks of these species we believe that they have been reduced to levels which of course do cause us concern today.

Now I certainly recognise that in recent years the Commission has very greatly improved its procedures. I recognise too that these are sufficiently developed now to prevent currently exploited stocks from becoming extinct, but frankly from the study that I and others in government have made we do not believe that this is enough in itself. Indeed, experience in recent years has shown that the quotas set by the Commission have often had to be reduced subsequently as better data has become available to the Scientific Committee. The Committee certainly has a difficult task but there are still gaps in our knowledge of the behaviour of whale populations and we cannot afford to ignore these

gaps in our knowledge at the present time. What also concerns us very much indeed is that there is data collected from whaling operations which is still awaiting analysis at the present time. We are also very concerned about the methods used for killing whales. Whilst of course the explosive harpoon is the most effective method currently available, and I know many people in this conference room also recognise, this method is of course far from satisfactory as evidence shows in relation to the time taken from strike to death.

Now it is against all this background that the United Kingdom Government has been reviewing its policy in relation to whaling, and it is as a result of the analyses that we have been making in recent months that we believe, and have come to the conclusion, that there should be a moratorium on commercial whaling in order to allow a thorough reassessment of whale numbers and of their biology. Accordingly, in this conference the United Kingdom delegation will be supporting the proposal for a moratorium on commercial whaling. We believe that resumption of whaling should only be considered if evidence of recovery of stocks and improvement in methods of killing justify it.

I'd like to say also that we support in principle the suggestion from the Seychelles delegation for a whale sanctuary. In addition to this we also believe that we have got to give special consideration to aboriginal whaling. We have to consider the needs of the population, the human population, that are involved in this and we accept therefore that aboriginal whaling under suitable control should be allowed to continue. We've also been looking at the implications of this policy and of course this has a direct effect on the matter of imports of whale products in the United Kingdom.

As you know the United Kingdom banned the imports of whale products, except for those derived from the sperm whale, in 1973. However, in spite of the policy which I announced this morning we now propose to enter immediately into discussion with our partners in the European Community, and with the Commission, with the aim of securing their agreement to imposing a Community wide ban on imports of sperm whale oil and other derivatives. We also, of course, propose having discussions shortly with the user industries within the United Kingdom.

Mr. Chairman, I recognise that in the conference this week you've a lot of work to do and a lot of data to analyse and to discuss. In conclusion I would simply like to wish you well in this your first Annual Meeting over which you have presided. I understand that you've had the advantage of a dress rehearsal so to speak in Tokyo already, and I'm told that you very effectively chaired a somewhat difficult and controversial meeting.

I wish you and all other delegations here a very successful and useful conference and I look forward to meeting you this evening at the reception in Lancaster House.

Chairman

Thank you very much Minister for what you have said and for the good wishes and we certainly all are looking forward to seeing you again at the reception tonight. While we would, of course, like to have you stay with us for a little longer, but I understand that you are a very busy man and that you have other engagements so if you wish to leave us now then that's all right.

Chairman

Well ladies and gentlemen I am sure that you all have a very long and very heavy agenda in front of you and you will know that before we come to the adoption of the agenda we have the item of "Opening Statements". I trust that you are all aware of the decision I made in my capacity as Chairman to accept opening statements in written form only in order to save time, which will be very previous if we have to deal with all the items we have in front of us. I have - this decision of mine has been supported by a vast majority of the Commissioners which I contacted through correspondence but although it has thus been adopted by the Commission I am now inclined to make exceptions to this rule and what I would like to do is to propose that we make two exceptions - we should allow the new Member Governments, or representatives from the new Member Governments to address us. I know that some of them would like to do that and I am sure that we would be interested in hearing what they want to tell us and I have also been told that from, or that the numerous observers from the non- government organisations have agreed among themselves to have three people speak on behalf of all or most of these organisations and I think we could afford to give them fifteen minutes to address us since this is the only opportunity they have to address the meeting.

So I am proposing that we make these two exceptions and allow the new members to address us and that we allow three representatives from the non-government organisations to address us as well. If I hear no objections to this I'll give the floor to the first

Chairman -  
decision  
on Opening  
Statements



government that would like to address us. Would you please indicate who want to speak or use this opportunity to address the meeting.

I have been asked by the Seychelles to allow them to address the meeting. Are there other new members who would like to use this opportunity? I can't see it - Sweden. Others? So, right then. Yes, I'd like to give the floor to the Seychelles.

Seychelles

Seychelles  
Opening  
Statement

Mr. Chairman, fellow Commissioners, the accession of Seychelles to the International Whaling Commission may have come as a surprise to you. The very existence of Seychelles may even have come as a surprise to some of you. We are a small nation, easily overlooked. In world atlases the maps of Africa seldom extend far enough to the east to include us; those of Asia commonly cut us off below the foot of the page and on most charts of the Indian Ocean we usually get lost somewhere in the binding down the middle. But we do exist - our presence here today is proof of that, and though we number only sixty thousand people, thinly scattered over a hundred tiny islands with a total grand area about the size of Greater London, we are at the centre of an enormous exclusive economic zone, almost half a million square nautical miles, poised right on one of the world's most important maritime crossroads. We live on, and our future lies in, the ocean. All our long term plans are largely maritime and their success depends on our ability to conserve and to make the best possible use of our marine resources. We intend to implement these plans as our economy permits. For the moment our most pressing concern is to ensure that the resources are still there ready to be used when we need them.

In a hungry world this is not easy. We realise that we are not the only ones whose lives depend on the sea. We appreciate the needs of other nations and in recognition of these we are making it a deliberate part of our policy to participate with all nations in any discussions dealing with such a common heritage - hence our presence here.

Historically, Seychelles is a whaling area. The Mahe Bank, named after our largest island, was one of the most important venues for pelagic fleets of the 19th century and was extensively worked from a land base on our island of St. Anne. Sperm whales still come to feed and breed where our shallow waters fall off into the depths of the great ocean trenches. Pods of mothers and their growing calves used to be a common sight for inter-island schooners. Our fathers remember them well. It is now becoming rare for us to see a single cachelot. There has been no land based whaling in Seychelles since 1915 and all cetaceans in our waters are now fully protected by law, but still the stocks do not seem to be recovering. We can only assume that pelagic whaling must be to blame - that the quotas and kills nearby are too high. This is admittedly an indigenous concern, based on our subjective impressions and as yet unsupported by appropriate local scientific evidence; but it is nevertheless a real concern which we feel should not be ignored.

We join you on the Commission for the first time this year, and are delighted to do so. We take our responsibility here very seriously and wish it known that whatever actions we take in these proceedings, they are determined purely by our own national interests. Some of the positions we defend may be different from your own. They may in some cases be similar to those of groups

peripheral to this Commission - we take good advice wherever we find it. But we want to make it quite clear right at the outset that we speak for ourselves with our own clear voice and that we cannot be dismissed as a client state for any stray cause without a country. On the contrary, we have received support from a number of other countries - members of the Organisation for African Unity and the Indian Ocean Coastal Nations.

We shall in the course of this Plenary Session be introducing several issues:

1. The first of these deals with sperm whales, formerly the most common great whale in our waters and a matter of particular concern to us because we believe that it's global situation is poorly understood. We will be asking you on the grounds of purely scientific caution, to consider the possibility of a three-year pause in sperm whaling to allow science to catch up with commerce.
2. The second is a proposal very close to our hearts. We are raising the question of sanctuaries and their role in the conservation of whale stocks; and suggesting that it would be appropriate to create the first of these in the Indian Ocean, the only complete habitat without the complication of a local involvement in whaling.
3. And thirdly, we will be adding our voice to most of yours in condemning unregulated whaling which not only undermines the Commission's quota system but now threatens to spill over from the Atlantic and Pacific into the relatively undisturbed Indian Ocean.

We trust you will forgive us for taking an unusually active part in this our first meeting; but these are matters of particular local concern and where our environment is at stake we do have strong opinions. You will however find us open to all reasonable suggestions and we hope that our accession to the convention and our admission to your ranks, Mr. Chairman, will be a constructive and valuable addition to the International Whaling Commission. Thank you.

Chairman

Thank you. A representative from Sweden.

Sweden

Thank you. Mr. Chairman, ladies and gentlemen. It is with great interest and great expectations that Sweden now, for the first time since 1964, looks forward to participating in the meeting of the International Whaling Commission as a member. The marine mammals, and especially the whales, have always been, and are still in many ways, subject to the imaginations of man. This is also true in Sweden although we have relatively few marine mammals along our coasts.

Today, the problems and questions in relation to the management, conservation and future of these animals are causing increasing concern both politically and in the general public opinion.

Mr. Chairman, let me shortly explain the basic Swedish policy and approach towards these problems. In our view, the marine mammals, including the whales, should be regarded and treated as part of our common global natural and genetic resources. In line with this it must be the responsibility of each country to act both nationally and jointly with other countries to manage and protect these resources. It is not acceptable that a few countries exploit these resources in a way that may lead to their extinction.

Sweden -  
Opening  
Statement

Concerning the international work we very much appreciate the important work done so far in this organisation as well as others like UNEP and IUCN.

The decisions taken by the Whaling Commission throughout the years to successively limit the catches of species in danger and to totally prohibit the hunting of others as well as the new management system are certainly steps in the right direction. Much remains however to be done before we can safely state to the public that all species are out of danger and managed in a scientifically proper way. It is our firm belief that time is now right to take further steps in this direction and we hope that it will prove feasible to take some of these already during this session of the Commission.

In our view catching can be accepted and a proper quota set only if a reliable data base is available for the decision. Such a data base can only be developed from the results of generally accepted scientific investigations.

Looking back in the past we have too many bad examples of what can happen to different species if catches are not based upon an extensive scientific knowledge of the species in question.

If our study of the documentation available has led us to the conclusion that the scientific base shows such gaps in our knowledge that we doubt if we can safely state that a certain quota will not be a threat against a specified species. This is one of the main reasons why Sweden strongly favours a moratorium on all whaling. Sweden voted for a ten-year moratorium already at the June conference on the

Environment in Stockholm in 1972. We feel that a development since then has shown that the moratorium is an even more urgent issue today. The length of such a moratorium can always be discussed but we feel that a ten year period would give at least some of the whale species time to recover.

During this time period efforts should also be pursued to develop the scientific data base. After the moratorium we would be prepared to discuss an opening of whaling again based upon the scientific results achieved.

Although Sweden strongly favours a total moratorium on all whaling, we have an understanding for the traditional and aboriginal rights of certain ethnic groups to catch whales off the coast. We think that it should be possible to find a formula with a decision for a moratorium which takes care of this question.

Mr. Chairman, with this short statement I have tried to outline the Swedish position concerning whales. I should finally like to repeat that we are glad to be back as a member of this important Commission and we look forward to work constructively together with you all during the coming week and in the future. Thank you, Mr. Chairman.

Chairman

Thank you very much. I now give the floor for the next fifteen minutes to the three representatives from the non-Governmental Organisations and I don't know who are going to speak on behalf of them so I just ask you to introduce yourself for us when you come up. I think you should use this microphone over here.

NGO Speaker No. 1.

Mr. Chairman, Commissioners, ladies and gentlemen, fellow observers, thank you for this opportunity to speak. I make this joint statement on behalf of the Marine Action Centre, the Centre for Action on Endangered Species, the Friends of the Earth, the Royal Society for the Prevention of Cruelty to Animals, Greenpeace, the American Cetacean Society, the Animal Welfare Institute, the American Society for the Prevention of Cruelty to Animals, the Fund for Animals, the Defenders of Wildlife and the Whale Centers International.

Conservation and animal welfare groups throughout the world call upon the International Whaling Commission to halt commercial whaling. Millions of people support this position. Whaling quotas and policies are admittedly set on the basis of inadequate data, using models of limited scientific merit in a forum dominated by politics. The extreme cruelty of whaling is documented this year by the Scientific and Technical Committee Report. Such brutality should not be tolerated by the human community. We deplore the dishonest practice of pirate whaling and condemn those nations which support such activities. We demand that the IWC stop trade and assistance to non-member whaling vessels and countries. Whatever one may think of whales, however they are appreciated or viewed, it is clear that current whaling policies are based on inadequate science and short-sighted policies. With one voice we call for a moratorium. Thank you.

NGO Speaker No. 2.

Thank you, Mr. Chairman, for this opportunity which I have the great honour to introduce a very great

artist from the United States, John Denver. John Denver is here, he just arrived from Washington where he is serving on a presidential commission on world and domestic hunger, he is on his way to Rome to the World Conference on Agrarian Reform and Rural Development. He is cutting a Christmas Album with the Muppets right at this moment and for those of you who haven't heard him I should tell you that he has sold a hundred million records all over the world and has appeared in films, television and on the stage in most of the world. He is known as a conservationist and environmentalist and one who has a deep commitment towards preserving and improving the quality of life for all the life on the planet, so today he is here for the whales, the symbol of all wild creatures with whom we share the planet and for whom we must take responsibility. And now, John will, I believe, move you in a way that just plain words can't do.

John Denver

Thank you. Mr. Chairman, Commissioners, delegates, ladies and gentlemen I consider it a privilege to be here with you today and to have the opportunity of addressing you. I come not as an expert with facts and figures, I come simply as a human being who has a very strong feeling of celebration for the life on this planet, the life that you and I share, the life shared by all creatures who live and breathe. I have heard the songs of the great whales, I have swum with them in the water, close enough to touch a mother humpback whale and her newborn baby and a nurse whale who was close by. It is out of that personal experience that I offer to you the best that I have to offer, which is in the songs that I have written. This is called "I Want to Live".

(Here John Denver sings - copy of words attached)

Applause



In Honor of the Opening Session of the IWC, July 1979  
John Denver's new song: "I Want To Live"

There are children raised in sorrow on a scorched and  
barren plain

There are children raised beneath a golden sun

There are children of the water

children off the sand

They cry out through the universe their  
voices raised as one

(Chorus)

I want to live I want to grow

I want to see I want to know

I want to give what I can give

I want to be I want to Live

Have you gazed out on the ocean seen the breaching  
of a whale

Have you watched the dolphins frolic in the foam

Have you heard the song the Humpback hears 500 miles  
away

telling tales of ancient history of passage and home

(chorus)

for the workers and the warrior

the lover and the liar

for the native and the wanderer in kind

for the maker and the user and the mother and her son

I am looking for my family and all of you are mine

We are standing all together face to face and arm in arm

We are standing on the threshold of a dream

No more hunger no more killing no more wasting life  
away

It is simply an idea and I know its time has come

(chorus)

Again I appreciate more than I can tell you the opportunity of being with you today, and working with you in this regard. I have a package, Mr. Chairman, that I would like to give to you which includes petitions from over half a million people in the United States, people from all walks of life, from young children to grandparents, and represents other names by people that range in the millions, from 45 countries around the world who request very strongly your looking at this with the commitment and responsibility that I know you have and that we stop the commercial slaughter of the great whales. Thank you again ladies and gentlemen, very, very much.

NGO Speaker No. 2

Ladies and gentlemen, we understood there would be a film of outlaw whaling which recently appeared on Thames Television, that is a small part of it. Unfortunately, I am just informed that that will not be seen at this time but I do believe Commissioners will have the opportunity to see it tomorrow and I urge each and every one of you to do that. There may be someone here from the Environmental Community that I should be calling on, and if someone would care to come forward I would invite him to use this last few minutes that we do have - if not, I will just add a few words.

This year, is the year of the moratorium - the year in which the whales have an opportunity at last for a rest from the terrible long-drawn out massacre that has been going on. Not just from early whaling, but from the 1930s on we have decimated the whales in a way that should make all of us as human beings feel very much ashamed and we have done it by cruel methods that cause terrible pain and terrible fear to these creatures whose brains are far, far larger than ours, who have far more nerve-endings than we have. They certainly suffer hideously and they

suffer for a long time afterwards because they have lost their loved ones, the survivors. Let's now move to let them all survive that are left and repopulate if they can, and let us do all the things that technically can be done to stop those individuals who outside even the regulations of this body are horribly killing, profiteering, dishonestly passing the products from one nation to another, so that the good reputation of IWC nations here is being sullied in a way from which it cannot recover unless this year the Commissioners act to eliminate all the cruelty and dishonesty and the killing of the whales. Thank you very much.

Chairman

Well this concludes the opening ceremony of this meeting and before we proceed any further may I ask the television people to turn out the lights and turn off the cameras and the recorders if anybody is using a recorder. The press is allowed at the plenary meetings as you know but without any recording equipment or filming equipment. Thank you.

The next on our agenda is the adoption of it and I invite Commissioners to comment on the agenda if they so desire but if there are no comments can I take it that the agenda is adopted? Are there any comments on the agenda? To keep the formalities can I have somebody to propose that the agenda be adopted? Canada. A seconder? USA. Thank you. The agenda is then adopted.

Adoption  
of Agenda

I would then call upon the Secretary to describe to us the arrangements for the meeting. Dr. Gambell.

Arrangements  
for Meeting

Dr. Gambell

Thank you Mr. Chairman. You will appreciate already that we are having some problem identifying who is speaking around this very large table. Could I ask

if you wish to attract the Chairman's eye to speak, you wave your name card and also that you hold your hand up until the recording engineer has identified which microphone you are using. This will make it, I hope, rather easier for everyone to hear what you wish to say. The arrangements for the meeting will be very much as in previous years. You have already found where the pigeon-holes are, where all documentation and any messages will be posted as soon as material arrives, so that if you are looking for messages please go to the pigeon-hole because that's where everything will be.

The Secretariat is available for your help wherever we are able to help but we have a great pressure of work to get through resulting from three weeks of meeting in Cambridge and so we would ask that you would limit your requirements in these first few days particularly, while we catch up with the back-log. But if you will consult with the lady sitting at the reception desk immediately outside the entrance to this room she will ensure that whatever you require is done to the best of our ability.

There will be morning breaks at convenient times during the week and also a tea break in the afternoon. You have already heard from the Minister of State that he is inviting you to a reception at Lancaster House this evening. The formal invitations for that reception will be put in the pigeon-holes during the day.

We have received formal notification, I say we - the Secretariat - has received formal notification of the adherence of a number of Governments to the Convention. We understand that other Government's notifications are in the pipeline but we have had

great troubles with communication throughout the world. We have therefore seated all the Governments we think are members of the Commission. If somebody is sitting down who shouldn't be, or the other way round, my apologies but this is basically a communication failure and I think that the Commission now has 23 members.

Those are all the things I need to say at this moment, Mr. Chairman, thank you.

Chairman

Thank you. Well we are now down to point five on our agenda - Appointment of Committees and the usual practice is that the Chairman polls the member in order to establish the Technical Committee and the practice also is that the Chairman nominates people to serve on the Finance and Administration Committee and if we start on that one I propose that the same people, or the same countries serve on the Finance and Administration Committee as last time. They did such a wonderful job and may I ask the US to convene that meeting when they decide to do that. Thank you.

Appointment  
of Committees

The names of these countries that will serve on the Finance and Administration Committee then are the USA, the USSR, Japan, Australia, and the United Kingdom. Thank you.

Finance and  
Administration  
Committee

I then ask the Secretary to poll the members for the Technical Committee.

Secretary

Thank you, Mr. Chairman. I will list the names of the Governments that we believe are members of the Commission. This is to ask you if you wish to serve on the Technical Committee. The Technical Committee is very largely a working group of the whole Commission but Governments are asked to nominate themselves onto that Committee otherwise we don't know how many

Technical  
Committee

votes will be cast in Technical Committee Meetings.

So may I ask you please to indicate as I call out your country's name whether you wish to serve on the Technical Committee at this meeting.

Argentina, yes. Australia, yes. Brazil, no.

Chile, yes. Canada, sorry, yes - my alphabet's gone.

Denmark, yes. France, yes. Iceland, yes. Japan, yes.

Korea, yes. Mexico, yes. Netherlands, yes. New

Zealand, yes. Norway, yes. Panama, yes. Peru, yes.

Seychelles, yes. South Africa, yes. Spain, yes.

Sweden, yes. USSR, yes. UK, yes. USA, yes.

Is Brazil happy with that.

Chairman

So apparently Brazil is the only country that does not wish to serve on the Technical Committee. Do you want to change your mind.

Brazil

Thank you very much Mr. Chairman. I thought that you were trying to select a very small group. Since it is not so we will very gladly join. Thank you.

Chairman

So everybody is serving on the Technical Committee. Before we go any further I think it is important that the Technical Committee starts working as soon as possible but I understand that there is a rather limited material at hand for the time being and also do I understand that the Scientific Committee hasn't completely finished its work, but I would like to call on the Chairman of the Scientific Committee to tell us exactly the position and what they have been doing in the past three weeks or so in Cambridge. Dr. Allen.

Dr. Allen

Thank you Mr. Chairman. The Scientific Committee has been meeting for the past two weeks in Cambridge. Although we do not have a complete report for you I am happy to be able to tell you that for the first time for several years we have managed to complete our report on the assessment on the various stocks on which we have to make recommendations regarding catch limits and classifications. There is only one stock which we have not looked at yet, that is the fin whales in Area VI in the Southern Hemisphere but I do not think that will seriously impede the Commission's work. We have done a great many of the other things we have to do - unfortunately, we have not been able to complete our work on two matters which are, I believe, of considerable and immediate importance to the Commission - that is the question of a moratorium and the question of sanctuaries. I would appreciate it Mr. Chairman if you would allow the Scientific Committee to meet as soon as possible so that we may have something for you as quickly as we can. I quite appreciate that until this has been done we will be rather impeding the progress of your work.

I would like to draw your attention, Sir, to one other point. That is that there are two matters in our report which are really I believe of concern to the Finance and Administration Committee. I mention this because the normal practice has been to refer our report entirely to the Technical Committee and this may lead to a delay in putting these matters before the Finance and Administration Committee. The matters to which I refer are those dealing with the computer system which we believe that the Commission needs if the Scientific Committee is to

do its work adequately and that dealing with financial support for the international marking scheme. These two matters are referred to in our report, Mr. Chairman - the matter of the computer system you will find in Section 16.1 of our report on page 32, which I believe you already have; and the question of the Commission's contribution to whale marking you will find in item 5.8.2 on page 5 of our report.

I suggest Sir that the other matters in our report be referred to Technical Committee at whatever time is convenient Sir. Thank you.

Chairman

Thank you Dr. Allen. The Technical Committee will deal with items from 6 - we will follow the practice now to use the same agenda for the Technical Committee as we are using here in Plenary. There will be no separate agenda for the Technical Committee and this is for our convenience and the agenda has been set up in such a way that all the items from 6 to 23, is it, inclusive will be dealt with by the Technical Committee and I hereby allocate that to you Mr. Chairman of the Technical Committee. The question is how we go from here. The next item on the agenda is number 6, "worldwide ban on whaling" and this would be the first item on the Technical Committee's agenda and of course this is an item that I think we obviously have to deal with in the very beginning of our meeting, but we have heard the Chairman of the Scientific Committee explain that the scientists have not yet reported on this item and neither have they reported on the sanctuary's proposal which is also an item that we should deal with in the very beginning. So I think we will have to give the Scientific Committee a chance to meet as soon as

Allocation of  
Agenda Items  
to Committees



possible as they have asked for and I suggest that after the coffee break we have we will adjourn the Plenary before the coffee break and I suggest that the Scientific Committee starts immediately after coffee and I also suggest that the Finance and Administration Committee starts working after coffee if that's possible and as for the Technical Committee, there apparently is some parts that they can deal with at this stage so I propose that the Technical Committee convenes, shall we say at 4 o'clock in the hope that we will then have some material, some reports, that could enable us to deal with some of the items on the Technical Committee's agenda. I also hope that the Scientific Committee will have done a considerable job by then.

As to the next plenary meeting, I don't think we should have a plenary meeting today; we should allow the Committees to start working and I think this is about all we can do today. Tomorrow morning I would expect the Technical Committee to meet and I hope that they can deal with the moratorium and sanctuaries tomorrow morning and I would like to ask you Mr. Mercer to report to the plenary as soon as you have dealt with these two items because I think that we will have to deal with them in plenary before you proceed any further in the Technical Committee. So hopefully we can re-convene the plenary tomorrow, sometime tomorrow, I don't know exactly when, in the morning or immediately after lunch - I don't know how long it takes of course to deal with those matters in the Technical Committee. Is this plan acceptable, or are there any suggestions? It seems to be acceptable so the Secretary will tell you where to meet in the different Committees. Japan.

Japan

Thank you, Mr. Chairman. Before we break up this plenary session I would like to touch upon the programme of proceeding of our meetings. Our delegation is very pleased to find out that the Secretariat in corroboration with the British Government is taking necessary precautional measures to prevent a recurrence of a very deplorable incident which happened in last year's meeting - an incident quite unprecedented in this sort of intergovernmental meetings. My delegation firmly believes that the conference of this nature should never be dominated by emotions. In any event any form of violence should never disturb our discussions. We hope that the Conference will come out with fruitful results only through fair and rational discussions. I believe that the Secretariat along with the British Government, Host government could take all possible measures to ensure that. Thank you very much.

Chairman

Thank you. Well I am sure we all share your concern and hopes that we will have smooth running meeting without any disturbance and I am sure that the Secretariat and the host Government is doing everything they can in order to provide the necessary security. You were saying.

Anonymous

Just a question of procedure Mr. Chairman - what rooms will the various Committees be meeting in this morning?

Chairman

We are just coming to that. I'll give the floor to the Secretary.

Secretary

Thank you Mr. Chairman. Immediately after coffee then the Finance and Administration Committee will meet in the Tudor Suite which is one floor down and immediately opposite the lift - I think. And the Scientific Committee is meeting, there is a room set up, I think it is called the Marquis Suite but I have forgotten which floor it's on. It's one floor down as well, so the meetings immediately after coffee will be Scientific Committee in the large room which is opposite the lift and slightly to the right, the Marquis Room and the Tudor Suite for the Finance and Administration.

Chairman

Thank you. And at 4 o'clock we will have the Technical Committee to meet. So that's all we can do this morning and I hereby adjourn the plenary until a date we will decide at a later stage. Thank you.

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END OF FIRST PLENARY SESSION

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# International Whaling Commission

Chairman  
Thordur Asgeirsson (Iceland)  
Vice-Chairman  
M.C. Mercer (Canada)  
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## THIRTY-FIRST MEETING

CAFE ROYAL, REGENT STREET, LONDON

9 - 13 JULY 1979

## SECOND PLENARY SESSION

Chairman

I now call to order the second session of the plenary of the thirty-first Annual Meeting of the International Whaling Commission. It's my intention at this session to deal with one agenda item only - agenda item 6, "world-wide ban on whaling" and "moratorium on all commercial whaling".

World-wide  
ban and  
moratorium  
proposals

We have had in the Technical Committee a lengthy discussion that took all this morning on these very important items and however important they are I wish that Commissioners can be as confined in their statements they will wish to make in the plenary and not to repeat everything that was said in the Technical Committee. I am sure that it is fresh in the minds of everybody and it therefore wouldn't seem to be necessary to repeat everything that was said in the Technical Committee. This would apparently take us the rest of the day if we are going to do that, but now I call upon the Chairman of the Technical Committee to present his report. Mr. Mercer.

Mr. Mercer

Thank you Mr. Chairman. We are reporting from the Technical Committee concerning agenda item 6. We considered two proposals, each in two parts. The first proposal is that contained on document IWC/31/20, and related to it the document number IWC/31/21 which is a resolution. The Technical Committee voted on the two elements together and passed these by a vote of 11 to 6 with 6 abstentions. Is it necessary for me to repeat the wording contained in the proposed Schedule amendment or to read the resolution.

Chairman

I don't think it is necessary and unless I hear any objections I think that we could suffice in just having you refer to the papers. I think everybody has them

in front of them and it is fresh in our minds as I said before what happened this morning. So if you have nothing further to add I will open the floor for discussion on this recommendation of the Technical Committee on the understanding that there is a seconder. Is there a seconder to the - or probably I should ask for a formal motion that the recommendation of the Technical Committee be adopted by the plenary and have it suggested and seconded. You were saying.

USA

My Government so moves Mr. Chairman.

Chairman

Thank you. Secunder? Sweden.

The floor is then open to discuss the Technical Committee's recommendation. Denmark.

Denmark

Thank you Mr. Chairman. I would like to explain in a little more detail why Denmark did abstain even though we are not a commercial whaling country. Denmark does share, by and large, the concerns expressed by the United States as background for a moratorium proposal, especially those mentioned under point C on page 10 in the US paper. We should certainly act in the way which is best for the whales, but in light of the discussion in the Technical Committee we do feel that it is at present best for the whales if the moratorium is not carried. I would like to explain our reasons for this conclusion.

We think that the real choice for the Commission is between what will happen in practice if the proposal is carried and what will happen in practice if the

proposal is defeated.

After having consulted our delegations quite thoroughly we think that it is more likely than not that whaling nations will object to the moratorium thereby being bound neither by the moratorium nor by quotas set by the Commission because the Commission obviously cannot set quota if the moratorium is carried. We held this opinion, even we know, as well, the United States Pelly Amendment, as the new United States legislation denying fishing rights within the US fishing zone for nations who do not comply with international conservation agreements. On this background we think that a total moratorium will become a piece of paper, not respected in practice, a paper moratorium. If we want restrictions in whaling which are effective in practice and this is certainly what Denmark wants, we should therefore not support a proposal but set quotas including zero quotas, in accordance with previous years restrictive practice, according to which there is no danger of extinction for those stocks which are allowed to be exploited.

When I say quotas effectively in practice I refer to two facts. First in the recent years whaling countries have reluctantly accepted decreasing quotas and zero quotas. Only once has an objection been filed during the last six years. Secondly, speaking about effective in practice. If you go through the Infraction Committee's report for the last years you will see that whalers from member countries have committed only very small infractions. This is the background Mr. Chairman why Denmark considers it at present to be best for the whales by not supporting the moratorium. Thank you Mr. Chairman.



Chairman

Thank you Mr. Lemche. South Africa.

South Africa

Mr. Chairman. I'll abide with your request as far as possible about not mentioning matters which should be touched upon but I am afraid that the - if - I will keep the repetition to the minimum but if there is such repetition it will be necessary to mention these things as they affect my position. We agree with the shortcomings which Mr. Frank has ably identified in his statement but we also realise that at the present time there are some rather sincere attempts being made to rectify these shortcomings and in particular my own country has gone to great lengths to ensure that the pirate whaling operation which was associated with us is not functioning as smoothly as been in the past and we are also impressed by the stand which has been taken by the Japanese and also by the fact that at this meeting we have welcomed a number of members, new whaling member nations. We realise that there are severe problems with the New Management Procedure but I would like to remind you, Mr. Chairman, that these problems are being tackled by a very prominent group of scientists and the Working Group of our Technical Committee has itself commended these scientists on their efforts and in fact endorsed the approaches which they are taking. So we feel that the management procedures are in the process of being reviewed by very competent people.

We deplore the failure of nations to provide adequate data for scientific assessments and we are also extremely concerned about the lack of funding by member nations of the IWC. But I think you will

recall, Mr. Chairman, that at the Special Meeting which we held in Tokyo we took a very strong and a very active stand on this matter and we'll be watching very carefully how nations vote with regard to the budget which we should be discussing later on during this session, but I think this will give us some indication as to whether there has been a change in heart and a change in attitude.

Mr. Chairman, there are two particular aspects about the United States proposal which concern us. Firstly, we note the observation by the Scientific Committee that the proposal does not deal with the aboriginal/subsistence whaling and we notice that most scientists in the Committee - I believe there's only one dissenting voice - feel that certain of the stocks which are not covered by this proposal are in a position of greatest risk and so we cannot reconcile this situation with a genuine desire to improve the status of the whale stocks. And, secondly, the second particular point I wish to address is that we do get the impression from the Scientific Committee's report - although there is a lot of dissention and controversy within the report - that not all the whale stocks are in fact in the same bad state, and in particular the minke whales I notice from tables which the scientists have produced - and I think they have some confidence in these tables - the minke whales have more than doubled since 1930. And, Mr. Chairman, we are very, very interested and in fact enthusiastic about the Australian proposal which, in effect, amounts to conducting a study of the social and the economic ramifications of the effect of a ban or moratorium on whaling nations and we feel that this is something which should be encouraged and this is something which will be a

source of very, very valuable information and will enable us to make a rational decision.

So taking all the above arguments into account, Mr. Chairman, my delegation in fact will reserve its decision on the US proposal, but we will be watching very closely the developments in the immediate future and the way in which the severe short-comings which have been mentioned by Mr. Frank - the way in which attempts are being made to rectify these fundamental problems in the Commission is going to shape our attitude in the future. Thank you, Mr. Chairman.

Chairman

Thank you. Norway, then USA.

Norway

Mr. Chairman. As we all know the question of a total moratorium was first taken up in 1972. The Commission was under considerable pressure at the time but the Scientific Committee courageously came out with a unanimous recommendation that there was no scientific basis for a blanket moratorium. As in the years past it has been the practice of the Commission to treat the question of this nature on a stock-by-stock and area-by-area basis and I think we may all agree that this procedure has brought a major improvement and several de facto moratoria. My delegation agrees that a discussion on moratoria along these lines would be necessary, and indeed constructive. We find it difficult to go along with a general and undifferentiated moratorium on all commercial whaling. That is a special case as regards the North Atlantic region where whaling has been taking place for at least half a century under strict regulation and control by the Governments concerned. The effort

and the quotas have been stable over a number of years and no deterioration of the stock has been observed. Indeed the whale harvest has proved so abundant this year that the Norwegian quota was taken in about a month's time. It should be noted that in the report from the Scientific Committee on this point, contains no recommendation to the effect that changes should be made in the present regime and my delegation fails to see why an indiscriminate moratorium will be applied to this area unless new scientific facts have been submitted which would make such drastic measures necessary. Thank you, Mr. Chairman.

Chairman

Thank you. Any more speakers? Panama.

Panama

Mr. Chairman. I would like to propose an amendment to the American proposal. Considering that we have now more than a quarter of the countries that are Spanish speaking countries I would like to explain my proposal in Spanish first and then translate it.

Chairman

I'm sorry, English is the official language of the Commission and if delegations don't understand that language they will have to bring their own interpreters with them, so you will have to proceed in English, please.

Panama

Very well, Mr. Chairman, I will do it then in English. My proposal is to divide the American proposal in two parts. One part would be on the moratorium for commercial whaling which includes the use of factory ships and the other part would be a moratorium of all the rest of commercial whaling. The reasoning

between this division is that the use of factory ships is much more dangerous than a coastal station. Factory ships can go anywhere in the ocean and hunt any population of whales. Historically, the over-exploitation of whale population has been the responsibility of factory ship much more than coastal station. Also, our knowledge of whale population that move alongside the coast is better than our knowledge of whale population that stay in the ocean completely, far out in the ocean. Also, the control of operation with factory ship is more difficult than control over land whaling station.

I would like to answer an objection that will be certainly made by somebody, that there is a paragraph in the Commission's Schedule that says that the Commission will not put limits to the number of factory ships used. My proposal does not put any limits to the number of factory ships but to the use of factory ships. Also I would like to point that there has been many case of prohibition of use of factory ship, or several case of prohibition of the use of factory ship, in the past history of the Commission. Therefore, to make things perfectly clear, I do not change anything to the American proposal, I am simply calling for a vote in two parts. All the countries that have voted "yes" to the American proposal only have to vote "yes" to both parts and that will be the same proposal. Thank you, Mr. Chairman.

Chairman

Thank you. Well, I have a slight problem here. Although you said that what you did was to split the Technical Committee's recommendation in two parts, and

that your proposal to vote first on prohibition of the use of factory ships doesn't constitute any change in the proposal we are dealing with, I see this as a fundamentally different approach to the problem and I can - in my opinion this is an approach that is contrary to rule G in our order of business which provides for a 60 days advance notice of any proposals to be discussed for a change of the Schedule. I remind you that the prohibition of use of factory ships has not been considered by the Scientific Committee; it was not discussed at all in the Technical Committee and there might be many delegations around this table who don't know the exact effects of splitting these proposals so, in two parts; and I for one haven't had sufficient time to think about it or time to get proper instructions as to how to act to such division of this proposal. So I have to rule Panama that your amendment proposal is out of order and that we only have got one proposal on the floor, namely the proposal recommended by the Technical Committee. The Netherlands.

Netherlands

Thank you Mr. Chairman. I have some doubts about your reference Rule G of the Rules of Procedure since I think that the subject matter, bringing a moratorium, has been included in the provisional order of business. I don't think that the proposal which was just made by Panama would need notification for 60 days in advance. I think that we can indeed put it to the vote here. Thank you.

Chairman

Well I think I explained my reasons and of course my ruling can be challenged by any Commissioner around this table, but if I don't get that challenge we will proceed on the basis that we only have one proposal in front of us. The floor is open to discuss the

proposal or - the United Kingdom.

United Kingdom

Thank you, Mr. Chairman. I share the same doubts as the Netherlands Commissioner and one way to proceed may be to vote as we did before on the Chairman's ruling. Thank you.

Chairman

I take it that the United Kingdom Commissioner has challenged my ruling that the amendment proposal proposed by Panama was out of order and according to the Rules of Procedure the Chairman's ruling can be over-ruled by a simple majority of the Commissioners voting and I will ask the Secretary to call the roll. Japan.

Japan

I think I ought to point out, I think that Mr. Chairman has outlined a very valid point but I would like to stress that the question on moratorium is a judgement as to whether the taking of whales can be permitted or cannot be permitted. This is the question at issue and whether, what to use, is not the issue as proposed in the original United States proposals or its Australian proposal, so that this does not to suggest amendment to the Technical Committee's proposals. I really think that all the delegations take seriously into considerations what Chairman and myself express. Thank you.

Chairman

Thank you. Before the Secretary calls the roll I would like to have the Secretary's explanation as to whether the Commission has got any legal advice on a situation like this. Dr. Gambell.

Secretary

Mr. Chairman, in 1968 the Commission was faced with similar problem of the extent to which the subject matter of an amendment to the Schedule should be defined and the ruling, the opinion, offered then by the legal advisers to the Commission at that time which was the adviser to the Ministry of Agriculture, Fisheries and Food of the United Kingdom, in response to the question "With what degree of precision is it necessary to define the subject matter of the amendment?" the answer given was "It is thought that the best practice is to steer a course which is mid-way between a bald reference to the subject matter with no indication of the direction of the amendment on the one hand, and on the other hand a reproduction of the actual wording of the actual amendment. The criterion should be that Commissioners can give thoughtful consideration to the principle of the amendment before the meeting - the degree to which the amendment should be particularised depends very largely on the subject matter. It is thought that the purpose of the amendment should be indicated briefly so that Commissioners[can have the direction,] could have directed their minds to the point at issue.

Chairman

Thank you. Well, I take this as support to my ruling but it is up to you to agree or disagree and I will ask the Secretary to call the roll.

Secretary

Mr. Chairman, the vote requiring simple majority on a point of order, a challenge to the ruling of the chair, your ruling that the Panama amendment is out of order. If you vote "yes" you vote in favour of the Chairman's ruling, "no" you are voting against the Chairman's ruling. The vote starts at Denmark.



[Denmark] yes. France, yes. Iceland, yes. Japan, yes. Korea, yes. Mexico, yes. Netherlands, no. New Zealand, no. Norway, yes. Panama, no. Peru, yes. Seychelles, abstain. South Africa, yes. Spain, yes. Sweden, no. USSR, yes. UK, no. USA, no. Argentina, no. Australia, no. Brazil, abstain. Canada, yes. Chile, no.

Mr. Chairman there were 12 votes in favour and nine votes against, so your ruling is upheld.

Chairman

Thank you. We will then continue our discussion on the proposal we have in front of us and the floor is open. If nobody wants to speak on this proposal I take it that we can take it to voting. Canada.

Canada

Thank you, Mr. Chairman, I would like to provide some comment to my fellow Commissioners regarding the position which Canada has adopted on the moratorium question. As I am sure you are aware Canada supported the resolution which was adopted at the 1972 Stockholm Conference and which called for a 10-year moratorium on commercial whaling. Later that year Canada closed, by Government order, its own commercial whaling industry. This was done for conservation reasons. At the 1973 Annual Meeting of the Commission Canada supported the 10-year moratorium proposal as a generalisation but pointed out that it would not necessarily vote for a zero harvest for all species in all areas. In this regard Canada referred to consideration of the livelihood of local citizens harvesting whales at levels consistent with scientific advice. In 1973 the Commission's Scientific Committee indicated that there was no scientific basis

for a blanket moratorium and such a course was not adopted by the Commission. In 1974 Canada supported the amendment which proposed the New Management Procedure which we have been working under during the last few years. Since that time we have supported stock classifications and quotas on commercial whaling consistent with the advice from the Scientific Committee. You will note that in the Technical Committee Canada abstained on the new moratorium proposal brought forward this year. In this regard I note the advice of the Scientific Committee which did not recommend that there was a firm scientific basis for a blanket moratorium. In such a case we need to consider the needs and rights of coastal states to exploit marine mammal resources in their zones subject to sound conservation requirements. We did not oppose the moratorium proposal since we are very concerned that the significant arguments which have been raised in support of the moratorium proposal must be effectively addressed by this Commission. A moratorium on whaling by IWC members will not stop whaling by non-members, particularly by operations which fly flags of convenience to harvest even endangered species of whale. This problem requires strong action by Commission members, particularly, in removing the market for the products of such operations. Canada for its part announced at the December 1978 meeting of the Commission an amendment to our import regulations to take action on this. We were very pleased with the recent announcement by the Government of Japan, a major consumer of whale products, of its recent ban on imports from non-members.

While our New Management Procedure is a great improvement over the earlier procedures we have realised that improvements are needed to this regime. In the meantime we should be prepared to take necessary interim

actions as we did at the December 1978 meeting in protecting the Southern Hemisphere Division 5 sperm whales.

The problem of submission of research data required in the Schedule is the subject of item 20 of our agenda. Canada supports prohibition of whaling by operations failing to supply all data required.

Finally, there is the question of funding of the Commission. I am pleased to report that Canada will be supporting the necessarily large budget increase to allow the provision of computer services for our Scientific Committee.

Mr. Chairman, Canada will be watching very carefully the progress which the Commission makes in these areas over the next year, in addressing the problems we are faced with. Thank you.

Chairman

Thank you. France.

France

I am sorry but I had the misunderstanding in my vote, and it was the contract that I wanted, and to say "no" instead of "yes".

Chairman

The Chair understands that France wanted to change its vote on the Chairman's ruling from "yes" to "no".

France

Yes.

Chairman

Thank you. Mexico.

Mexico

The same case for this delegation. I would like to change the vote for "yes" - I mean "no".

Chairman

Well, this is a peculiar situation. I don't think the Chair has to accept people changing their votes so long after the vote has been taken but in any case does it make any change. Japan and Panama did you wish to speak on this point or what. Japan.

Japan

Mr. Chairman, I think you could over-rule the request for the change of votes after they were cast, but I like to point out a few things because it was pointed out by Panama that the Japanese pelagic fleet is the sole sort of destruction in the possible source of the destruction of the resources but I like to point out as South African delegate pointed out though its pelagic fleet is hunting for its minke whale in the Antarctic, and this is one of the best, and leaves ocean in the best condition, and that we have international observers on board and we also inviting scientists to come aboard for international co-operations in research - in last year we have scientists from a few countries, Australia, United Kingdom I suppose, and United States and South Africa, and we will continue to do so and we've been the fore-runner in the provision of the scientific data as well as analysis of the data and with respect to pirate whaling we are fully prepared to discuss these questions when it comes up, but it would be in order if I make a statement here.

We have introduced legal steps to ban whales and whale meats and other whale products from non-IWC member countries and we have already introduced legal

ban years ago to ban export of whale equipment and whale vessels to IWC countries.

Chairman

Excuse me Mr. Yonezawa, a point of order has been raised.

Japan

Ah, sorry.

Chairman

I give the floor to the US delegation.

USA

Mr. Chairman, I do regret interrupting. However, as I understand it we are now on to the debate on the moratorium and have not yet resolved the issue of whether or not votes can be changed. It is my view that the votes can be changed and I would like to express the reasons why I believe so before we go on to the debate. I believe I should have that opportunity.

In sum I would challenge the Chair's view that a vote cannot be changed. My reason for so stating is practice before other international organisations. Secondly, at the time the votes were changed we had not gone on to another order of business. Thirdly, I believe that in this instance the reasons that the votes were changed, although I do not wish to speak for the parties who changed their votes, was that they did not know what a "yes" vote and a "no" vote meant under these circumstances. There are probably language barriers that cause that. That is, they did not know that a "yes" vote was against the proposal and in favour of the Chair and that a

"no" vote was to the contrary. Thank you.

Chairman

Thank you. It looks like we are going to have another procedural voting because my ruling that delegations cannot change their votes can of course be over-ruled just as any other ruling of the chair and it has now been challenged by the US delegation so the only thing we can do is to take it to vote and I'll ask the Secretary to explain what we will be voting on and please explain so that everybody will understand perfectly what we'll be voting on. The Netherlands.

Netherlands

May I, before we take this issue to the vote, just point your attention to Rule E of the Rules of Debate which says that it may be moved "that parts of a proposal or of an amendment shall be voted on separately." I think that this is relevant in this case that you are aware of this provision. Thank you.

Chairman

I don't think this is relevant in this case. This was relevant in my ruling that Panama's proposal was out of order and I explained that although this was proposed as a separation of one proposal it contained a very different approach and I don't want to go through that again. What we are debating now is that people can change their votes after they have seen the results of their voting and I moved that people could not do so. It has been challenged by the US delegation and of course it's up to the majority of the Commission to decide what's the rule. Japan.

Japan

Sir, I'm not quite sure. If a few delegations changed "yes" votes to "no" votes certainly the motion will be carried but those countries who would like to have this motion carried, I make a plea that should consider their positions very carefully. By voting immediately on whether or not pelagic whaling should be stopped or not you are depriving the right of my country and the right of the USSR for a fair treatment of the matter because you are going to vote on it without counselling from the Scientific Committee and Technical Committee on the merits and demerits of such proposals. You have more votes and you can do whatever you can by what you vote. If that is the objectives you like to achieve you can do so through your votes, but if you are interested in fair discussions and fair play I make a plea that before the voting you consider your positions very carefully. Thank you.

Chairman

I don't think we should prolong this discussion at all. We have my ruling that delegations cannot change their votes after the result has been announced and we have had the US delegation challenge that ruling. I have been given a book here called "Robert's Rules of Order" - I would like to quote you from that book, a sentence that goes as follows: "A member has the right to change his vote when not made by ballot before the decision of the question has been finally and conclusively pronounced by the Chair but not afterwards." So I seem to be in agreement with Mr. Robert, whoever he is and as before its up to you to agree or disagree. Denmark.

Denmark

Thank you Mr. Chairman. I would just like to ask the United States if their challenge of your ruling goes for this Commission in general or if it goes for this particular situation. I think that in this particular situation language difficulties may have played a role. Thank you.

Chairman

Thank you. Well in our Rules of Procedure it says that when a Chairman's ruling is challenged it should be voted upon immediately. I think it is obvious that we are voting on this particular ruling and that want to change the future rulings of any Chairman, they can always be challenged and people can decide if they want to adhere by them or challenge them. So I'm sorry I can't accept any more interventions and I'll have the Secretary call the roll. Panama I'll give you the last chance. Panama.

Panama

I think that I have a solution to all problem there. I'll withdraw my amendment and I'll propose that the division be made between commercial whaling which involves the use of land station for one part and for the other part, all other commercial whaling.

Chairman

I'm sorry Panama we cannot accept this. I would have to rule exactly the same way and I can't see any difference between this approach to what you proposed previously, so I'll ask the Secretary now to call the roll on the ruling and the challenging of that ruling.



Secretary

Mr. Chairman, the vote requires a simple majority. Your decision was that it is not proper to change a vote after the end of the voting roll call. That has been challenged, in this case. Let me repeat the same words I used the first time. If you vote "yes" you vote for the Chairman. If you vote "no" you vote against the Chairman. The Chairman ruled that it was out of order. The roll starts at France. France, no. Iceland, yes. Japan, yes. Korea, yes. Mexico, no. Netherlands, no. New Zealand, no. Norway, yes. Panama, no. Peru, yes. Seychelles, no. South Africa, no. Spain, yes. Sweden, no. USSR, yes. UK, abstain. USA, no. Argentina, no. Australia, abstain. Brazil, abstain. Canada, yes. Chile, no. Denmark, no.

Mr. Chairman there were eight votes in favour and 12 votes against. That means that your ruling is over-ruled and it is possible to change votes after the roll has been completed.

Chairman

Thank you. The result of this voting, unless somebody wants to change it, please confirm votes right away then, would be that the previous voting on my ruling with regard to the Panamanian proposal fails to, isn't that correct Mr. Secretary - the previous ruling -. These two changes that France and Mexico wanted to make with regard to the previous ruling mean that my previous ruling is over-ruled and therefore the Panamanian amendment proposal is in order and I'll then be looking for a seconder to that proposal. Sweden. The floor is open for discussion. We have two proposals on the floor, one from the Technical Committee proposed by the USA, seconded by

Sweden, that for a total moratorium and then we have the amendment proposed by Panama for voting on it in two parts really; voting first on the prohibition of factory ships. Japan.

Japan

Mr. Chairman, in which case, I like to request a postponement of the voting and the amendment should be referred back to the Scientific Committee and Technical Committee before it is proceeding to vote, because Panama raised a number of reasons for his proposal which included technical part as well as scientific part. I think we need counselling from the Technical Committee and Scientific Committee.

Chairman

Thank you Japan. Does any delegation share Japan's concern and wish that the matter be referred back to the Technical Committee and Scientific Committee for their consideration of the new approach proposed by Panama. The USSR.

USSR

Mr. Chairman, we also guess that it is almost impossible to consider this true proposition without consulting from Technical Committee and Scientific Committee. Thank you Mr. Chairman.

Chairman

Thank you. Did the USA ask for the floor.

USA

Thank you Mr. Chairman. I could see some benefit to the Scientific Committee having an opportunity to express its views on this differentiation in the moratorium. I must say I see no benefit whatsoever

in the Technical Committee's doing so. The Technical Committee is composed of essentially the same people that are here in the plenary; the Technical Committee has had an opportunity to consider the subject of the moratorium fully; the Technical Committee will not add anything new to this subject - I suppose the Scientific Committee might. Returning this subject to the Scientific Committee and the Technical Committee I believe will delay substantially the work of the Commission so that we will find ourselves here, if not extra days, long in the evenings when we need not be. In sum my Government would oppose any attempt to return this subject to the Technical Committee. If consideration by the Scientific Committee could be done properly, that is if we establish a time limit on Scientific Committee consideration of perhaps one hour, I would not object to having the Scientific Committee express its views to the plenary on this subject. Thank you.

Chairman

Thank you Mr. Frank. Well, what I would like to propose from the Chair with regard to how we go from here is that we break shortly for lunch and adjourn the plenary meeting. After lunch we will ask the Scientific Committee to convene and consider this matter. We will ask the Technical Committee to meet at the same time and have the two meetings simultaneously running and I am sure that the Technical Committee has enough on its agenda it could deal with. I am thinking about items like, for example, aboriginal whaling - that takes probably some time and there are other items on the Technical Committee's agenda that could be dealt with I think. So that what I am about to propose is that we adjourn

in a few minutes for one and a half hours for lunch and we'll ask the Technical Committee to convene at 2.30 and we'll also ask the Scientific Committee to convene as soon as possible after they have had their lunch to consider what they have been asked to consider. Dr. Allen would you like to comment.

Dr. Allen

Thank you, Mr. Chairman. The Scientific Committee must of course do all that it can to help the Commission and at your request Sir the Scientific Committee will meet. I feel, however, that I cannot refrain from pointing out to you Sir at this stage that the Scientific Committee has already had a great deal of discussion of the general questions which are involved in moratoria. As you are aware it found questions on which it was impossible to speak with a concerted voice - its discussions were concerned with the general issues involved. Those general issues will apply throughout the whole of the question of managing whales and I therefore, with all respect to the Commission, Sir, cannot hold out much hope to you that you will receive anything back from the Scientific Committee which will be of any help to you in this matter. However, Sir, I will convene the Scientific Committee at a quarter to two Sir. Thank you.

Chairman

Thank you Dr. Allen. Well we, of course, appreciate the work you have done already and we realise that much of what you have done would be applicable in this matter but we are asking for additional comments and I hope that it won't take you too long to come up with something. The USA.

USA

Mr. Chairman, I would like to change what I have just said. In light of the view of the Chairman of the Scientific Committee that no useful purpose truly would be served by the Scientific Committee's again considering the subject of the moratorium it is the view of my delegation that we should proceed in plenary and should not return this to either the Technical or the Scientific Committee. As it is we have just heard the Chairman of the Scientific Committee say that his Committee has discussed this issue as much as it really can, there are no new issues to bring forth and I can see nothing more than a delaying tactic in having this subject returned to the Scientific Committee or the Technical Committee. Therefore I would urge other delegations to speak up on this subject and once their views are known, if their views are that we should proceed in plenary, that we do so.

Chairman

Thank you. Japan

Japan

Well I do not understand the reaction of the United States delegation. The United States should be aware that in the Scientific Committee's report there is no reference to pelagic whaling, and if United States have, in proposing this, proposing that we should proceed to directory voting that if the United States sees no reason to support for a ban on pelagic whaling then it may make sense. But the question at stake is whether we are to proceeding, and you are giving us the due process in arriving at the conclusion. Without going through very detailed discussions on this

subject why do we have to decide on this, this year. Why do we have to decide on this when we know in the Scientific Committee that we have unanimous recommendations on the quota on minke whale; when we know that when we discussed sanctuary programme, all the delegations agreed that the area south of 45° should be excluded. So I really hope that Panama should be at least kind enough to withdraw its proposal and come back next year with same proposal.

Chairman

Well gentlemen, ladies and gentlemen, my concern right now is time. We have only got two and a half days left to complete our work and still we haven't reached very far. I didn't see any time lost in following my proposal in having the Technical Committee and Scientific Committee meet simultaneously after lunch, but if people have other views please say so. Chile, then Panama.

Chile

Mr. Chairman, it is rather to support your proposal. I think this much better. We will feel much more confident if we have a meeting of the Scientific Committee. We know that the Scientific Committee has considered the implications of the Panamanian proposal already at some time in the broader discussions on the topic of the moratorium but we would like the advice if possible on this specific proposal. Thank you.

Chairman

Thank you. Panama.

Panama

We would like to approve that the matter be referred to the Scientific Committee. Thank you.

Chairman

Thank you. In the light of what I have heard now I think I'll stick to what I proposed and ask the Scientific Committee to meet as soon as they can after lunch and ask Mr. Mercer to convene the Technical Committee at 2.30 in order to deal with items that can be dealt with from their agenda and I'll ask Dr. Allen to report, or let us know as soon as he is ready. Dr. Allen did you want to say -

Dr. Allen

Yes. Mr. Chairman, I will convene the Scientific Committee at a quarter to two, I think that will give them just time for lunch. I would be very glad Sir if you would give us a definite time, an instruction with a definite time to report, rather than asking us to report as soon as possible.

Chairman

Thank you Dr. Allen. I think it is good to give you a deadline and I am thinking of a time like half-past three. It is not very much but I hope it's enough. Canada did you want to speak.

Canada

I was going to suggest that perhaps half-past two. If the Scientific Committee should be able to determine in very short order whether there is going to, whether they are going to require such a substantial length of time to give us an answer, that it would require a meeting of some days, or whether in fact there was not going to be any significant scientific advice in which case we should have that in very short order. If the scientific advice were available when we did reconvene then we would be able to proceed with our agenda in order.

Chairman

Dr. Allen do you think that you could do it as quickly as suggested by the Vice-Chairman of the Commission and report by 2.30.

Dr. Allen

Yes Sir. I'm sure we will have a report for you by 2.30 if that is your instruction. Thank you very much sir.

Chairman

In which case we could reconvene the plenary at 2.30, after we have had the lunch break, so this is then what we will do. We'll adjourn now for lunch and

[Tape ended here]

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SECOND PLENARY SESSION ADJOURNED FOR LUNCH

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Chairman

Ladies and gentlemen, I reconvene the second session of the plenary. First, I'd like to tell you that because of the confusion about the procedure of motions we had in the plenary this morning, a number of Commissioners have asked me to announce that this morning's discussions make no precedents to our meetings and that future discussions will be governed by the normal Rules of Procedure on debate and, furthermore, that the discussions we had on the procedural problems should not be reflected in the report from this meeting. Is everybody agreed to this? Thank you.

Well, we will then start where we left on agenda item 6. You will remember that we had a proposal - a US proposal for a moratorium - and we had Panama propose an amendment to that proposal. Panama didn't put their amendment proposal into wording but their proper wording has been worked out and it has been distributed and I hope all the Commissioners have the wording, have the piece of paper, have the Panamanian amendment in their hands.

Moratorium  
Proposal -  
Panamanian  
Amendment

If that's so then I'll open the floor for discussions. We have two proposals on the floor - the US proposal for a total moratorium and the Panamanian amendment to split it into two in accordance with the wording you have in front of you. The floor is open.  
Denmark.

Denmark

Thank you Mr. Chairman. I think it is perfectly all right to split the two and let us deal separately with them. I would like, if you can accept that

procedure, Mr. Chairman, to deal first with the first part, the little i, and I would like to make an amendment so that there in the third line after the words "treating of whales" be inserted the following "excluding minke whales". Thank you Mr. Chairman.

Chairman

Thank you. Is there a seconder to this proposal. Chile? Thank you. We then have three proposals on the floor. This latest amendment by Denmark, seconded by Chile. Any discussion? I should add that the original US proposal had attached to it a resolution that was worded in Technical Committee together with the proposal itself. I think that in this case, we have had now three amendments, two amendments sorry, we will have to vote on the resolution separately. If there is no further discussion we will then start the voting on the latest amendment proposal by Denmark, seconded by Chile, and I'll ask the Secretary to call the roll. Korea.

Danish  
Amendment

Korea

Thank you, Mr. Chairman. Before putting the amendment to vote, may I ask clarification to Panamanian delegate with regard to their amendment to the US proposal. In our analysis there seems to be no difference in essence between US original proposal and the Panamanian amendment. Thank you Mr. Chairman.

Chairman

Thank you. Well the point of the Panamanian proposal was to split the original US proposal in two parts. The wording has been worked out by the Secretary, myself and agreed by the Panamanian

delegation and I think the US delegation also agrees with the wording and that the wording adequately reflects what is intended here, that is to split the original US proposal in two parts. Does anybody have difficulties with the wording you have in front of you. If not, can we then proceed. We have discussed the substance of this matter quite intensively so if there is no more discussion I will ask the Secretary to go straight to voting and call the roll.

Secretary

Mr. Chairman, the proposal before the plenary requires a three quarters majority to pass and we are voting first on the item identified as sub-paragraph 1. There is the preambular wording of the amendment for the addition of a new paragraph 8(d) to the Schedule: "Notwithstanding the other provisions of paragraph 8 sub-paragraph 1 there shall be a moratorium on the taking, killing or treating of whales, excluding minke whales, by factory ships or whale catchers attached to factory ships." It is the amended version of sub-paragraph 1 on which we are voting.

Chairman

Argentina.

Argentina

Thank you Mr. Chairman. May I be clarified on something, one point. If we are dealing only with paragraph i, we are amending the paragraph (d) of the US proposal. Is this right? What is happening with Table 1 and 2 and with the recommendation that the US put in in the proposal as a whole. The first amendment we are voting just now is including

all this part Table 1 and 2 and also the resolution or is only this paragraph. I mean, because if you are dividing the proposal of the United States you have to keep in account you have other parts of the original proposal, included in this first vote. I would like to be clear in this situation and if we are only voting the paragraph and we are considering the other point in the last one, the third proposal, the third vote I should like to say.

Chairman

Well, this procedure of splitting the US proposal in two parts makes it impossible to include their proposed changes to Tables 1 and 2 of the Schedule. We will have to do it afterwards. It comes from what we agree on here. We have two parts - we have the proposal split in two parts and it depends on what we agree on what will go into the Schedule, so this is why there is no reference to this in this Panamanian amendment and we will just have to ask the Secretary to put the proper wording into the Schedule when we have found out what we want when we have had the result of the voting. As regards the resolution I said earlier that I think we will have to vote separately on the resolution, also because of this splitting up of the proposal.

Argentina.

Argentina

Thank you, Mr. Chairman, but the problem is we have to vote afterward the resolution. What is happening if only the first [draft?] is passing, for instance, if I can imagine like that - that's minke will be alone included in the text of the Schedule. This is the idea of the Commission to put only the first paragraph if it is passing and without, excluding all the rest of the proposal,

the original one and the Panamanian one. It is just a point of clarification - I mean I have no strong feeling against, but I would like to be clear this way. If the Committee agree to vote only the first paragraph, the case of this paragraph will be included or accepted, you will put this paragraph in the Schedule like that?

Chairman

Yes

Argentina

All right, thank you.

Chairman

Is everybody clear now what we are doing? The Secretary please.

Secretary

Mr. Chairman, the vote requiring three quarter's majority is the first part of the amended addition to the Schedule as previously identified, the amended sub-paragraph 1, what happens to paragraph 2 and the resolution will be voted on next. So we are voting now on the amended paragraph 1, and the vote starts at Iceland. Iceland, yes. Japan.

Japan

I'd like to vote at the end if I may. Thank you.

Secretary

Korea, abstain. Mexico, yes. Netherlands, yes.  
New Zealand, yes. Norway, yes. Panama, yes.  
Peru, yes. Seychelles, yes. South Africa, yes.  
Spain, abstain. Sweden, yes. USSR, no. UK, yes.

USA, yes. Argentina, yes. Australia, yes. Brazil, abstain, Canada, yes. Chile, yes. Denmark, yes. France, yes. Japan - I'm sorry I didn't hear - Japan? No. Thank you.

Mr. Chairman, there were 18 votes in favour and three against - the motion therefore received the required three quarter's majority to amend the Schedule. Two against and three abstentions - I'm sorry.

Chairman

Thank you. We will then deal with the latter part of the US proposal as amended and we will go straight to the voting. I'll ask the Secretary to explain the vote and call the roll.

Secretary

Mr. Chairman, we are now voting on sub-paragraph 2 of the Panamanian amendment. The addition to the Schedule of a part of paragraph 8(d) to read "There shall be a moratorium on the taking, killing, or treating of whales by land stations or whale catchers attached to land stations, except as provided for in paragraph 11. This is an amendment to the Schedule requiring a three quarter's majority to pass in plenary. The roll starts at Japan. No. Korea, no. Mexico, yes. Netherlands, yes. New Zealand, yes. Norway, abstain. Panama, yes. Peru, no. Seychelles, yes. South Africa, abstain. Spain, abstain. Sweden, yes. USSR,

USSR

Sir, we want to reserve our opinion at the end, be last.

Secretary

Be last? UK, yes. USA, yes. Argentina, yes. Australia, yes. Brazil, abstain. Canada, abstain.

Chile, no. Denmark, abstain. France, yes. Iceland, no. USSR, abstain.

Mr. Chairman, there were 11 votes in favour and five votes against so that the motion did not receive the three quarter's majority and therefore does not amend the Schedule.

Chairman

Thank you. In the light of the result of this voting it doesn't seem to me that the resolution proposed by the US is relevant any longer. Can I have the US delegation view on this?

USA

That is correct.

Chairman

So it means that we won't have a voting on the resolution and we then turn to the other part of this agenda item, the world-wide ban on whaling, which was also discussed in the Technical Committee this morning and I call upon the Chairman of the Technical Committee to report to us. Japan.

World-Wide  
Ban

Japan

Thank you very much. I would like to make a short statement on this occasion. I like to register my sense of resentment and displeasure on the discriminatory measure which was introduced by the most irregular way by some member of the Commission. This process deprived of the normal course of action so that the matter be brought to the attention of the Scientific Committee and Technical Committee, but this modification of the Schedule was abruptly introduced at the beginning of the plenary session. We understand

that the significance of this meeting should be that our decision should be based on scientific grounds because we also, we are from various countries with different philosophies and different approaches to the questions. The only thing we are united is that we are going to act solely through scientific evidence which is available to us, by virtue of vote. The Japanese plea for fair treatment and justice has now been disregarded. I like to record my sense of resentment at this and hope that this will not happen ever again and the order of business would be conducted as in same way as we do in other multilateral government meetings. We are minority so if we are deprived of opportunity of having it discussed in detail on a scientific basis we have nothing to protect ourselves and we find no significance in sitting with you in good faith. Thank you.

Chairman

Thank you. The USSR.

USSR

Thank you, Mr. Chairman. The decision adopted by the Commission now have a strictly discriminative corrector, not only between the two kind of operations but between the whaling countries and other countries. Inside the framework of Convention this create a very severe circumstance inside the convention and should be reflected in specific displeasings of countries, members of IWC, to such kind of activities of Commission. Thank you Mr. Chairman.

Chairman

Thank you. Korea.



Korea

Thank you Mr. Chairman. We would like to explain exercise of our vote with regard to [part] 1 of the amendment which we adopted. We should have objected to [part] 1 of the amendment but we abstained in our effort to reach a compromise on the question of moratorium. That we abstained does not mean that we endorse the adoption of the moratorium in any form. We stick to our basic position which I stated this morning. Thank you Mr. Chairman.

Chairman

Thank you. I now call upon the Chairman of the Technical Committee to report to us for the remainder of this agenda item. Mr. Mercer.

Mr. Mercer

Thank you, Mr. Chairman. We have two further proposals which were adopted in the Technical Committee under agenda item 6, to be brought forward to the plenary. These are contained on a document entitled "Australian Proposal - World-Wide Ban on Whaling". The first proposal at the top of the page was passed by a vote of 13 to three with seven abstentions. It appears as printed with several amendments which were read to members of the Committee prior to voting. Would you wish me to read the proposal *in toto* or wish the Secretary to do that when the question is being put in the plenary.

Chairman

I would wish that you read it *in toto* so that everybody is quite clear before we have any discussion.

Mr. Mercer

The proposal is that the Technical Committee be directed to consider and report to the thirty-second Annual Meeting of the Commission on the procedures that would be necessary, bearing in mind the interests of aboriginal whaling, to institute a world-wide ban on whaling, the period over which such a ban on whaling could be instituted and, should any hardships, such as for subsistence whaling, be likely to result from a world-wide ban on whaling, the steps that would be necessary to avoid undue hardship.

Chairman

Thank you. Does anybody wish to speak on this part of the Technical Committee's recommendation. Denmark.

Denmark

Mr. Chairman. I would ask the Chairman of the Technical Committee once more to read out the two lines under number one.

Mr. Mercer

Mr. Chairman, the words as I have them are "the procedures that would be necessary, bearing in mind the interests of aboriginal whaling, to institute a world-wide ban on whaling".

Chairman

Thank you. Do I have somebody to propose that the plenary adopt this Technical Committee's recommendation? Denmark. A seconder? Australia. The floor is open for discussion. Or if there is no discussion we will proceed to voting unless you feel that's not necessary. Everybody agrees. Then I don't think it's necessary to have a roll call. Is there a concensus in the plenary that - Japan.

Japan

I'm not requesting roll calls. The result is quite obvious but I like to have what I mentioned in the Technical Committee recorded in our plenary session's record if there is such record, will be such record.

Chairman

Thank you. Your comments in the Technical Committee will be reflected in the Technical Committee report I take it and we will reflect them again in the Commission's report. It seems to me that - Japan.

Japan

You used the word unanimous. I just wanted it that Japan is not endorsing the first part of the recommendation - that should be recorded. Thank you.

Chairman

Thank you. Is there any other delegation that's opposed to this recommendation? Apparently not, and I take it that the proposal put to us by the Technical Committee is therefore adopted by the plenary. So that it be so recorded in our report that it was adopted with Japan against. Mr. Mercer, the latter part of the proposal?

Mr. Mercer

Mr. Chairman, the second part of the proposal is contained on the same document at the bottom of the page. There were no amendments to the wordings or the wording as precisely as contained on the document. These are the words that begin "that the Technical Committee be directed to undertake a review" and extending further to the bottom of the page. Would you wish me to read this proposal *in toto*?

Chairman

This is a rather long reading and I take it that there was a unanimity in the Technical Committee and unless anybody wants it read loudly in this form I don't think that would be necessary. Does anybody wish the Chairman of the Technical Committee to read it through? Or are we unanimous here as we were in the Technical Committee? Apparently we are so that I can take it that we adopt this latter part of the Technical Committee's recommendation. Does this conclude your report on agenda item 6?

Mr. Mercer

Yes, Mr. Chairman. This concludes our report on agenda item 6.

Chairman

Thank you. And we have then also concluded the plenary's deliberations on agenda item 6 and I now wonder how we proceed from here. It's a quarter past six and I wonder if we should go on in this plenary or have the Technical Committee convene. Mr. Mercer do you have any ideas? Do you have anything else to report that we should know.

Mr. Mercer

Mr. Chairman, we have completed our discussions on some items of Technical Committee business but we have yet to review our report on these items in Technical Committee. Perhaps you would consider it more expeditious if we were to do further Technical Committee business and approve report before bringing our items to the plenary session. If you wish to proceed in this way one possibility would be for the Technical Committee to begin its deliberations on sperm whale stocks.

Chairman

OK, thank you. I think that's a useful suggestion and so we will then adjourn this plenary session and have the Technical Committee convene in just a few minutes, two or three minutes. Is that agreeable? Thank you. The plenary is adjourned.

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END OF SECOND PLENARY SESSION

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**International  
Whaling  
Commission**

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THIRTY-FIRST MEETING

CAFE ROYAL, REGENT STREET, LONDON

9 - 13 JULY 1979

THIRD PLENARY SESSION





Chairman

Ladies and gentlemen, I call the third session of the plenary to order. It's my intention in this session to start to deal with agenda item 9, whale sanctuaries, and we have dealt with that one we will then move to agenda item 11. We'll decide after we have done with these two items how we'll proceed from there. So I now call upon the Chairman of the Technical Committee to report to us whatever he has on agenda item 9.

Whale  
Sanctuaries

Mr. Mercer

Thank you, Mr. Chairman. Under agenda item 9 you will see our report in the report of the Technical Committee where we considered a proposal for an Indian Ocean sanctuary for whales. After considerable discussion we passed, by a vote of 14 to four with five abstentions, the proposal for this sanctuary which is contained in the fourth last paragraph under item 9 of our report with the addition of a sentence which appears on the next page. Would you like me to read the consequential amendment to the Schedule? I believe this is our normal practice.

Chairman

Yes please.

Mr. Mercer

In accordance with Article V(1)(c) of the Convention, commercial whaling, whether by pelagic operations or from land stations, is prohibited in a region designated as the Indian Ocean Sanctuary. This comprises the waters of the Northern Hemisphere from the coast of Africa to 100° East, including the Red and Arabian Seas and the Gulf of Oman; and the waters of the Southern Hemisphere in the sector from 20° to 130° East with the southern boundary set at 55° South.

This prohibition applies irrespective of the classifications of baleen or toothed whale stocks in the Sanctuary, as may from time to time be determined by the Commission. This prohibition will apply for ten years unless the Commission decides otherwise."

Chairman

Thank you. Do you, in your capacity as the Chairman of Technical Committee, move that your recommendation be adopted by plenary?

Mr. Mercer

If you wish that these items be moved in my capacity as Chairman, I will so do.

Chairman

Thank you. Is there a seconder? Denmark.

Denmark

Thank you, Mr. Chairman. We actually handed in to the Secretariat this morning, a proposal about a resolution related to exactly this question. I wonder where that paper is.

Chairman

We'll ask the Secretary to answer this question.

The Secretary is trying to find out where the paper is. Seychelles.

Seychelles

May we propose that Mr. Lemche read the statement to us so that we can save a little time?

Chairman

Mr. Lemche. You have been asked to read this statement, or proposal, you told us about. Can you do that for us?

Mr. Lemche

Actually, Mr. Chairman, it was a hand-written piece of paper and it was the only one we got, but if I can find it I certainly can read it out.

Chairman

We seem to have a slight problem here. May I suggest that we move down to agenda item 11 and postpone the discussion on agenda item 9 while we find out where we stand?

If that's agreeable we postpone the discussion on item 9 and move to agenda item 11. The Chairman of the Technical Committee.

Mr. Mercer

Thank you, Mr. Chairman. Under agenda item 11, we considered a proposal for a three-year moratorium on the taking of sperm whales, on the commercial taking of sperm whales. This matter was brought to a vote which passed by 11 to seven with five abstentions. The consequential amendment to the Schedule would be the following text for inclusion: "Quotas for sperm whales of both sexes shall be set at zero in all Divisions of the Southern Hemisphere including the Indian Ocean north of the Equator, for the seasons 1979-80, 1980-81 and 1981-82; and for the Northern Hemisphere Atlantic and Pacific for 1980, 1981 and 1982."

Proposed 3-year  
moratorium on  
sperm whaling

As Chairman of the Technical Committee I move the adoption of this proposal.

Chairman

Thank you. Secunder? Seychelles. The floor is open for discussion. Seychelles.

## Seychelles

Mr. Chairman, since we first raised the question of a pause in sperm whaling in the Technical Committee the issue has become somewhat confused by a bewildering pattern of proposed amendments to this proposal; amendments which deal with moratoria and a variety of adjustments in both space and time. We regret this confusion because the basic issue is really quite simple. We are faced in the matter of sperm whaling with a clear scientific statement of fact which is that despite many years of work, despite several special meetings, even the best of our advisers have had to conclude that we just don't know enough about the sperm whale - we cannot proceed with any assurance at all. In short, there is a distinct possibility in all Areas and all Divisions of both Hemispheres that every sperm whale taken may be one sperm whale too many. Since the decision of this Commission to ban whaling from factory ships the issue has been simplified a little by restricting our concern to just two Divisions in the south and two Areas in the north.

In Division 1 on the east coast of South America, the data are so scant that the scientists were unable to make any estimates at all, and they have recommended that it be protected. In Division 9 on the west coast of South America the figures we do have show that the population size of males has been reduced so drastically, by about a third of its initial level, that by the rules of our Management Procedure it must be classified as a Protected stock. In the North Atlantic Area there are insufficient data to make more than a provisional suggestion and in the North Pacific, at both its most recent meetings, the Scientific Committee concluded that

on the evidence available to it the population of both sexes could be expected to show yet further decline.

So on purely scientific grounds the only safe course, the one safe course this Commission can take, in all these four places, is to stop sperm whaling, at least until we know exactly where we stand. That's why we propose a pause: not a cessation of whaling; not a moratorium; a pause, which on the best advice would need to be for at least a year, preferably three.

We fully appreciate the special needs of the new members from South America, but in all honesty there is no way in which this Commission, on the basis of scientific advice, can set a quota for Division 9 at anything but zero. And in full fairness, without discrimination, we frankly cannot see how it is possible to stop sperm whaling in the south while allowing it to go on in the north, where I doubt it is not much better. So we are asking this Commission to fulfil the terms of its Convention - that is to act in the best interests, the best long-term interests, of a unique and irreplaceable resource - and you can do that, it seems to us, only by voting for the one thing that seems to be certain, for a pause which will allow us to gather enough time to put the whole affair of the sperm whale in order. We are therefore proposing, Mr. Chairman, as the Chairman of the Technical Committee read out, an addition to the Schedule to precede Paragraph 14 there, as follows: "Quotas for sperm whale of both sexes shall be set at zero in all Divisions of the Southern Hemisphere, including the Indian Ocean north of the Equator, for the seasons 1979-80, 80-81, 81-82; and for the Northern Hemisphere, both Atlantic and Pacific, for 80, 81 and 82." Thank you.

Chairman

Thank you. The floor is open. Any more discussion? We have had intensive discussion on this matter in the Technical Committee and we are getting very pressed for time so - Panama and then Japan.

Panama

Mr. Chairman, I would like to raise a different problem about this proposal, which is a problem of ethics - The ethics of killing intelligent beings. I would like to quote from Professor Berzin, a Russian, Chief of the Cetacean Research Laboratory of the TINRO Institute in USSR. He said "the sperm whale..."

Chairman

I'm sorry Panama. I just want to remind you that we have another agenda item which is headed "Consideration of the ethics of killing cetaceans". I think you might be well advised to wait until we get to that item with what you ...

Panama

Mr. Chairman, I think this applies specifically to the Seychelles proposal because it is specifically about sperm whales.

Chairman

Would you be very brief please?

Panama

I'll be as brief as I can.

Chairman

Thank you.

Panama

"The sperm whale is undoubtedly an animal with a cortex of complex structure corresponding to complex phystic manifestations. The sperm whale brain must possess an extreme functional plasticity and practically inexhaustable possibilities for establishing links between stimuli and the forms of reactions. The sperm whale brain structure is such that this can be said to be a thinking animal capable of displaying high intellectual abilities."

Mr. Chairman I think that I have been in contact with just about every whale brain specialist in the world, about 12 of them, and out of the 12 there is approximately eight that agree about this possibility of a high intelligent potential among the sperm whale, probably even more than any other species of whale. In conclusion I want to plead with you to vote for the Seychelle proposal because of this majority view of the scientists specialising in whale brain, that cachelot, even more than any other species, may be intelligent beings. I plead with you as individuals and as representatives of your nations, not to vote "no" as a "no" vote will be a vote to kill those whom we shall very probably one day call the people of the sea. Thank you.

Chairman

Thank you. Japan.

Japan

I shall be very brief. We cannot accept the three-year moratorium since the Scientific Committee does not recommend three-year moratorium on this. I can quote passages as other delegations did from the Scientific Committee, but Scientific Committee, there are lots

of papers indicating that sperm whale stocks are in good shape. Thank you.

Chairman

Thank you. United States.

USA

Mr. Chairman. We have voted in favour of a three-year sperm whale moratorium - I wish to indicate why. It seems to me a quick review of the Report of the Sub-committee on Sperm Whales leads to the conclusion that there is confusion about our attempts to manage sperm whales, that we have models missing, and models have proved in many instances unreliable, in some the scientists are not sure about sperm whales and that leads to a substantial amount of risk. I admit that then a balancing has to take place but our concern is that commercial whaling for sperm whales has been going on for an extensive number of years and that that risk becomes too high at some point. We believe that point has been reached. I have a prepared statement which I would like to pass out which goes into the specifics of why we feel this way and it refers to the Sperm Whale Report given by the Scientific Committee. Because of the press of time I am pleased not to read that now. I would hope that other individuals will read their report and have the opportunity to reflect on our views on this subject. Thank you.

Chairman

Thank you. If I may, as Icelandic Commissioner, be allowed to state my country's position. I wish to state that Iceland cannot support a moratorium on sperm whales. We do not support it because we are



not prepared now to stop the hunt of sperm whales which is a rather important factor in our very modest mixed fishery. We are not prepared to stop it because the scientists have not asked us to do it. We have a recommendation from the Scientific Committee which was unanimously passed in that Committee for a catch quota for sperm whales in the North Atlantic and this is why we cannot accept a moratorium.

I want to add that we, of course, have noted what the Scientific Committee has said about the decreased average length of sperm whales at Iceland, but I wish to point out that this decrease is very slight indeed. Thus the average length of the sperm whales caught in 1978 was less than 1ft less than the average for the last ten years. However, I can announce that Iceland, because of this, has decided to amend her own domestic legislation to the effect of increasing the minimum size from 35ft to 40ft. Thank you. France.

France

We support the proposal of the Seychelles delegation for all the reason exposed by its delegate. Thank you.

Chairman

Any more speakers. United Kingdom.

UK

Thank you, Mr. Chairman. We support the concept of the moratorium on the taking of sperm whales for three years since it is consistent with our general approach on whaling as announced by the Minister of State in his opening speech. That is, there should be a moratorium on all commercial whaling to allow re-assessments of whale populations and biology.

That this is needed is, in our view, shown nowhere more clearly than in the Scientific Committee's assessment of sperm whale stocks. The Scientific Committee has done its best in the circumstances but it has concluded that, in the absence of the analysis of existing data, and the undertaking of new studies, it would be unable to reassess North Pacific sperm whale stocks. It has also encountered severe difficulties in its assessment of Southern Hemisphere stocks. I think that the statements that have come from the Scientific Committee speak for themselves and it is for this reason that we have decided that we shall support the Seychelles proposal. Thank you.

Chairman

Thank you. The USSR.

USSR

Thank you, Mr. Chairman. We want to say very briefly that the Soviet Union cannot in any way support the very idea of Seychelles moratorium. We consider the decision of the moratorium has a clearly descriminate character. Thank you very much.

Chairman

Thank you. If there are no more speakers I think we should take the proposal to a vote and I call upon the Secretary to explain the vote and call the roll.

Secretary

Mr. Chairman, the proposal before the plenary is to amend the Schedule so that a three-quarter's majority is required in order to make any change to the Schedule. The proposal is to insert a new paragraph

before paragraph 14 in the Schedule to read as follows:  
"Quotas for sperm whales of both sexes shall be set at zero in all Divisions of the Southern Hemisphere, including the Indian Ocean north of the Equator, for the seasons 1979-80, 1980-81 and 1981-82; and for the Northern Hemisphere, Atlantic and Pacific, for 1980, 1981 and 1982." This is a Schedule amendment requiring a three-quarter's majority and the roll starts at Peru.

Peru, no. Seychelles, yes. South Africa, abstain.  
Spain, abstain. Sweden, yes. USSR, no. UK, yes.  
USA, yes. Argentina, yes. Australia, yes.  
Brazil, abstain. Canada, abstain. Chile, absent.  
Denmark, no. France, yes. Iceland, no. Japan, no.  
Korea, no. Mexico, yes. Netherlands, yes.  
New Zealand, yes. Norway, abstain. Panama, yes.

Mr. Chairman, there were 11 votes in favour, six votes against and so the proposal failed to reach a three-quarter's majority.

Chairman

Thank you. This means that we have then dealt with agenda item 11 and it further means that we would have to ask the Technical Committee to consider the sperm whale stocks Area by Area, stock by stock. We will then move back to agenda item 9, "whale sanctuaries". Can the Secretary explain if the missing paper has been found?

Whale  
Sanctuaries  
(cont'd)

The Chair understands that everybody has got the paper, except the Chair. May I ask the Danish Commissioner to speak to his paper please?  
Denmark.

Denmark

Thank you, Mr. Chairman. We explained in the Technical Committee why we abstained on the proposal of establishment of a sanctuary in the Indian Ocean. We did it because there were no scientific evidence that exactly that area would be the best possible area to make a sanctuary in. However, having seen the votes in the Technical Committee I am now sure that the proposal will be carried in the plenary and therefore I thought now the

sanctuary is established then let us try to get the best knowledge out of the fact that the sanctuary is there and is to be there, probably for ten years. Therefore we drafted this proposal for a resolution in relation to the establishment of a whale sanctuary. The resolution asks that the Scientific Committee investigates first the kind of research and the level of research efforts, that means *inter alia* money, which will be necessary to obtain adequate information on the abundance of whales, reproductive behaviour and related scientific problems, relevant to assessment of stocks, which the sanctuary will give total or partial protection from whaling. When I say total or partial, that's because some animals migrate south of the southern boundary.

That research will be done at one hand and at the other hand should simultaneously be made some other research and therefore the number 2 is where it will be necessary to initiate additional research simultaneously in areas where exploitation of whales continues in order to make comparison possible between stocks under the two different regimes.

We ask the Scientific Committee to ...

Chairman

Excuse me Mr. Lemche, a point of order has been raised. Australia.

Australia

Mr. Chairman, I wonder if what we are doing is proper. This statement presumes that a whale sanctuary has been established. We haven't even voted on that yet. I suggest we take the formal vote and then we might look at this proposal, but certainly this presumes - the first sentence says "whereas a whale sanctuary has been established for ten years" - I think this is highly improper.

Chairman

Thank you, your point is well taken and I had indeed had in mind to suggest that we split the two issues but I was going to allow the Danish Commissioner to finish anyway so that we would have this in mind that this is, this addition to the proposal was there on the floor. Denmark can you finish very briefly?

Denmark

Yes, I will finish very briefly. We are not sure that the Scientific Committee can make such a research plan within one year but we say under B. that the Scientific Committee report on its progress in developing research proposals concerning the above mentioned problems, at the next Annual Meeting of the Commission.

Speaking to the point of order I think you are perfectly right, Mr. Chairman. The reason why I raised the point now was that if my proposal is carried I am going to change my vote, from "abstain" to "yes".

Chairman

Well, Mr. Lemche, this is something that I don't think we can accommodate you with. We will now discuss the proposal we have had for a sanctuary. We will deal with that first, and we'll see what happens when we eventually come back to your proposal later. Seychelles.

Seychelles

Mr. Chairman. My government welcomes the warm response which has already been shown by members of this Commission to the proposed Indian Ocean Sanctuary. We would like it to have been possible to agree on a pattern of boundaries which both respect the need to protect the breeding grounds of all the whales there and allow a scientifically sound management regime on minke and the adjacent Antarctic ecosystem. The arguments for the sanctuary have already been outlined in the Technical Committee but arising out of that discussion we would like to highlight three additional points. First that there is in the concept of the sanctuary a degree of stability but no suggestion of permanence. It is our clear understanding that the Commission has the right to reassess the situation at any time.

Secondly, that a sanctuary does not in any way infringe on the territorial rights of those coastal to it, but happily in the Indian Ocean we have had strong expressions of favour from those most directly involved.

And thirdly, that this particular sanctuary will not be a static one. We have already heard from two members, suggestions that funds will be available for productive cetacean research in this area. We

particularly welcome the resolution proposed by the Danish Commissioner - we see absolutely no problems with this. We would like to offer on our own behalf, some time in the next few years, to host a special meeting exactly along these lines in Seychelles, of scientists interested in doing research in the sanctuary.

Chairman

Thank you

Seychelles

Our original proposal, made in recognition of the Commission's right of review, was unlimited by time, but we recognise too the very real concern expressed by those members who felt there should be some time limit attached to it, so we happily accept the Australian/Panamanian amendment which was proposed in the Technical Committee, that the sanctuary be established for ten years, and we would like here, before this comes to a vote in the plenary, to offer our own amendment to this in the hope that it will be acceptable to everyone. Accordingly, we propose a simple change in the last line of the amendment which you have in front of you which now reads "This prohibition will apply for ten years unless the Commission decides otherwise". We would like to include one small clause there after the words ten years, along these lines: "with the provision for a general review after five years,". The last sentence now reads "This prohibition will apply for ten years, with the provision for a general review after five years, unless the Commission decides otherwise."

This whole proposed amendment to the Schedule to go

in at the head of paragraph 7. Thank you.

Chairman

Thank you. Any more comments or are we prepared for the vote. First I would look for a seconder to the change just proposed by the Seychelles. Australia. Thank you.

Since there are no more speakers I will ask the Secretary to call the roll and to explain the vote.

Secretary

Mr. Chairman, the proposal is to insert before paragraph 7 a new paragraph with the following wording: "In accordance with Article V(1)(c) of the Convention, commercial whaling, whether by pelagic operations or from land stations, is prohibited in a region designated as the Indian Ocean Sanctuary. This comprises the waters of the Northern Hemisphere from the coast of Africa to 100° East, including the Red and Arabian Seas and the Gulf of Oman; and the waters of the Southern Hemisphere in the sector from 20° East to 130° East with the southern boundary set at 55° South. This prohibition applies irrespective of the classifications of baleen or toothed whale stocks in the Sanctuary, as may from time to time be determined by the Commission. This prohibition will apply for ten years, with the provision for a general review after five years, unless the Commission decides otherwise."

This is an amendment to the Schedule requiring a three-quarter's majority of the votes cast. The roll starts at Seychelles. Yes. South Africa, yes. Spain, yes. Sweden, yes. USSR, no. UK, yes. USA, yes. Argentina, yes. Australia, yes. Brazil, abstain. Canada, abstain. Chile, absent. Denmark, yes. France, yes. Iceland, yes. Japan, no. Korea, no. Mexico, yes. Netherlands, yes. New Zealand, yes. Norway, yes. Panama, yes. Peru, abstain.



Mr. Chairman, there were 16 votes in favour with three votes against, so the necessary three-quarter's majority was achieved. Therefore the amendment passes.

Chairman

Thank you. We will then progress on the Danish proposal, which the Danish Commissioner described to us just earlier and which you have on a piece of paper in front of you. I first will be looking for a seconder to the Danish proposal. Japan. South Africa. Any discussion, or are we all unanimous to accept this Danish proposal. I think we are, and the Danish proposal is therefore unanimously accepted by the plenary. Thank you.

We have now dealt with agenda item 9, "whale sanctuaries" and since the Technical Committee has still some more job to do, and since I have been informed that the Finance and Administration Committee needs to have, hopefully, a very short meeting, we will adjourn the plenary in a few minutes and reconvene the Technical Committee. Have you any suggestions, Mr. Mercer, when we should reconvene the Technical Committee? One and a half hours time or something like that? To give the Finance and Administration Committee time and we could then also convene a Working Group of Commissioners.

Mr. Mercer

Mr. Chairman, we would be prepared to reconvene at 4.30 or 5 o'clock, whichever would be preferable in terms of the time required by the other work of the Finance and Administration Committee.

Chairman

Thank you. Let's set the time for the Technical Committee at 4.30 and I certainly hope that you only need a short session because we are getting very pressed for time. There is still quite a long list of problems we haven't solved in the plenary, and quite many agenda items we haven't dealt with yet. The Scientific Committee, do you have to meet again? Dr. Allen.

Dr. Allen

Yes sir. We have several matters which we can usefully discuss so that, if I may, I would convene the Scientific Committee in this room as soon as this meeting adjourns.

Chairman

Thank you. So we'll adjourn the plenary and meet again in Technical Committee hopefully at half past four.

The Finance and Administration Committee will meet in the Tudor Suite and I ask a Working Group of Commissioners to meet in the Marquis Suite.

Thank you, the meeting is adjourned.

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END OF THIRD PLENARY SESSION

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Chairman

Ladies and gentlemen I call to order the fourth session, and the final session of the plenary of this Thirty First Annual Meeting.

I don't think I will need to make any appeals to you as to make short statements and be as concise and co-operative as you possibly can. You all know what time it is and I believe that we are all equally concerned, and all equally anxious to finalise our work at this meeting.

The Technical Committee has not, it just finished an hour ago as you know and we don't have the Technical Committee's report in the written form, not for all of the work that has been done by the Technical Committee, so I think that the wisest course to take is to ask the Chairman of the Technical Committee to report to us whatever he has got on paper, so we don't necessarily follow the sequence of the agenda but we'll let the Chairman of the Technical Committee lead us. The Chairman of the Technical Committee?

Mr. Mercer

Thank you, Mr. Chairman. With regard to agenda item 6, we have previously reported to the plenary on this item and decisions were earlier adopted. The Technical Committee proposes to hold a Working Group Meeting during the week previous to next year's Annual Meeting to do the necessary follow-up work that evolves from the adoption of the two proposals made by Australia.

1980 Meeting  
of Technical  
Committee  
Working Group  
on  
implications  
of world-wid  
ban.

Chairman

Thank you. This doesn't call for any action on our part. We just note this.

Mr. Mercer

Under agenda item 7 there is Technical Committee report which was earlier circulated. The Technical Committee reviewed a Working Group Report which was prepared in the week prior to this meeting. The Technical Committee has endorsed the recommendations of this group; these recommendations are contained in the document which was circulated. If you wish I can read these recommendations. These are that the Special Scientific Working Group on Management Procedure should meet for one week well in advance of the next Annual Commission Meeting to finalise their report and number 2, the Group should be augmented with additional experts on whale population biology and population dynamics at the discretion of the Chairman of the Special Scientific Working Group. We stress the need that the report be circulated to the appropriate Committees of the Commission well in advance of the next Annual Meeting to allow adequate time for consideration. We are also proposing that several proposed Schedule amendments advanced by the USA be referred to the Special Scientific Working Group and the Technical Committee stresses the urgency of the work of this Group.

1980 Meeting  
of Special  
Scientific  
Working Group  
on Management

Chairman

Thank you. You've all noted the recommendations of the Technical Committee. Are you all in agreement to adopt the recommendations? Argentina.

Argentina

Thank you Mr. Chairman. May I know which resolution we are agreeing?

Chairman

We are on agenda item 7, and the resolutions, or the recommendations by the Technical Committee, are

that the Special Scientific Working Group on Management Procedures should meet one week well in advance of the next Annual Meeting - that's the first recommendation; and the second one is that the Group should be augmented with additional experts on whale biology and population dynamics at the discretion of the Chairman of the Special Scientific Working Group.

Argentina

Thank you very much.

Chairman

Are we all agreed? Thank you.

Does that finalise our deliberation on this agenda item.

Mr. Mercer

Under agenda item 7.3.1. there were recommendations on minke whales which would be incorporated into a later proposal on quotas.

Under agenda item 8...

Chairman

We are now moving to agenda item 8. We have finalised our deliberations of agenda item 7.

Mr. Mercer

Under agenda item 8 we have recommended that member nations be encouraged to supply krill harvesting data to the FAO, that this matter be referred to the Scientific Working Group on Management Procedures since management of the ecosystems may conflict with the Commission's policy for whales, and appropriate terms of reference for a Technical Committee Working Group on the subject be developed - these in fact have been developed and were approved in the form of

Resolution on  
Krill  
Harvesting

a resolution which is contained in a document which was reviewed in the Technical Committee.

Chairman

This is the document number 31/31 is it?

Mr. Mercer

I do not have the document in front of me at the moment. I have found that it is document number 31.

Chairman

OK. I don't think we'll have to read the whole document, it's not that long since we adopted this in the Technical Committee and if I remember correctly this was a unanimous decision so I take it that we are all agreed on this matter too? Argentina.

Argentina

I am not sure we all agree unanimously. May I check by the Secretary General about the item 8? Thank you Mr. Chairman.

Chairman

Mr. Secretary?

Secretary

Yes, Mr. Chairman. The record of the Technical Committee, when it's written, will show that the Technical Committee adopted the resolution which is document 31/31 which is designed to cover the points in the terms of reference above, but Argentina and Chile reserved their positions, and the Technical Committee Working Group should meet during the week before the Thirty-Second Annual Meeting to consider all these matters.

Chairman

Thank you. I'm sorry Argentina. I'd forgotten that you had reserved your position, and you like to keep that reservation I take it? Thank you.  
Mr. Mercer.

Mr. Mercer

Thank you. We can pass on to other agenda items, leaving number 10 for which we don't have documentation at the moment. We proceed to agenda item 12. We have recommendations with respect to minke whales in the Southern Hemisphere; the recommendation from the Committee is that catch limits for minke whales in the Southern Hemisphere be established. For Area I, 1,058; for Area II, 1,370; for Area III, 2,718; for Area IV, 2,043; for Area V, 1,454; for Area VI, 267; with a total catch not to exceed 8,100. There will be a ten per cent allowance allowed between the Areas.

Southern  
Hemisphere  
Minke  
Whale

Chairman

Thank you. The Chairman of the Scientific Committee has asked for the floor.

Dr. Allen

Yes Mr. Chairman. It would appear that I'm afraid another mathematical gremlin crept in somewhere. In putting on the ten per cent I believe that for Area I it should be 1,060 and not 1,058. I also believe that the total catch should be 8,102 and not 8,100. 8,100 is the total of the figures in the first total on page 12 of the Scientific Committee's Report and the figures above are ten per cent on to the figures in the bottom table there. They are both the bottom table I'm sorry if I said top table a moment ago - they are both the bottom table.

Chairman

Thank you Dr. Allen for these corrections. Do you move, Mr. Mercer, that these recommendations be adopted?

Mr. Mercer

As Chairman of the Technical Committee I move their adoption, Mr. Chairman.

Chairman

Thank you. Secunder? Denmark.

France, and then Japan.

France

I would brought in amendment for the minke whale in Southern Hemisphere. I propose to use instead of the quotas indicated in the Scientific report, to use the catches expressed by Beddington and Holt in Annex G, Appendix 4, of the report of the Scientific Committee, the new figures being Area I, 737; Area II, 965; Area III, 1,940; Area IV, 1,458; Area V, 1,026; Area VI, 193. These figures are minus about 25 per cent. Thank you Mr. Chairman.

Chairman

Thank you. Was there no total figure?

France

The total for these was 6,319.

Chairman

You are proposing, France, that the recommendation of the Technical Committee that has been put forward as a formal proposal to plenary, be amended in the way you suggested?

France

Yes.



Chairman

Is there a seconder for this proposal? Brazil, you second this proposal? Brazil.

Brazil

Thank you very much, Mr. Chairman. I asked for the floor to state that we do not agree with the figures proposed by the representative of France, since -

Chairman

Sorry, to interrupt you, Brazil. First I am looking for a seconder. If nobody seconds the proposal then it's not - Netherlands, second? OK, please proceed

Brazil

I apologise for that. I was just stating that since the Scientific Committee has recommended figures we should not disregard them so I do, the Brazilian delegation do oppose the figures proposed by France. Thank you very much.

Chairman

Thank you. Japan.

Japan

Thank you, I would like to pose a question to the Chairman of the Scientific Committee. On page 12 of the report of the Scientific Committee, at the end of page 12, there is one sentence which I take is the basis of the French proposal. At the bottom it says "If the stock area boundaries are defined as in Annex G, Appendix 4, a different set of catch limits would be recommended." I think this has been struck by the decision of the Scientific Committee, this is one point I would like to confirm from the Chairman of the Scientific Committee, and second question is therefore the recommendations we have on page 12 is only recommendation from the Scientific Committee. I like to confirm this. Thank you.

Chairman

Thank you. Would you answer this, Dr. Allen?

Dr. Allen

Yes, Mr. Chairman. I can confirm first of all that the bottom three lines on page 12 of the Scientific Committee Report which Commissioners have, has been struck. I regret that we didn't get this correction into the draft which was distributed to Commissioners. As regards the second point about which the Commissioner for Japan asked, as stated on page 12 most members of the sub-committee believed that the figures given in the report are the best figures to form a basis for their recommendations but it is noted there, as referred to by the Commissioner for France, that a minority view was expressed by two members of the Committee. The point which is concerned here, sir, is whether in extrapolating from one Area where we have an estimate of population size, to other Areas, using as a basis for the extrapolation the indices of relative abundance obtained from the sightings, we should use the Area IV estimate only or the estimate obtained by pooling all the data for Areas III and IV. In page 5 of the report of the sub-committee, that's Annex G, it is stated in the final paragraph "Taking into account the standard errors of the three estimates from BALEEN," + that is one of the estimating techniques - "the estimates from DOIPOP," - which is another estimating technique - "from sightings and from the mark recapture process as well as last year's estimates the sub-committee accepted the Area IV estimate as the most reasonable and as a basis for extrapolation to other Areas." And that is the basis on which the figures went forward from the sub-committee to the Committee and are incorporated in the Committee's report although, as has been

pointed out there were two members of the Committee who considered that it would have been better to use Areas IV and V, III and IV combined, as a basis for that extrapolation and if this is done I believe this leads to the figures put forward by the Commissioner for France. Thank you, sir.

Chairman

I understand that the catch quotas recommended by the Technical Committee include in them a ten per cent allowance between Areas but I'd like to ask the French Commissioner if his proposal includes a similar allowance of ten per cent.

France

Yes, sir.

Chairman

Thank you. Denmark.

Denmark

I did not find out clarification from the Chairman of the Scientific Committee. I think I remember from 1977 that the minke in Area IV actually were those of the six Areas who were in the worst condition - "worst" certainly in quotation marks - worst condition. If that is correct I would assume that if you extrapolate from Area IV you are on safest grounds. Thank you Mr. Chairman.

Chairman

Thank you. The Secretary has some explanation to do.

Secretary

No, Mr. Chairman, I have a worry. I think the sum of the French Area proposal is the same as the total

that he gives and it should be different if there's a ten per cent allowance by Area.

Chairman

In other words, the figures proposed by the French Commissioner do not allow for a ten per cent allowance I take it.

France

No, it is right.

Secretary

We have to add to this?

France

The amount is right. You want the figure?

Chairman

Did Japan ask for the floor?

Japan

Well, I shall be very brief. At the end of page 12 it says " These can be used if the Commission decides to set limits by sex. If not, the Committee recommends that the combined catch limits be as follows:" Just in order to avoid confusion I like to, I just read from the conclusions of the Scientific Committee in page 12. Thank you.

Chairman

The Netherlands.

Netherlands

Thank you, Mr. Chairman. The Netherland delegation has a very serious concern about this matter. We have read carefully this report on the Southern

Hemisphere minke whales and we have compared the way of analysis of the majority of the sub-committee with the view pointed out by the minority. We believe that, for the following reasons, this minority view needs very serious consideration because it gives a much more conservative and much more prudent estimate of what has to be done. Let me point out very briefly the majority of the sub-committee extrapolated the quota calculations from the data compiled by the Area IV alone. In the first place, the minority pointed out that there is no reason at all to believe that these populations are different and there are very good reasons to assume that they in fact belong to the same population. If - they also believe, in the second place, that the estimates arrived at for Areas III and IV together are much more reliable than those for Area IV alone. Given these two considerations, we get, extrapolating from Area IV alone, a number that has to be multiplied by 4.4 to arrive at the totals for the whole Southern Hemisphere. If we do this for Area III or IV alone, which covers a much larger area of the Southern Hemisphere - III and IV together, which comprises a much larger area of the Southern Hemisphere, we have to multiply these figures by 1.9. The difference is about 21 per cent, and I think if these, this minority if you wish, correct, and I think there are very serious reasons to believe that it is correct. We certainly must take a very conservative stance and recommend the figures calculated by this minority report, which have been pointed out by France. Thank you.

Chairman

I would like to take this to the vote very soon. We have to straighten out one thing and that's the ten per cent allowance. I take it that there is no ten per cent allowance in the France proposal.

France

Yes, I think it was an error and that the ten per cent are not included.

Chairman

Thank you, so this has been confirmed by the France delegation. OK, I think we - Panama.

Panama

Very briefly, I would like to explain why this proposal is worth very serious consideration. It is quite dangerous to extrapolate world-wide from a single Area. It is more prudent to extrapolate at least from two pooled Areas like the Sidney Holt proposal does. I would also like to point out that Mr. Beddington and Holt, who work respectively for UNEP and FAO, were the same two people who last year warned us about the situation in Area V of Western Australia, and their warning proved right six months later. I would like us to remember this and remember that they may well be right again in spite of being a minority.

Chairman

Thank you. If there are no more comments we proceed then to the vote. The USSR.

USSR

Thank you, Mr. Chairman. We want to recall Commissioners to be considerate in your decision and to take into account the work done by the whole Scientific Committee. The Scientific Committee have a very long time consideration of the problem of minke in South Hemisphere. It has carried out a comprehensive analysis, taking into account all known safety

factors to provide a reliable assessment. This assessment have indicated the real status of minke whale stocks and have been adopted by Working Group of Technical Committee. We want to emphasise that neglecting of Scientific Committee recommendation hasn't any sound foundation at all. Thank you very much.

Chairman

Thank you. Any more comments? If not, we proceed to the vote. We'll first vote on the French amendment proposal for the following figures: minke whales in the Southern Hemisphere - Area I, 737; Area II, 965; Area III, ,1940; Area IV, 1,458; Area V, 1,026; Area VI, 193; with a total of 6,319. Will the Secretary please take the roll?

Secretary

Mr. Chairman, this is an amendment to the Schedule requiring a three-quarter's majority. The figures are as you have given to be inserted into the Schedule for coming season, for the Southern Hemisphere minke whales. The roll starts at South Africa, abstain. Spain, abstain. Sweden, abstain. USSR.

USSR

I'm sorry, we have a trouble with interpretation. Would you please to repeat once more? There is call to vote for French amendment.

Secretary

Yes.

USSR

Sorry, no.

Secretary

No. UK, abstain. USA, abstain. Argentina, abstain. Australia, abstain. Brazil, no. Canada, no. Chile, no. Denmark, no. France, yes. Iceland, no. Japan, no. Korea, no. Mexico, abstain. Netherlands, yes. New Zealand, abstain. Norway, no. Panama, yes. Peru, no. Seychelles, yes.

Mr. Chairman, there were four votes in favour and 10 against so that amendment to the proposal fails.

Chairman

Thank you, we then proceed to vote on the original proposal, the recommendation of the Technical Committee, and I again call upon the Secretary to call the roll.

Secretary

Mr. Chairman, the proposal from the, the recommendation from the Technical Committee, is for the minke whale figures given in the report of the Technical Committee: Area I, 1,060; Area II, 1,370; Area III, 2,718; Area IV, 2,043; Area V, 1,454; Area VI, 267. Those are the Area figures with the ten per cent addition and the total catch shall not exceed 8,102. This is a Schedule amendment, requiring a three-quarter's majority to become effective. The roll starts at Spain, yes. Sweden, abstain. USSR, yes. UK, abstain. USA, yes. Argentina, abstain. Australia, yes. Brazil, yes. Canada, yes. Chile, yes. Denmark, yes. France, no. Iceland, yes. Japan, yes. Korea, yes. Mexico, abstain. Netherlands, no. New Zealand, yes. Norway, yes. Panama, no. Peru, yes. Seychelles, abstain. South Africa, yes. Mr. Chairman, there were 15 votes in favour with three against so the proposal obtained the necessary three-quarter's majority.



Chairman

Thank you. The Schedule will be amended accordingly. The Chairman of the Technical Committee, will you proceed please?

Mr. Mercer

Thank you. The next stock for which we have a recommendation is the Bryde's whales in Area I of the Southern Hemisphere. We adopted by a vote of 12 to six the number of 153, classifying the stock as Sustained Management Stock.

Southern  
Hemisphere  
Bryde's  
Whales  
Area 1

Chairman

Do you move that we adopt this recommendation?

Mr. Mercer

I move, as Chairman of the Technical Committee, adoption of the figure of 153 and the classification as Sustained Management Stock.

Chairman

Thank you. Secunder? Isn't there a secunder for the Technical Committee's recommendation? Australia. Japan. Japan?

Japan

Well, sir, what are we on now? Sorry, I was mixed up.

Chairman

We have just opened discussion on the Technical Committee's recommendation with regard to Bryde's whales in Area I in the Southern Hemisphere for a catch quota of 153. The proposal has been put forward and seconded and it's now open for discussion. No discussion. Is there unanimity? Peru.

Peru

We oppose to this proposition of 153.

Chairman

Any more comments? If not, we'll proceed to vote. I understood Peru to say that they objected to this proposal.

Peru

Yes, Mr. Chairman, we have no discussions and I think there is a compromise about this figure which is not 153. I no agree with this proposal of 153.

Chairman

Are you going to propose a compromise?

Peru

Yes, the compromise I knew was 264.

Chairman

264. Is there a seconder for that proposal. Chile. Thank you. Japan. If there is no discussion we'll proceed to the voting. We'll start by voting on the amendment proposal put forward by Peru, seconded by Chile, for the figure of 263, 64 sorry. The Secretary will you please call the roll?

Secretary

Mr. Chairman, the proposal is the amendment to set the catch limit for Southern Hemisphere Area I Bryde's whale at 264. Two six four. The vote starts at Sweden, abstain. USSR, abstain. UK, abstain. USA, pass. Later. Argentina, abstain. Australia, abstain. Brazil, yes. Canada, abstain. Chile, yes. Denmark, yes. France, abstain. Iceland, yes. Japan, yes. Korea, yes. Mexico, yes. Netherlands, no. New Zealand, no. Norway, yes. Panama, no. Peru, yes. Seychelles, abstain. South Africa, abstain. Spain, yes. USA, abstain.

Mr. Chairman, there were nine votes in favour and three against, which is the necessary three-quarter's majority for a Schedule amendment.

Chairman

Thank you, and we'll amend the Schedule accordingly.  
Chairman of the Technical Committee proceed please.

Mr. Mercer

Thank you. The next stock we dealt with was the Bryde's whales in Area II of the Southern Hemisphere. The Technical Committee recommends Initial Management Stock with a zero catch limit. I move this as Chairman of the Technical Committee.

Southern  
Hemisphere  
Bryde's  
Whales  
Area II

Chairman

Thank you. Secunder? Iceland seconds this.  
Any discussion or are we all agreed? Apparently we are so we can proceed to the next stock please.

Mr. Mercer

Next were the Bryde's whales in Areas III, IV, V and VI of the Southern Hemisphere. The Technical Committee recommends the classification as Initial Management Stock with a zero quota. I move this as Chairman of the Technical Committee.

Areas  
III-VI

Chairman

Thank you. Secunder? Denmark. All agreed.  
Thank you. Proceed please.

Mr. Mercer

The next stocks are the fin whales in Areas II, III, IV and V of the Southern Hemisphere. The Technical Committee recommends that these stocks be classified as Protection Stocks with a zero catch limit. I move this as Chairman of the Technical Committee.

Southern  
Hemisphere  
Fin Whales  
Areas II-V

Chairman

Thank you. A seconder? New Zealand. I take it that we are all agreed on this one too? Thank you. Proceed please.

Mr. Mercer

Mr. Chairman, we move to the minke whales of the North Pacific. In the case of the Okhotsk Sea - West Pacific Stock - the Technical Committee recommends classification as a Sustained Management Stock with a five-year block quota of 1,678, with a maximum in any one year of 421. I so move this as Chairman of the Technical Committee.

North Pacific  
Minke Whales  
Okhotsk Sea  
- West Pacific  
Stock

Chairman

Thank you. A seconder? Japan. Any objections. I take it we are all agreed. Next stock please.

Mr. Mercer

The next stock is the minke whales in the Sea of Japan stock. The Technical Committee recommends classification as a Sustained Management Stock with a five-year block quota of 3,634 with a maximum in any one year of 940. I so move this as Chairman of the Technical Committee.

Sea of Japan  
Stock

Chairman

Thank you, and Japan seconds. All agreed?  
Thank you. Next stock please.

Mr. Mercer

The next stocks are the remaining stocks of minke whales in the North Pacific. The Technical Committee recommends classification as Initial Management Stocks with a zero catch limit pending a satisfactory estimate of stock sizes. I so move this as Chairman of the Technical Committee.

Remainder of  
North Pacific

Chairman

Thank you. Australia.

Australia

There may have been a mistake somewhere. I wonder if somehow we've missed out fin whales in Area I. Should that not have been included on page 2 where it says fin whales II, III, IV, and V. Should that have been I, II, ...

Southern  
Hemisphere  
Fin Whales  
Area I

Chairman

Can you answer this question Mr. Mercer? Have you forgotten the fin whales in Area I?

Mr. Mercer

In a moment we will refer back to the Scientific Committee report on this.

Chairman

The Chairman of the Scientific Committee.

Dr. Allen

Mr. Chairman, on page 27 of the Scientific Committee's report the Southern Hemisphere fin whale stocks (except Area VI) and my notes suggest that the Technical Committee did treat this as a single item and that Area I should therefore have been included in the matter we just discussed here.

Chairman

Thank you. I'm sure we can all agree to add fin whales with Area I. Thank you. We were discussing the remainder of the minke whales in the North Pacific and I also take it that we are all agreed to classify as Initial Management with a zero catch limit as recommended by the Technical Committee. Was there a seconder for that proposal? New Zealand. Thank you. Next stock please.

Mr. Mercer

We move now to the Bryde's whale stocks in the North Pacific. The Technical Committee recommends classification of the Western Stock as a Sustained Management stock with a quota of 460. I so move.

North Pacific  
Bryde's  
Whales  
Western Stock

Chairman

Thank you. Japan, second? Thank you. Discussion?  
All agreed? Thank you. Next stock please.

Mr. Mercer

Next stock is the Eastern Stock of Bryde's whales which we recommend to be classified as Initial Management Stock with a zero catch limit. I so move.

Eastern Stock

Chairman

Thank you. Secunder? Japan. All in agreement?  
Thank you. Next stock.

Mr. Mercer

The next stock is the East China Sea stock of Bryde's whales. The Technical Committee recommends classification as a Sustained Management Stock with a quota of 19, pending analysis of available and new data. I so move.

East China  
Sea Stock

Chairman

Thank you. Korea seconds. And we are all agreed.  
We can take the next stock.

Mr. Mercer

We move now to the gray whales. For the Eastern Stock the Technical Committee recommends classification as a Sustained Management Stock with a catch limit of 179 with an annotation that these are available

North Pacific  
Gray Whales  
Eastern Stock

to be taken by aborigines or a Contracting Government on behalf of aborigines pursuant to paragraph 11.  
I so move.

Chairman

Thank you. A seconder? USSR. All agreed?  
Thank you. If we move along like this we won't have to sit here until noon tomorrow! The Chairman of the Technical Committee, will you proceed please?

Mr. Mercer

The next stock is the Western Stock of gray whales. The Technical Committee recommends classification as a Protection Stock with a zero catch limit. I so move.

North Pacific  
Gray Whales  
Western Stock

Chairman

Thank you. USSR, no Sweden, seconds. And we are all agreed again? Next stock please.

Mr. Mercer

The Technical Committee also endorse the recommendation of the Scientific Committee that non-member nations should be urged not to take any whales from this stock and suggests that the Secretary should write these nations in this regard.

Chairman

And I'm sure we are all agreed to charge the Secretary with this responsibility. Thank you.

Mr. Mercer

There was a further recommendation to the USSR to carry out biological collections and a historical review of the gray whale fishery. This was also adopted and the Soviet Union has indicated its intention to carry out this work.

Chairman

Thank you.

Mr. Mercer

We move now to the fin whales in the North Pacific.  
The Technical Committee recommends classification as  
a Protection Stock with a zero catch limit. I so move.

North Pacific  
Fin Whales

Chairman

And a seconder? The Netherlands. All in agreement?  
Next stock. France, no USA, did you ask for the floor?

USA

Mr. Chairman, I'm sorry, are we still talking about  
the Western Stock of the gray whales?

Chairman

As a matter of fact we have moved to the next stock -  
the fin whales. Do you want to speak about the  
Western Stock of gray whales?

USA

I will be brief. We do request, as we have before,  
that the Soviet Union carry out biological collections  
and a historical review of their gray whale fishery -  
that is, I believe, a recommendation.

Chairman

Yes, this was mentioned and the Soviets indicated  
that they will do this.

USA

Thank you, sir.

Chairman

Thank you. There might be a confusion here. This  
recommendation, as it appears, and as we have dealt



with it, is for the Western Stock. Maybe it should be for the Eastern Stock? Is that the point you wanted to make.

USA

Yes sir, we are interested in this information, and nutritional information, that is, what the stock is used for. A report, I believe, has been asked for; I think the Soviet Union has agreed to provide it; and I think this Committee should note that.

Chairman

Thank you, this will be corrected. We were all agreed on the fin whales too, to put them in the Protection category with a zero catch limit, and we move then to the sei whales.

Mr. Mercer

Mr. Chairman, the Technical Committee recommends classification of the North Pacific sei whales as Protection Stock with a zero catch limit. I so move.

North Pacific  
Sei Whales

Chairman

Thank you. Chile, did you second that? France. And we all agree I take it? Next stock please.

Mr. Mercer

We now move to the North Atlantic, minke whales, for the Canadian East Coast Stock. The Technical Committee recommends classification as a Sustained Management Stock with a catch limit of 48. I so move.

North Atlantic  
Minke Whales  
Canadian East  
Coast Stock

Chairman

Thank you. Secunder? Iceland seconds this. And we all agree. Next stock please.

Mr. Mercer

The next stock is the West Greenland Stock of minke whales for which the Technical Committee recommends a catch limit of 370.

North Atlantic  
Minke Whales  
West Greenland  
Stock

Chairman

Do you move that this be . . .

Mr. Mercer

I move adoption of this quota.

Chairman

Thank you. A seconder? Netherlands. Denmark.

Denmark

Mr. Chairman, I'd like to make an amendment to the Technical Committee recommendation, and the reason why I do it is that as it is indicated in the Technical Committee report that the 1978 catch was lower than usual mainly due to bad weather off Greenland and also because of the cut down we had made in the Norwegian quota off West Greenland. Therefore I find it not proper to include that atypical year in the average and therefore I can, even I cannot get the, certainly not get the block quota I wanted, I want the average, but the average which results in a figure of 394.

Chairman

Thank you. Denmark is proposing the figure of 394 instead of the Technical Committee's recommendation of 370. Is there a seconder? Norway. Discussion. If not, we take a vote on the amendment proposal, and I'll ask the Secretary to call the roll please.

Secretary

Mr. Chairman, the amendment is on the North Atlantic minke whale West Greenland Stock. The Danish amendment of 394. I should add that I see the Technical Committee report misses out that it was a Sustained Management Stock, provisionally listed, and I apologise that that has slipped. Can I ask that that's included in the proposal? Sustained Management Stock with a quota of 394. The Danish amendment. This is a Schedule amendment requiring a three-quarter's majority and the voting starts at the USSR, abstain. UK, abstain. USA, yes. Argentina, abstain. Australia, no. Brazil, yes. Canada, yes. Chile, yes. Denmark, yes. France, no. Iceland, yes. Japan, yes. Korea, yes. Mexico, abstain. Netherlands, no. New Zealand, no. Norway, yes. Panama, no. Peru, yes. Seychelles, no. South Africa, abstain. Spain, abstain. Sweden, abstain.

Mr. Chairman there were 10 votes in favour and six against so it not achieve the necessary three-quarter's majority. Shall we go to the main proposal?

Chairman

Yes, please.

Secretary

We revert to the original proposal for the North Atlantic minke whale stock in West Greenland which was the Technical Committee recommendation of Sustained Management Stock and a catch limit of 370. Three hundred and seventy. The voting starts at the UK, abstain. USA, yes. Argentina, abstain. Australia, yes. Brazil, yes. Canada, pass, later. Chile, yes. Denmark, no. France, abstain.

Iceland, no. Japan, no. Korea, no. Mexico, abstain. Netherlands, yes. New Zealand, yes. Norway, no. Panama, abstain. Peru, no. Seychelles, yes. South Africa, yes. Spain, abstain. Sweden, yes. USSR, abstain. Sorry, Canada, yes.

Mr. Chairman, there were nine votes in favour and six against, so that also fails to gain the necessary three-quarter's majority.

Chairman

Thank you. Denmark.

Denmark

Mr. Chairman, if you would give me a little bit time to reflect, you should certainly carry on with your business - I will reflect inbetween - I will not be happy to go out here without any quotas. Even I am quite sure that the Greenlanders would be glad if I would do so. Thank you Mr. Chairman, and then I'll later return with a proposal if you can accept that procedure.

Chairman

Well I'd prefer Denmark if we could proceed and try to finalise this matter. If I remember correctly the Scientific Committee gave four alternatives. I think we have voted on two of them; it might be worth while to try the other two. Denmark.

Denmark

Maybe the Chairman of the Scientific Committee could say where we are in the Scientific Committee paper? Actually, I think it is on page 17 in the main report, the answers we have got there, and while we have voted on that what was column 3, we voted first on, that did not pass, then we voted on what is called column 2,

that did not pass. My original proposal was column 4, which did fail even in the Technical Committee, so the last option is certainly the biggest one, which I would like - sure, let's try a vote!

Chairman

Are you proposing?

Denmark

I'll proposing the what we call column 5, the six-year block quota, 2,364 (6 x 394, maximum 473). However, Mr. Chairman, I can certainly realise that this would probably be blocked as well. Well, anyhow, let's try it.

Chairman

Let's first try if there is anybody wants to second this proposal. Is there a seconder? Japan. Thank you. The Netherlands.

Netherlands

Mr. Chairman, I know that it is often very pleasant to be with Commissioner Lemche, because he is a funny man - he is good at jokes and I appreciate that, but I think that in the light of the circumstances we are in now, we shouldn't propose any jokes that will take up a lot of time. I would urge Commissioner Lemche to withdraw this amendment proposal, because of course it will not get the necessary majority, and I'd rather suggest him to go down a little on the last one we voted on. I think that we would have a better chance to get this over with quickly. Thank you.

Chairman

Thank you. New Zealand.

New Zealand

Thank you Mr. Chairman, if I could only endorse the remarks of my colleague from the Netherlands. Obviously there is very little gap between 394 and 370 and perhaps there is an intermediate figure like 380 which we might be able to strike a balance at and agree upon. Thank you.

Chairman

Are you proposing the figure of 380.

New Zealand

I would be happy to propose that, Mr. Chairman. Thank you.

Denmark

I'm sorry Mr. Chairman, I was concerned with what my friend from the Netherlands said. The reason why I suggested the fourth option was certainly that if we go, are beginning to go beyond the options, we are going away from the options recommended by the Scientific Committee, and I basically start in the Scientific Committee, but I certainly under the circumstances take the point of the distinguished Commissioner from the Netherlands, so I will propose a quota of 385.

Chairman

We are getting a lot of proposals now. Can the New Zealand Commissioner amend his proposal to the same figure so that we have one proposal of 385. I hope there might be a concensus.

New Zealand

Thank you, Mr. Chairman. I would be happy to second the proposal for 385.

Chairman

Thank you. Can we all agree on this figure? Apparently we can. Thank you. We can move to the next stock please.

Mr. Mercer

The next stock is the minke whale stock, East Greenland-Iceland-Jan Mayen. The Technical Committee recommends classification as a Sustained Management Stock with a catch limit of 320. I so move.

East  
Greenland-  
Iceland-  
Jan Mayen  
Stock

Chairman

Thank you. A seconder? Japan. Thank you. All agreed? Yes. Next stock please.

Mr. Mercer

The next stock is the Svalbard-Norway-British Isles Stock of minke whales. The Technical Committee has recommended classification as a Sustained Management Stock with a quota of 1,790. I so move.

Svalbard-  
Norway-  
British  
Isles  
Stock

Chairman

Thank you. Secunder? Norway. And all seem to be in agreement. We can move to the next stock.

Mr. Mercer

We move now to the fin whales for the Nova Scotia Stock. The Technical Committee recommends classification as a Protection Stock with a zero catch limit. I so move.

North  
Atlantic  
Fin Whales  
Nova  
Scotia  
Stock

Chairman

Thank you. Secunder? France. All agreed. Next stock.

Mr. Mercer

The next stock is the Newfoundland-Labrador Stock of fin whales. The Technical Committee recommends classification as an Initial Management Stock with a quota of 90. I so move.

Newfound-  
land-  
Labrador  
Stock

Chairman

A seconder? Iceland seconds. And all are agreed.  
Next stock please.

Mr. Mercer

The next stock is the West Greenland Stock of fin whales. The Technical Committee recommends classification as a Sustained Management Stock with a quota of six, this being a provisional listing pending the accumulation of sufficient information for classification. I so move.

North Atlantic  
Fin Whales  
West Greenland  
Stock

Chairman

Thank you. Secunder? Japan. Thank you. Next stock please.

Mr. Mercer

The next stock is the East Greenland-Iceland Stock of fin whales. The Technical Committee recommends classification as a Sustained Management Stock with a six-year block quota of 1,524 with the maximum in any one year at 304. I so move.

East Greenland-  
Iceland Stock

Chairman

Thank you. This doesn't constitute any Schedule amendment. So I guess we can, if there are no objections, we can move on.

Mr. Mercer

The next stock is the North Norway Stock of fin whales. The Technical Committee recommends classification as a Sustained Management Stock with a quota of 61, provisionally listed, pending the accumulation of sufficient information for classification.

North Norway  
Stock



Chairman

I take it this is the same, there is no Schedule amendment?

Mr. Mercer

This is the same as last year's.

Chairman

So we can pass on if nobody objects.

Mr. Mercer

The West Norway-Faroe Islands Stock of fin whales. The Technical Committee recommends classification as a Protection Stock with a zero catch limit. I so move.

North Atlantic  
Fin Whales  
West Norway-  
Faroe Islands  
Stock

Chairman

Thank you. Iceland seconds, and all are agreed. France. You agree too? Thank you. Move on please.

Mr. Mercer

We move on now to the sei whales. The Technical Committee recommends classification of the Nova Scotia Stock as a Protection Stock with a zero catch limit. I so move.

North Atlantic  
Sei Whales  
Nova Scotia  
Stock

Chairman

Thank you. A seconder? Sweden. All agreed. We move on.

Mr. Mercer

The next stock is the Iceland-Denmark Strait Stock of sei whales. The Technical Committee recommends it for classification - I don't see the classification - classification as a Sustained Management Stock, with a six-year block quota of 504, with a maximum catch in any one year of 100. I so move.

Iceland-Denmar  
Strait Stock

Chairman

Thank you. Secunder? Norway. Are we all agreed?  
I think we are. Next stock please.

Mr. Mercer

The next stock is the Bryde's whales of the North Atlantic. The Technical Committee recommends classification as an Initial Management Stock with a zero catch limit pending a satisfactory estimate of stock size. I so move.

North Atlantic  
Bryde's Whales

Chairman

Thank you. Secunder? Sweden. All agreed?  
Next stock please.

Mr. Mercer

Next stock is the bottlenose whales in the North Atlantic. The Technical Committee agreed to continue provisional listing as Protection Stock with a zero quota pending the accumulation of sufficient information for classification. I so move.

North Atlantic  
Bottlenose

Chairman

Thank you. Secunder Sweden, France. All in agreement. Thank you. Next stock.

Mr. Mercer

Next stock - we now move to the Protected Stocks. In the case of the right whales the Technical Committee recommends classification as Protection Stock world-wide. It also recommends that the Secretary should communicate with the Peoples' Republic of China urging that any catches of this species should cease.

Protected  
Species and  
Stocks -  
Right Whales

Chairman

I take it that you move we accept this?

Mr. Mercer

I so move.

Chairman

USA seconds. No. Do you object? No. Iceland can second this, and we ask the Secretary to communicate with the Peoples' Republic of China. USA.

USA

Mr. Chairman, I'm sorry. This is a point of information. Will you tell me what the vote was on the Iceland-Denmark Strait Stock?

North Atlantic  
Sei Whales  
- recapitulation

Chairman

In this Commission?

USA

Yes.

Chairman

It was unanimously adopted to accept the recommendation of the Technical Committee. This was some while ago.

USA

What was the recommendation of the Technical Committee that was accepted sir?

Chairman

The recommendation was for a six-year block quota of 504 with a maximum of 100 in any year, under Sustained Management classification. Is there any confusion here? I mean the recommendation of the Technical Committee is quite clear from the Technical Committee's report, and it was described by the Chairman and we went through the usual practice at the usual speed. I'm sure everybody knew what we were doing. The Netherlands?

Netherlands

Thank you, Mr. Chairman. I've noticed that a number of countries here are worried about this. I myself, I was reading the recommendation of the Technical Committee when you asked for comments and I didn't hear you, and the thing was passed before I knew it. I think that happened with various other people. I would wish that we could reconsider this vote, this proposal. Thank you.

Chairman

Are we to start that again - to change the votes? Is it only for this stock or shall we take the whole thing. Norway?

Norway

It seems to me that we have already proceeded to three new stocks and it seems a little bit late to take up after-thoughts when we have come so much further in our deliberations. Thank you.

Chairman

I think this is a rather serious question. I don't want to make a ruling from the chair. Denmark.

Denmark

Mr. Chairman, I support Norway. I remember other Commission Meeting which ended after mid-night and that's my sleeping hour! Thank you.

Chairman

Thank you. So, unless I hear something to the adverse I take it that we can agree to stick to what we have adopted in this Commission's meeting. If nobody objects to that I think we will have to proceed. Seychelles.

Seychelles

Mr. Chairman, I support the Netherlands.

[Long pause]

Chairman

Seychelles, did you say anything or...

Seychelles

Yes, Mr. Chairman. I said that I supported the Netherlands. Thank you.

Chairman

You supported the Netherlands and Denmark supported Norway so we have different views here. I don't think we can go through this any slower than we have been doing. Japan.

Japan

Thank you, Mr. Chairman. Since this is one of the recommendations coming from the Scientific Committee and we are not amending the recommendation from the Scientific Committee I think we should stick to what we have done. I take it the case has been closed. Thank you.

Chairman

Well, we have to finalise this and I hate to take you through still another procedural vote, so if I don't here any direct proposals to that effect I take it that we will stick to what was agreed. Panama.

Panama

Mr. Chairman. I myself find the pace just a little fast, and I have a hard time to follow up sometimes.

Chairman

Well I'm sorry if you can't follow. I thought that we were speaking as slowly as we could afford and we have it in writing in front of us what we are doing, and I thought everybody would be able to follow at least from their papers. But I still haven't heard any direct proposals as to amend our decision. I'm waiting, I am not trying to push you. I'm not trying to propose anything from the Chair. France.

France

For a compromise solution possible, I propose 84 instead of 59, for a compromise position.

Chairman

Thank you. Well I appreciate your compromise but first we will have to decide whether we are going to go back to this item and reverse our decision. Is that the wish of the Commission? Netherlands.

Netherlands

It is certainly my wish, sir. I'd ask you to call a vote, and I'd prefer this unless everybody agrees, sir.

Chairman

I would prefer a consensus on this. OK if - Spain. Spain.

Spain

I think that to avoid the trouble we were the other day the best thing to do is to follow your ruling and everybody who agrees with your ruling has to give a showing of hands. I think that would be easier than starting again, calling the roll twice, and going again through the - I mistaken, I think I said that I said that, which is not very serious.

Chairman

Thank you. I'm trying to avoid making a ruling and I certainly hope that we can find a consensus in this matter. I think it is rather serious to go back to what we have decided on, but I, as the Icelandic Commissioner, have no opinion and I can accept either way. This is a procedural matter first and foremost I think. Norway. Argentina first, sorry.

Argentina

It is all right you can do that.

Chairman

After Norway?

Argentina

It's all right.

Chairman

OK, Norway.

Norway

Thank you, Mr. Chairman. At the present time we have already passed unanimously the agreement on 504 catch in a six-year block. It has been suggested by France that we go back to the 59. I just want to draw your attention to the fact that the same proposal was put in the Technical Committee and soundly defeated by 5 votes to 7 with 11 abstentions. I cannot see any reason why we should go back to voting again as long as we already have decided. Thank you Mr. Chairman.

Chairman

Sorry Norway. I think France proposed 84 and not 59. Is that correct France?

France

Yes.

Chairman

Argentina, do you still want the floor? USA.

USA

Mr. Chairman, a point of information. Is it correct that on a block quota that the Scientific Committee can reconsider the issue the following year, and does it reconsider, or when there is a block quota does it not reconsider the issue the second year.

Chairman

We have just seen the Scientific Committee and the Technical Committee at this plenary reconsider a block quota on the fin whales in the same area, so I think that answers your question. It can be reconsidered. Chairman of the Scientific Committee.

Dr. Allen

Mr. Chairman, it is the normal practice of the Scientific Committee to look at all stocks every year. This would apply whether there was a block quota in being or not.

Chairman

USA

USA

Whatever my original comment was, Mr. Chairman, I withdraw it.

Chairman

Thank you. Can you all agree then, to let things stand as they are? I thank you, and we can move on, and where were we? We had just asked the Secretary to communicate with the Peoples' Republic of China urging that any catches of the right whales should cease and we also agreed to classify the stock



as a Protection Stock world-wide. Having done that I call upon the Chairman of the Technical Committee to proceed.

Mr. Mercer

Yes, Mr. Chairman. The next stock are the bowhead whales. The Technical Committee recommends that all stocks be classified as Protection Stocks with a zero catch limit.

Bowhead  
Whales

Chairman

Thank you. You move to that effect?

Mr. Mercer

I so move.

Chairman

Sweden supports, and we can all agree? Thank you. Next stock please.

Mr. Mercer

Next we have the blue whale stocks. The Technical Committee recommends classification as Protection Stocks world-wide. I so move.

Blue  
Whales

Chairman

Seconder? Denmark. Do we all agree? Thank you.

Mr. Mercer

The Technical Committee also recommends that the Secretary should communicate with the flag country of vessels taking blue whales in the North East Atlantic and with the coastal states, Spain and Portugal, pointing out the danger to recovery of this depleted stock by uncontrolled catches.

Chairman

- . And I am sure we can all adopt this recommendation too.  
I see heads nodding, so we can move on.

Mr. Mercer

Next stocks are the humpback whales. The Technical Committee recommends classification as Protection Stocks world-wide. I so move.

Humpback  
Whales

Chairman

Thank you. Sweden seconds. We can all agree on this.  
Thank you. Next stock.

Mr. Mercer

Next we move to the Bryde's whales in the northern Indian Ocean. The Technical Committee recommends classification as an Initial Management Stock with a zero catch limit pending satisfactory estimates of stock size. I so move.

Northern  
Indian  
Ocean  
Bryde's  
Whales

Chairman

Sweden seconds, and France. We all agree here too.  
Next stock please.

Mr. Mercer

This would conclude the stocks which we currently have in our report. If you wish I can proceed to some of the other items before we go back to the other stocks.

Chairman

I think it's probably better to finish with the stock classifications and catch limits. So if you - I take it that you don't have a written report for the rest of your recommendations?

Mr. Mercer

Mr. Chairman I think it would be probably easier to work if I were to move and share documents with the Secretary for presenting the remainder of the report on the stocks.

Chairman

Yes, thank you, and we will do this slowly so that everybody can follow, since now we don't have any written report and we won't be able to obtain one.

Are you ready? Can we then proceed with the stock classifications?

Mr. Mercer

Yes, Mr. Chairman, the next stock is the North Atlantic Stock of sperm whales. The Technical Committee recommends provisional classification as a Sustained Management Stock with a quota of 273. I so move.

North  
Atlantic  
Sperm  
Whales

Chairman

This is the North Atlantic sperm whale stock and the Technical Committee's recommendation is for Sustained Management, was it initial classification? - Provisional classification of Sustained Management Stock with a catch quota of 273. Is there a seconder? Denmark.

Denmark

Mr. Chairman, is that contained in our yellow papers?

Chairman

No, we don't have any written report to go by now. We'll have to rely on the notes of the Secretary and the Chairman of the Technical Committee and we'll do this as slowly as needed so that everybody is quite clear on what we are doing.

Denmark

Mr. Chairman, it would be helpful for me if you could indicate when the Technical Committee's decision was taken.

Chairman

It was taken at approximately five minutes past five today! I'm still looking for a seconder to the Technical Committee's recommendation. Japan, second. Denmark. Thank you. Discussion? Panama.

Panama

Mr. Chairman, I want to repeat the reasons I have already given. I think the stocks are in very bad shape. I think that within a year or two we will realise it. I just mentioned that this stock has been hunted without any kind of controls for over 250 years and I propose zero quota.

Chairman

We have an amendment proposal, for a zero quota, put forward by Panama, seconded by France. What about the classification?

Panama

Protected stock.

Chairman

Protected stock. So if there are no discussions on this I think we should proceed to a vote. Before we do so I hope you will excuse me for taking the floor as Icelandic Commissioner, and I just want to be very brief. I want to say that we cannot accept the amendment proposal. The Technical Committee's recommendation is based on the Scientific advice which was passed unanimously in the Scientific Committee. We now proceed to the voting and we vote on the amendment put forward by Panama, seconded

by France that the North Atlantic sperm whale stock be classified as Protection Stock, with zero catch limit. I call upon the Secretary to call the roll.

Secretary

Mr. Chairman, this is a Schedule amendment requiring three-quarter's majority in plenary session to set a zero catch limit on the North Atlantic sperm whale stocks which would be classified as a Protection Stock, on the amendment proposed by Panama, seconded by France. The roll starts at the USA, abstain. Argentina, abstain. Australia, yes. Brazil, abstain. Canada, no. Chile, abstain. Denmark, no. France, yes. Iceland, no. Japan, no. Korea, no. Mexico, abstain. Netherlands, yes. New Zealand, abstain. Norway, no. Panama, yes. Peru, no. Seychelles, yes. South Africa, no. Spain, no. Sweden, abstain. USSR, abstain. UK, yes.

Mr. Chairman there were six votes in favour and nine votes against, so there is not a majority for that amendment.

Chairman

Would you please proceed then to call the roll on the Technical Committee's recommendation.

Secretary

The original proposal from the Technical Committee seconded by Denmark was to provisionally list the North Atlantic sperm whales as a Sustained Management stock for 1980 with a catch limit of 273. This is a Schedule amendment requiring a three-quarter's majority. The roll starts at Argentina, abstain. Australia, abstain. Brazil, abstain. Canada, yes. Chile, abstain. Denmark, yes.

France, no. Iceland, yes. Japan, yes. Korea, yes.  
Mexico, abstain. Netherlands, abstain. New Zealand,  
abstain. Norway, yes. Panama, abstain. Peru, yes.  
Seychelles, no. South Africa, yes. Spain, yes.  
Sweden, abstain. USSR, abstain. UK, abstain.  
USA, yes.

Mr. Chairman there were ten votes in favour and two  
votes against, so that passes.

Chairman

Thank you. We'll amend the Schedule accordingly  
and move to the next stock please.

Mr. Mercer

Mr. Chairman, the next stock is the sperm whale stock  
in Division 9 of the Southern Hemisphere. The  
Technical Committee is recommending quotas for the  
years 1980, 1981 and 1982 which would be successively  
550, 300, and zero, or 50 per cent, 25 per cent and  
zero per cent, respectively, of the 1978 catch in  
this Division. I move adoption of this recommendation.

Southern  
Hemisphere  
Sperm Whale  
Division 9

Chairman

Thank you. This is the Technical Committee's  
recommendation for Division 9 in the Southern Hemis-  
phere sperm whale stocks, or stock. Is there a  
seconder. Peru and Norway. Discussion. USA.

USA

Mr. Chairman, am I correct that this is a one of  
those or the other, whichever is the less. Is that  
what that said.

Mr. Mercer

That is correct. Whichever is the lower between  
the numbers and the percentage figures.

Chairman

USA

USA

Thank you, Mr. Chairman. We have indicated a willingness to support a proposal of this nature on the assumption that the two countries involved will be stopping whaling. Thank you.

Chairman

Thank you. Any more comments? Are we all agreed? I can see no objections so I take it that there is a consensus. We'll amend the Schedule. What about the other Areas in the Southern Hemisphere?

Mr. Mercer

Mr. Chairman, for the sperm whales in Division 1, the Technical Committee recommends a quota of 30.

Southern  
Hemisphere  
Sperm Whal.  
Division 1

Chairman

The Technical Committee's recommendation for Division 1 sperm whales in the Southern Hemisphere is for a catch quota of 30 and - what was the classification? Provisionally listed as Sustained Management Stock for this year 1980. Do we all agree. First do you move that we adopt this Technical Committee's recommendation? Mr. Mercer.

Mr. Mercer

I so move.

Chairman

Seconder, Norway. USA.

USA

Mr. Chairman. I believe in Technical Committee my Government indicated a willingness to support this

provision on the assumption that Brazil was phasing out of whaling. The distinguished Commissioner from Brazil was somewhat non-committal on the subject. I suppose that a country can phase out of whaling or be phased out of whaling. It is the view of my Government that Brazil ought to seek to phase out of whaling and any vote in favour of this should not be interpreted as a vote that we will continue to vote for this stock. Thank you.

Chairman

Thank you. Denmark.

Denmark

I need clarification now. The distinguished Commissioner from the United States has said two times that he would support something under the assumption that those countries would go to stop whaling. I assume that Dr. Frank meant go to stop whaling on that particular stock we were speaking about? Thank you.

Chairman

Any more comments? Does Brazil or the US want to make any comments? The Netherlands, then Brazil.

Netherlands

Yes, thank you, Mr. Chairman. I don't think that the assumption of the USA Commissioner is, has any basis really and this is why we would not agree to a 30 call. Thank you.

Chairman

Thank you. Brazil, did you want the floor? Brazil.

Brazil

Thank you very much Mr. Chairman. As I said before I could not try to convince you that the small quota



that we normally catch of sperm whales indicates that we are considering at this very moment phasing out that particular kind of whale. But what I can do is report back to my country. There is no promise whatsoever - I cannot guarantee to you what the reaction of my Government will be, but I surely will report to them that the Commission shows concerns on the whaling of sperm whales by Brazil and the Brazil delegation would report back when the moment comes, I'd say next year. Thank you very much.

Chairman

Thank you Brazil. Are there any more comments or proposals. We've only got one proposal on the floor and that's the Technical Committee's recommendation. Nobody wants to take the floor so - I take it then that you want to put this to a vote? Netherlands.

Netherlands

No thank you Mr. Chairman. I was glad to hear the comment by the Commissioner from Brazil.

Chairman

Thank you. So I do take it then that there is a consensus in this Commission to provisionally list this stock as suggested and attach a catch quota of 30 whales to it. Thank you. Are you prepared with the next stock. Mr. Mercer.

Mr. Mercer

Yes Mr. Chairman, the next stock is the Spain-Portugal-British Isles stock of fin whales. The Technical Committee recommends a quota of 143.

North Atlantic  
Fin Whales  
Spain-Portugal-  
British Isles  
Stock

Chairman

And the classification?

Chairman

In the notes we apparently don't find any reference to classification. In the present Schedule I believe this stock is classified as Sustained Management and I think that it would be advisable to call upon the Chairman of the Scientific Committee and ask if he can help. I've been informed that it's on page 22 in your report.

Dr. Allen

Thank you very much. The Scientific Committee's recommendation, sir, was that it should be unclassified. I'm sorry I regret sir that the only copy of my notes have gone in for typing. There was no classification supplied by the Scientific Committee, sir.

Chairman

No classification.

Dr. Allen

No. It was a provisional one-year catch and we did not attach a classification to it.

Chairman

That's probably the reason why there is nothing in the Technical Committee's notes. So we'll have to do the classification here, and I look for proposals as to how to classify this stock. This is the Spain-Portugal-British Isles Stock of fin whales and we need to classify this stock. May I propose that we classify it as a Sustained Management Stock as an initial, provisional I mean, classification? Does anybody share my view on that. Sweden, Spain. Thank you. We then have a proposal for classification and we have a proposal for a catch limit put forward by the Technical Committee and I am looking for a seconder to that proposal, that was for a catch quota of 143. South Africa supports. If there are

no comments I take it that we are all in agreement with the proposed classification. United States.

USA

Is this both the classification and the quota?

Chairman

Well we can take it separately if you want to.

USA

Let me make a comment if I may, Mr. Chairman.

Chairman

Sure, go ahead.

USA

When this subject was earlier raised, I raised the issue of using this as an opportunity to try to do harm to what I think is one of the greatest threats to this Commission - that is the *Sierra*. It is also possible that other vessels have been outfitted and will be whaling with the *Sierra* and that they will be whaling in the area of these whales. Denmark suggested a possibility of combining quotas. I do not want to raise this issue and discuss it further unless there is a feeling among many of the Commissioners that it would be useful to try that and also if the delegation from Spain would be prepared to try it. If there are no comments I will withdraw my comments, on the other hand, as I've stated before, that we have to do something to stop the *Sierra*. We have not yet done anything effective to stop it - it may be that the new regulations by Japan will stop it but there is some indication because of new vessels that it won't do it. I for one would like to consider the opportunity here to do something. Thank you.

Chairman

Thank you. Spain.

Spain

Thank you, sir. Mr. President as we said before it was for us surprise to be asked about the possibilities of stopping the *Sierra*. Of course we don't appreciate it's actions but one thing is not to appreciate the action of the *Sierra* and the other is to ask the Spanish delegation to produce in five minutes a possible solution for an abuse that has kept so many people worried during years. Now it is very flattering for us to be supposed to have such a brilliant intelligence so as to provide, all of a sudden, the solution for a very long lasting problem. I must apologise, and declare that we haven't been able to find anything yet. As I told before the Commission my knowledge is that up to now the *Sierrra* hasn't been caught acting against our laws or regulations. This is why Spain has not taken any action and why we do not - we can say we don't know the problem.

We understand that if this ship is sighted whaling in our sovereign waters our patrol ships shall try to take it to harbour and fine according to our regulation, as we normally do with other ships that are not following the regulation. But, as far as I am concerned I think it is very difficult to give any security of the way we can follow to stop *Sierra*. Thank you very much Mr. President.

Chairman

Thank you. United States.

USA

Mr. Chairman, I sympathise with the delegation of Spain in that this issue has come up at somewhat the last moment, and I also sympathise in the sense that a

degree of discrimination could be alleged if it was only Spain who had some sort of proviso attached to its quota. I would be happy to drop this subject now if it can later be discussed when the plenary discusses the subject of pirate whaling, because the more I think about it the more appealing it would be to have these quotas apply not only to catches whether or not caught by IWC members - if we are talking about whaling within the fishing jurisdictions of various countries. I would like to raise this further during the subject of pirate whaling. Would this be acceptable if I did that, at that point? Thank you.

Chairman

Thank you. Do I take it that you wouldn't be asking us to come back to the quota?

USA

That is correct Mr. Chairman, I would take it up as a generic subject under pirate whaling.

Chairman

Thank you. Do you all agree to proceed this way and adopt the Technical Committee's recommendation for a catch quota of 143 for the Spain-Portugal-British Isles Stock? Thank you. We then move to the next stock please.

Mr. Mercer

The next stock is the Southern Hemisphere sei whales. The Technical Committee recommends classification as a Protection Stock with a zero quota. I so move.

Southern  
Hemisphere  
Sei Whales

Chairman

Thank you. A seconder? France. Any discussion? All agreed. Thank you.

Southern  
Hemisphere  
Fin Whales  
Area VI

Mr. Mercer

The next stock is the Southern Hemisphere, Area VI, fin whale stock. The Technical Committee recommends classification as a Protection Stock with a correction, the Technical Committee recommends that the stock be unclassified with a zero quota. I so move.

Chairman

Thank you. United Kingdom.

United Kingdom

Mr. Chairman, I would like to propose the classification of the stock be amended to Protection status.

Chairman

Thank you. Panama. I think it is appropriate that we try to put this stock into one of three categories we have. I think that's what we should do. Japan.

Japan

Do we have the recommendation from the Scientific Committee on this?

Chairman

I pass this to the Chairman of the Scientific Committee. Can you explain?

Dr. Allen

The Scientific Committee, sir, did not give any careful consideration to the question of classification; it was more concerned that, as to the reliability of the estimates and its recommendation simply was for a, majority recommendation, was for a zero quota at this time, sir, and it did not make recommendation about classification.

Chairman

Thank you. So we have - Japan.

Japan

Sir, I think unclassified status the most suitable.  
Thank you.

Chairman

Thank you. This would mean that we just have a blank space in the Schedule instead of a classification? There are precedents I know. Australia seconds the UK proposal, as Panama has done. Is there a seconder for the Japanese proposal that we don't attempt to classify this stock. I'm sorry I did a mistake there. The Technical Committee recommendation was for no classification and Japan seconded that, so I take it that the UK proposal is an amendment to the Technical Committee's recommendation? The Chairman of the Scientific Committee, Dr. Allen.

Dr. Allen

Mr. Chairman, I've just looked again at the precise words in the Scientific Committee's report. Some members of the Committee felt that because of certain things before any recommendation about a change of management status could be made, "something should be done before any recommendation about a change in management status could be made"- this would imply I think that it should remain the same status which is Protection Stock. That's the actual wording of the report I see, sir.

Chairman

Does this information from the Chairman of the Scientific Committee change your mind, Japan? Or do you still want to go along with your proposal.  
Japan.

Japan

I'll not contend.

Chairman

Pardon?

Japan

I shall not contend.

Chairman

Thank you. So I take it that we are all agreed to classify this stock as a Protection Stock. Thank you. The next stock please.

Mr. Mercer

Mr. Chairman, the next in succession in the items considered in the Technical Committee today were some recommendations from the Scientific Committee. There is a recommendation on log-book format which we understand would require a Schedule amendment and we suggest this be considered prior to the next meeting. We've noted research proposals from the Scientific Committee and agreed with these in principle for a recommendation for referring to Finance and Administration for consideration when the report of the Finance and Administration is put forward.

Secretary

Sorry, Mr. Chairman, the Chairman of the Technical Committee can't read my notes. May I read them for you? For him?

Chairman

Please.



Secretary

The Scientific Committee put forward a whole series of recommendations on a variety of subject which the Technical Committee endorsed. These were as we mentioned, log-book format, which will require a Schedule amendment and come back at the next meeting on the Agenda. The Scientific Committee also considered that, and the Technical Committee agreed, that the IWC should send an observer to a meeting sponsored by UNEP. On the research side it was proposed that there should be a Special Meeting on Sperm Whales prior to the next Annual Meeting of the Commission, which would reanalyse the data on sperm whales in all oceans. There was a proposal that there should be a Work Shop Meeting on the design of sighting surveys, before mid-November this year. That £24,000 should be put into the IWC budget for whale marking, but that the highest priority for funding would go to the computer for the IWC. All of these were agreed by the Technical Committee.

Recommendation  
made by  
Scientific  
Committee:  
Log Book format

UNEP Meeting  
Special  
Meeting on  
Sperm Whales

Work Shop on  
Sighting  
Surveys

Whale  
Marking

Chairman

Thank you. The Chairman of the Scientific Committee.

Dr. Allen

Yes, Mr. Chairman. I think I must draw attention to the fact that there was a qualification with regard to the proposed Sperm Whale Meeting which does not appear to be in the record and I believe is rather important; and that is, that this meeting should be held, provided that the necessary preliminary analytical work had been done, and the Scientific Committee has set up arrangements to monitor the situation and determine in sufficient time whether it will be fruitful to hold the meeting. I think that qualification, sir, is important.

Chairman

Thank you. May I ask the Chairman of the Finance and Administration Committee if they have taken position to financing what needs to be financed, if we adopt these recommendations?

Dr. Aron

Mr. Chairman, in terms of Sperm Whale Meeting we have discussed this with the Japanese representative in our Committee and they have indicated to us that it does appear possible to associate the Sperm Whale Meeting with the next meeting of the Scientific Committee. There are fundamental issues here, however, which I think should be discussed in terms of the total Finance and Administration Report, dealing with, in fact, the timeliness of quotas, some of which I think are already determined through this meeting. We have received report, both from the Scientific Committee and the Technical Committee in terms of proposed meetings, and we have taken them into account in the Finance and Administration Report, which will pass onto this group later in the meeting.

Chairman

I think what we should do at this stage is to take note of the recommendations put forward by the Scientific Committee and passed on to us by the Technical Committee and I think we can all approve them, subject to the discussions that will take place when we get to the finance item. Is that agreed? Thank you. Does this conclude our deliberations for agenda item 12? and 10?

Mr. Mercer

Yes, Mr. Chairman, I believe this should complete our consideration of those two agenda items.

Chairman

Japan

Japan

Have we discussed the question of sperm whales in North Pacific?

Chairman

No, I don't think we have. So I call upon the Chairman of the Technical Committee to advise us as to what was the recommendation of the Technical Committee with regard to this stock. I hope this is the only stock we left out.

North  
Pacific  
Sperm  
Whales

Mr. Mercer

Mr. Chairman, the Technical Committee recommends classification of the western North Pacific sperm whale stock, males, as a Sustained Management Stock with a quota of 1,350 with a by-catch allowance of 11.5 per cent females. I move adoption of this proposal.

Chairman

Thank you. Is there a seconder to this proposal. USSR. Japan. Any comments? Did we have the classification too?

Mr. Mercer

Sustained Management Stock, provisional.

Chairman

Thank you. If there are no comments, I take it that we can all agree. The Netherlands.

Netherlands

Thank you, Mr. Chairman. I think there was considerable difference of opinion about the quota which were finally recommended by the Technical Committee and I for one would not agree with such a high quota and we are also

very considerate with the by-catch about the - concerned I should say - about the by-catch formula, so I would wish to propose an amendment to this proposal of 1,100 with no by-catch.

Chairman

Thank you. Japan, are you seconding the proposal?

Japan

No thanks.

Chairman

I think we should look for seconders. Seychelles.  
Seychelles.

Seychelles

Mr. Chairman we repeat our concern about sperm whales. We don't think the scientific estimates, or the lack of science justifies estimates, and we would support the Netherlands compromise, it seems very reasonable to us.

Chairman

So we have had a seconder. Japan.

Japan

Thank you, Mr. Chairman. I just indicated that I cannot accept Netherlands proposal. Thank you.

Chairman

Thank you. The USA.

USA

Point of information, Mr. Chairman. Is it correct that the footnote which is presently in the text relating to the by-catch would apply at least to the first proposal which is that when the by-catch is caught all whaling operations cease.

Chairman

This is what stands now and I take it, and I see Japan, they are nodding their heads, so this is so I am understanding.

USA

Thank you.

Chairman

Thank you. Any discussions. South Africa.

South Africa

I recall some long discussions which we had in Technical about the problem of the by-catch and I think after a lengthy late night session we decided that it was very difficult, if not impractical, to expect there to be no by-catch and I think it was on that basis that we agreed to sanction such a by-catch.

Chairman

Thank you. If there are no more comments we'll proceed to the vote. I ask the Secretary to repeat the question and call the roll.

Secretary

Mr. Chairman, the amendment is to set for the North Pacific sperm whale western stock,

Chairman

Sorry, Seychelles.

Seychelles

I think the South African point about the by-catch is well taken. I think Netherlands was an error and we would like to propose an amendment to their amendment that it is 1,100 including a by-catch.

Chairman

Thank you. Does Netherlands accept this amendment to their amendment proposal. Netherlands.

Netherlands

What percentage is the Commissioner for the Seychelles proposing.

Seychelles

The same percentage as is given for the higher Japanese estimate.

Netherlands

I think it should be lower.

Chairman

This is eleven and a half per cent. Can you accept this Netherlands?

Netherlands

We don't like it, Mr. Chairman. I couldn't say that we could accept that. No.

Chairman

You can not? Well, can you go along with it although you don't like it?

Netherlands

I would rather have either a vote on my proposal, or there may be another possibility. It is up to the other Commissioners.

Chairman

Well, I think it is up to the Seychelles whether they want to second your proposal without this footnote. Seychelles.

Seychelles

To simplify it Mr. Chairman we make a new proposal altogether. That is for an 1,100 with a by-catch of the same percentage.

Chairman

Thank you. Is there a seconder to this proposal? Australia. New Zealand seconds it too. So we have an amendment to the amendment proposal, and we will now be voting for the quota of 1,100 with eleven and a half per cent by-catch provision. The Secretary will call the roll.

Secretary

Mr. Chairman, the vote will be on the amendment to set the catch limit for the North Pacific sperm whale western stock at 1,100 males, but included within this figure there may be a by-catch of females not to exceed 11.5 per cent and all whaling operations are to cease when the by-catch is reached. 1,100 males with the same by-catch provision as before. The vote states at Australia, yes. Japan.

Chairman

Japan has raised a point of order.

Japan

I think only put "whaling for this species ceases" should be the correct language.

Chairman

If this comes under the appropriate heading in the Schedule I don't think there will be any confusion. Can we proceed then?

Secretary

Mr. Chairman, the proposal is 1,100 males, plus a by-catch provision of 11.5 per cent females and all whaling operations for this species are to cease when the by-catch is reached. The vote starts

at Australia, yes. Brazil, abstain. Canada, abstain. Chile, abstain. Denmark, no. France, yes. Iceland, no. Japan, no. Korea, no. Mexico, yes. Netherlands, abstain. New Zealand, yes. Norway, no. Panama, yes. Peru, no. Seychelles, yes. South Africa, abstain. Spain, abstain. Sweden, yes. USSR, no. UK, pass. USA, yes. Argentina, abstain. UK, abstain.

Mr. Chairman there were eight votes in favour and seven against, so it fails to achieve the necessary three-quarter's majority.

Chairman

We will then next be voting on the Netherlands proposal.

Secretary

The Netherlands proposal Mr. Chairman, was for a catch limit of the same stock, the western North Pacific sperm whales, of 1,100 males with no by-catch.

Chairman

Netherlands

Netherlands

I wish to withdraw that proposal.

Chairman

Thank you. We are left with the original recommendation of the Technical Committee for a catch quota of 1,350 with 11.5 per cent by-catch provision.

I guess that we should take a vote on this, or is everybody agreed. Does anybody want a vote? Panama.

Panama

We wish to have a vote.



Chairman

We will have a vote then. The Secretary please.

Secretary

Mr. Chairman, the proposal is the original recommendation of the Technical Committee that the western stock of North Pacific sperm whales should be classified provisionally for 1980 as a Sustained Management Stock, with a catch limit of 1,350 males, and included within this figure there may be a by-catch of females, not to exceed 11.5 per cent and all whaling operations for this species are to cease when the by-catch is reached. 1,350 with a by-catch provision. The roll starts at Brazil, yes. Canada, yes. Chile, abstain. Denmark, yes. France, no. Iceland, yes. Japan, yes. Korea, yes. Mexico, abstain. Netherlands, no. New Zealand, abstain. Norway, yes. Panama, no. Peru, yes. Seychelles, no. South Africa, yes. Spain, abstain. Sweden, yes. USSR, yes. UK, pass. USA, abstain. Argentina, abstain. Australia, abstain. UK, ...

UK

Mr. Chairman I shall give my vote and then explain when you have given me the opportunity.

Chairman

Sure.

UK

Yes.

Chairman

Thank you.

Secretary

UK, yes.

Mr. Chairman there were 12 votes for and four votes against and therefore that achieves the necessary three-quarter's majority to amend the Schedule.

Chairman

The United Kingdom.

UK

Mr. Chairman, I must make my position clear. It is very, very late. I have strict instructions but I felt that in the circumstances that it would be better for us to achieve some decision on this quota rather than reach a position in which we would have the possibility of no quotas set at all, but I must add my reservations and I wish to have them in the record that I still believe that there are dangers associated with the concept of the by-catch, and last year I re-iterated those dangers, I mentioned those dangers, and I asked specifically that the Scientific Committee should study the by-catch principle and alternatives to it. I regret to say, due to no fault of the Scientific Committee, this was not undertaken, but I would make my request again because I have severe reservations about this principle. Thank you.

Chairman

Thank you. The United States.

USA

Mr. Chairman, I too would like to explain my vote. I would have preferred a lower number on sperm whales. My Government has expressed its concern about this number and also about the by-catch. However, it has become clear during our discussions over the last two days that any lower number than this would have

been blocked and we would have ended up with no quota for sperm whales in this area. My Government would not approve of leaving this meeting without a quota, that would have meant that we would have unregulated whaling, and therefore we have abstained on this vote. I do want to re-iterate the views of the distinguished Commissioner from the United Kingdom that we too are concerned about the by-catch problem and believe over the next year that should be resolved in some other fashion, perhaps by raising the size limit on whales, if that is feasible. At some point the distinguished Commissioner from the United Kingdom might explain also his pass. Thank you.

Chairman

Thank you. Japan.

Japan

Well, I'll be very brief but I think I have to object to the use of "unregulated whaling" when there is no decision made at this meeting. As far as the Government of Japan is concerned we have no intentions to leave our whaling unregulated even if there is no decision made. I have to strongly object to the term "unregulated whaling" as it may defer to our case. Thank you.

Chairman

Thank you Japan. I think you are both right. If we don't have quote we have unregulated whaling, but it doesn't necessarily mean that we have unregulated whaling! I hope that we have now dealt with all the classifications and quotas and thereby agenda items 10 and 12, and I suggest that we move on to our next agenda item, which would be agenda item 14, "Review of aboriginal/subsistence whaling." Sorry we haven't dealt with 13 yet, have we?

Mr. Mercer

Mr. Chairman, the Technical Committee considered that most of the substantive discussion under item 13 took place under other agenda items, except for one matter which would be referred on to a later plenary item, which is not included in the report of the Technical Committee.

Chairman

Thank you. In which case we shall deal with agenda item 14.

Mr. Mercer

Mr. Chairman, with regard to item 14.2.1 and 14.1, the Technical Committee recommends amendment to Paragraph 11 of the Schedule to apply a quota of 18 landed or 27 struck, to the Bering Sea Stock of bowhead whales. There is a second recommendation which is a resolution contained on Document IWC/31/30. I move adoption of these recommendations in my capacity as Chairman of the Technical Committee.

Bering Sea  
Bowhead  
Whales

Chairman

Thank you. Do they necessarily go together or do we take one at a time?

Mr. Mercer

These could be considered in either manner. In the Technical Committee they were dealt with independently.

Chairman

So I propose that we deal with these two recommendations independently in this form too, and I wonder which one we should take on first. The recommendation?

Mr. Mercer

Mr. Chairman I would suggest we first deal with the quota recommendation.

Chairman

So that's what we'll do. We've heard the Chairman of the Technical Committee move that the recommendation contained in paper - we have a paper don't we?

Mr. Mercer

Paper number 30.

Chairman

Paper number 30?

Mr. Mercer

- is the resolution. The amendment is specified in the text of the draft report of the Technical Committee.

Chairman

It's taking me some time to find the paper - I hope I'm not the only one! I hope everybody has now got the paper number 30 in their hands, and I am looking for a seconder that we adopt the Technical Committee's recommendation to adopt this resolution. Is there a seconder? We are taking the resolution first, which is contained in the document number 30.

Anonymous

I thought we agreed we were doing the numbers first.

Chairman

OK, if that's your pleasure, we do that. I think there is some merit in taking the numbers first. So, I call upon the Chairman of the Technical Committee to describe the numbers again.

Mr. Mercer

Yes, Mr. Chairman. The proposal is that paragraph 11 of the Schedule provide for a take of the Bering

Sea stock of bowhead whales not to exceed 18 landed or 27 struck whichever occurs first. This is for the year 1980. I move that as Chairman of the Technical Committee.

Chairman

Thank you. Do we have a seconder? Denmark.  
The floor is open for discussion. If there is no discussion - Australia.

Australia

Mr. Chairman, in the Technical Committee I gave the reasons why Australia feels that the only safe course is for a zero kill of bowhead whales from the Bering Sea stock. In the light of the very late hour, I don't want to take too much time of the Commission, but I would emphasise the very strong opinions that have been expressed in the Scientific Committee report and the verbal report by the Chairman of the Scientific Committee, and in the report of the Technical Working Group on aboriginal whaling and in expressions of concern for the survival of whale species by national leaders. We believe that the Commissioners cannot ignore the very real danger that this species is on the brink of extinction. The species appears likely to be exterminated by further killing, a killing which we all know is inhumane, wasteful and, we believe, against long-term cultural interests of the eskimos. I do not believe the people of the United States would condone such catastrophe. I think the Commission will have little credibility left if, for the fourth time, it ignores the warnings of the Scientific Committee and our scientific experts in this field. Accordingly, I move that a quota of zero be set for the next year. Whilst I would not wish to restrain delegates in any

way I do hope that no further amendments will be made to this motion, since I believe that at this critical time for the bowhead species it is important to see where countries stand on this matter.

Chairman

Thank you. We have had an amendment proposal from Australia for a zero catch and I look for a seconder. New Zealand. United States.

USA

Mr. Chairman I apologise for taking the floor because of the time. I will be brief. This subject is one of extreme importance to my country. Members of Congress in the United States, members of the Executive Branch and the population at large are very concerned about this stock of whales. Furthermore, we are very concerned about the aboriginals involved and we, as this Commission, believe that an appropriate balance has been struck in the past by the IWC in protecting the interests of the whales and also the aboriginal peoples. I will not move to amend this proposal, to what the proposal of the Working Group on this subject was, a proposal to which my country subscribes. Several countries in a Working Group were kind enough last year to draft a rather sophisticated and comprehensive regime on this subject because of the concern of this Commission that there be a regime. Those countries recommended a quota of 20 and 27. There was a minority view of that Working Group but it was a minority view that that figure was too high. I will not propose it again because it has already been voted on once, I do not believe it would pass again, even though my Government would support it, and I do not wish to take additional time of this Commission. I will be voting against.

a zero quota in spite of my concern for these whales. It is my view that a vote for a zero quota in this case is a vote against aboriginal peoples and a vote against the bowhead whales. I believe more bowhead whales will be killed with a zero quota than they will with a reasonable quota. I believe the struck and lost ratio will be worse with a zero quota, than it will with a reasonable quota. Thank you Mr. Chairman.

Chairman

Thank you. Are there any more comments? So we'll - Denmark.

Denmark

I'd like to second the US proposal or amendment.

Chairman

The US didn't put forward an amendment proposal as I understood it. The US.

USA

Mr. Chairman I did not - perhaps my statement was confusing - I would have liked to put forward that proposal I believe, simply because of the time, the hour, I will refrain from doing so. I believe that 20 and 27 is unlikely to prevail because it has already been subject to a vote and while there were a number of supporters for it, it did not reach the necessary three-quarters. Therefore it is my understanding that the proposal, the lower proposal of 18 and 27 has been recommended by, and seconded, and an amendment of zero has been proposed and I am prepared to see that vote.

Chairman

Thank you. If there are no further comments - I call on the Secretary to call the roll, please.



Secretary

Mr. Chairman the amendment to the proposal is that there should be a zero figure for the bowheads. That wording does not exactly fit into the Schedule and I take it that you are proposing deletion of the provision in the Schedule and we'll worry about the wording later?

Chairman

Yes.

Secretary

The intent of this amendment is to not allow a catch of bowhead whales in the Bering Sea Stock in 1980. Proposal, the amendment by Australia, seconded by New Zealand. This is an amendment to the Schedule - it requires a three quarter's majority, and the roll starts at Canada, pass. Chile, no. Denmark, no. France, yes. Iceland, abstain. Japan, no. Korea, pass. Mexico, pass. Netherlands, yes. New Zealand, yes. Norway, abstain. Panama, yes. Peru, pass. Seychelles, yes. South Africa, abstain. Spain, abstain. Sweden, abstain. USSR, no. UK, abstain. USA, no. Argentina, pass. Australia, yes. Brazil, abstain. Canada, abstain. Korea, abstain. Mexico, no. Peru, no. Argentina, no.

Mr. Chairman there were six votes in favour and eight votes against, so the amendment fails.

Chairman

Which brings us to the original proposal of the Technical Committee. Seychelles.

Seychelles

Mr. Chairman we have as much concern for people as we do for environment and wherever people are catching

whales for their own use and doing so with traditional equipment, a vital part of their culture, we support this, as long as the take does not endanger the survival of a Protected species. When the future of the people and of the whale are in conflict we would have to suggest that the people might have to exercise some restraint, and we would like to propose a motion which demonstrates the concern of the Commission, that the gap between whales struck and taken should be reduced. We therefore accordingly propose a limit of 18 taken and 24 struck.

Chairman

I'm sorry Seychelles, we cannot allow amendments to the proposal now. We have had a proposal, we have had that amended; we have had an amendment proposal, and it is the practice in this Commission not to allow amendment proposals once we have taken vote on one of the amendments. We'll first have to see what happens to the proposal we have on the table. If that fails to achieve the necessary majority, of course you are free to propose whatever you like, but not inbetween the votes on amendment and an original proposal. Thank you. New Zealand do you want the floor? Thank you. We'll then proceed to the original proposal and I call on the Secretary to call the roll.

Secretary

Mr. Chairman, the recommendation by the Technical Committee was to amend the Schedule so that for the year 1980 the take of the Bering Sea Stock of bowhead whales shall not exceed 18 landed or 27 struck, whichever occurs first. Again Mr. Chairman, I have to point out that that wording does not exactly fit in with the style for the Schedule but we'll do that editorially. The intent of the amendment is to set the limit in 1980 at 18 landed or 27 struck, whichever

occurs first. This is a Schedule amendment requiring a three-quarter's majority, and the roll starts at Chile, yes. Denmark, yes. France, pass. Iceland, yes. Japan, yes. Korea, yes. Mexico, yes. Netherlands, no. New Zealand, no. Norway, abstain. Panama, yes. Peru, yes. Seychelles, no. South Africa, no. Spain, yes. Sweden, yes. USSR, pass. UK, abstain. USA, yes. Argentina, yes. Australia, no. Brazil, abstain. Canada, abstain. France, abstain. USSR, yes.

Mr. Chairman, there were 13 votes in favour and five against, so that it failed to receive the necessary three-quarter's majority to amend the Schedule.

Chairman

Thank you. Seychelles, do you want to make your proposal now.

Seychelles

Thank you Mr. Chairman. Yes I would like to make the proposal that I set forth just now.

Chairman

Will you repeat that please.

Seychelles

18 struck - 18 taken, I beg your pardon Mr. Chairman, and 24 struck.

Chairman

Thank you. Is there a seconder? If there is no seconder to this proposal, it means that we will either be looking for another proposal or leave this without a quota regulation. Australia.

Australia

The distinguished delegate from the USA talked about the reasons last year why we came to the last year quota. I think, if we look at the year before that, 1977, the quota was 12 killed or 18 struck, and I think some of us feel that we aimed too high last year, and I wonder if we could get a consensus for going back, or get some feeling, for going back to the 1977 figure of 12 killed or 18 struck?

Chairman

Australia has proposed figures of 12 struck, 12 landed or 18 struck. Is there a seconder to that proposal? New Zealand. Comments?

USA

Mr. Chairman, I would like to explain why I am going to vote against this figure. When this figure was originally adopted by this Commission, taking into account the population of bowhead whales, that population was concluded to be about 1,000 or 1,200 animals. A subsequent scientific survey, which is a very good survey, and which we believe is very accurate, show that the bowhead whale population was approximately twice that. Consequently this Commission, the next year, raised the number to 18 and 27, although the population had been increased 100 per cent by estimate, the number of bowhead whales had been increased by this Commission by six. I believe that was a reasonable quota. Last year the eskimos in the United States were disappointed in the quota allowed to them. We have had compliance for one reason or another. I do not believe we will have compliance with a quota of 12 and 18. But furthermore, I do not believe that that quota is fair and my Government will not be

telling eskimos in the United States that that quota is fair if it is passed in this Commission. Thank you.

Chairman

Thank you. Any more comments. Australia.

Australia

I feel I must point out to the distinguished Commissioner from the USA that the Scientific Committee had the value of that research to which he is referring and the Scientific Committee based partly on those research results, made it very clear that they were recommending a zero catch, and you know this is the reality of the situation. I do not think it does the bowheads, I don't think it does the US any good, to put this species at risk to the extent that we are doing, to the extent which the Scientific Committee have identified. I think it's most important that we get some solution but clearly if we stick with the kind of figures that we have been operating on, this species is doomed and I, as a Commissioner, do not want responsibility for the extinction of what the President of the United States of America calls magnificent and unique animals.

Chairman

Thank you. New Zealand, and then the USA.

New Zealand

Thank you Mr. Chairman. I think I should also add my comments to those of the Australian Commissioner. I think, as will have been obvious from our earlier votes on this item, that it is only with the greatest of difficulty that we find ourselves able to support a recommendation for 12 and 18, even though we appreciate

the work of the Technical Group, the Working Group. We appreciate also the tremendous amount of research which the United States has done. All the same, all our sympathies go with the Scientific Committee and its profound concern to which, this year, it has added an extra dimension, and therefore it is only in the interests of trying to find a solution at this late hour that we are prepared to support the Australian suggestion. Our instinct is to take us towards a zero quota. Thank you.

Chairman

Thank you. United States.

USA

Thank you Mr. Chairman. I suppose everyone here has read the Scientific Committee report and I therefore again extend my apologies for referring to it as this hour. The Scientific Committee said that if one accepts certain assumptions there was a great risk. I don't know the precise language after the assumptions language - I wish to focus on the assumptions language at the moment. Those assumptions are assumptions that I do not believe we can yet accept. We have undertaken a three-year programme of scientific research which we have not completed. Our last year count was not as satisfactory as we would like, in fact it was very unsatisfactory because of adverse weather, and my delegation does not believe that one can take any assumptions from that count and we so stated when we presented the report. I do not believe that one should accept assumptions. Even if the assumptions are accepted there is a risk to this stock, and we admit that risk. We are not suggesting to this Commission that there is not a risk. The question is, whether we wish to take that risk. We have, in addition to an endangered species of whale, an endangered stock of whale, here, an endangered culture. Let me refer also to the fact

that this subject has been studied a great deal by several countries in a Working Group set up by this Technical Committee. We are going against the wishes of that Working Group in a number of fashions here. Admittedly, the Commissioners that are doing that were not party to the Working Group, I wish they had been party to the Working Group, but we are upsetting what the Working Group recommended to the Technical Committee and what the Technical Committee recommended to the plenary.

I do not accept the quota, Mr. Chairman, of 12 and 18. I repeat that I think it is not only bad for eskimos and will not be complied with, and my Government will not tell eskimos it is fair, but I also believe it is not good for the whales because of what will result. I believe that the struck/lost ratio will be substantially worse than it has been in the past with this kind of a count, and indeed a substantial larger number of whales will be struck and either taken or not taken, if that quota is passed. I suppose at that point the United States would be recommending, or informing this Commission, that there had been violations, perhaps technical violations, to this quota, and we do not want to do that.

Mr. Chairman, I have some difficulties with the idea of decreasing the ratio between struck and lost, because I do not know in practice whether the ratio can be reduced. That is, I cannot practice it. We have had some honesty here today. The distinguished delegate of Brazil in a dialogue with me expressed honesty and while I wish he would have said something else he was very honest in what he said. I cannot in all honesty say that a reduced ratio will work.

I would like to amend the proposal of 12 and 18, to 18 taken and 26 struck.

Chairman

Thank you. Australia, then Korea.

Australia

Mr. Chairman I am very concerned about some of the things that have just been said. I would like to point out to the Commissioners that on several occasions tonight the distinguished Commissioner from the USA has suggested the Spanish Commissioner should do something about controlling the *Sierra*. This is in rather marked contrast with when he suggested that the USA cannot do something about controlling its own citizens. I think we can't have that kind of double standards, and I think because there is debate about what the Scientific Committee said, I suggest, sir that we ask the Chairman of the Scientific Committee to read out exactly what the conclusions of the Scientific Committee were so that there is no debate and no question.

Chairman

While I frankly don't think it is necessary to have the Scientific Committee report read to us - we've all read it - I'm sure...

Australia

But, sir, I think the Chairman should read it out because, you know, we've had it denied what the Scientific Committee recommends. I think it should be read out very clearly. It will only take one minute.

Chairman

OK. The Chairman of the Scientific Committee.



Dr. Allen

Thank you, sir. This is the first paragraph of section 12.1 of our report. "The Committee reaffirms its recommendations at its Canberra, Cronulla and Cambridge (1978) meetings that from a biological point of view the only safe course is for the kill of bowhead whales from the Bering Sea Stock to be zero. It also believes that if present estimates of gross recruitment rate are accepted, then the population will decline, even in the absence of catches."

Chairman

Thank you. Korea has asked for the floor, and then South Africa.

Korea

Thank you, Mr. Chairman. The question facing us is not figure whether increased or decreased. What matters at this late hour is our will to negotiate so long as we admit aboriginal regime. As in 1979 quota for this stock was 18 landed or 27 struck, we had better recognise the need to whale this stock on the basis of the previous year's record. Therefore we are in favour of 18/26 as compromise. Thank you.

Chairman

Korea has then seconded the US proposal for 18 and 26 and I give the floor to South Africa.

South Africa

Mr. Chairman, this is an extremely difficult problem that we face. I think that we have been told, for four years now I think it is, the Scientific Committee has been warning us, about this untenable situation

and therefore I don't place very much emphasis on the fact that the Technical Committee Working Group came up with figures of 20 and 27, but I think the issue here is not to argue about one or two whales, because as far as I am concerned I don't think that this is really the essence of the problem. The problem which faces me is that I feel very seriously we have to heed the warnings of the scientists but I also acknowledge that this is in fact more a people problem than a whale problem, and I can go along with some numbers but what worries me is that in subsequent years we will always be facing the same problem. Now possibly the resolution which the United States has submitted will, to some extent, solve this problem but at this point in time I do not have that confidence, so Mr. Chairman I think we can argue about numbers but I think we have, must use a more imaginative, either a more imaginative solution to this problem, or else we must have some commitment on the part of the United States that we will not be faced every year with having to decide between the whales and the people. Somewhere along the way we have got to resolve this problem.

Chairman

Thank you. United States.

USA

Thank you, Mr. Chairman. I understand very well the dilemma of the distinguished Commissioner from South Africa. He and I have discussed this subject a good deal and I share his concern. I furthermore share his concern about this subject not being discussed, as it is now, again many times over. This Commission shared that concern, and this Commission established a Working Group to establish a regime so that this would not

happen. I think we'd best take some time to think about that regime for a moment. Several countries worked for quite some time on that regime. They concluded that at the time we knew net recruitment, we should base a quota on that recruitment, it would be an automatic quota based on the facts we then knew. We do not know net recruitment at the present time, so they felt we could not use that figure. Until that recruitment was available they believed a percentage of stock size, which was becoming more clear, should be used, and we have that in the report. However, some Commissioners were concerned that we should not adopt that regime based on present knowledge and therefore they recommended a two-year quota of 20 and 27. In other words I agree, and I think this Commission agreed, and certainly the Working Group agreed, with the South African Commissioner, and I am prepared to commit myself to supporting the regime, and indeed that is what the resolution does. I do not know whether the present regime that was negotiated by the Working Group is the right regime. Some people have expressed concern about the figures, and I think when that regime is reviewed in two years that those figures may need to be changed, and if our facts show that this stock is smaller than we think it is, or not in a shape that we hope it is, then my Government will be in favour of reducing those figures.

The distinguished Commissioner from Australia has referred to the Scientific Committee report again. Mr. Chairman, I'm sorry, I know you would like not to have references to that - I can understand your feelings in light of the hour. However, he has made some comments about it and his colleague, the Chairman of the Scientific Committee also has made

some comments. I think some people may be concerned about those comments and therefore I would like to read verbatim a paragraph in the text of the Scientific Committee report, so that Commissioners can then base their judgements on the risk. Let me say again that I do not deny there is a risk. What we have been doing is balancing the risk against the risk to an aboriginal people.

"Breiwick, Chapman and Mitchell estimated the initial size of the Bering Sea bowhead stock at 14,000 to 25,000 while Mitchell estimated it as 18,000 animals. The best estimate of the present population is now taken to be 1,783 - 2,865 whales with a mean of 2,264.

"The present population is therefore a small fraction (9-16%) of its initial size.

"If it is accepted

- (1) that the best estimate of gross recruitment is 2.5 to 3.5% of 2,264 or 57-79 calves annually
- (2) that the total removals in the Eskimo fishery (assuming 50% of animals struck and lost subsequently die) averaged 45 annually for the six year period 1973-1978

and given that the composition of the catch is mainly (90%) sexually immature, with an equal sex ratio, then a very high proportion of the recruitment to the adult stock has been removed over these years. On this basis a reduction in recruitment can be expected within the next few years, in which case the population will decline."

Let me emphasise two elements of this. Two assumptions have to be accepted. We do not recommend that they be

accepted on the basis of the evidence we have yet, because that evidence was so poor it may well be true. We simply do not recommend it yet; and secondly, "a reduction in recruitment can be expected within the next few years" - now under those circumstances is it improper to allow eskimos to take a limited amount of whales, 18 to 26 this year. Even 18 and 26 is a reduction and the eskimos will have to be told a reduction has occurred.

I am sorry Mr. Chairman, there is a good deal more evidence, we also had a Committee who looked into the need of the eskimo community for cultural reasons. I could read it but I will not, I encourage everyone to read it. It was a very thorough report and I think it presents the case extremely well. It expressed our concern for the eskimos. I ask others of you to have that same concern as we do for the whale stock. Thank you.

Chairman

Thank you. Australia.

Australia

I will not take too much but I really think that what has just been read out supports the Australian argument that there is a real threat here. I think the USA Commissioner recognises that threat. He does refer to the Technical Committee Working Group. I should point out that only eight countries were represented on that group. Of the 24 participants 13 of them were from the USA. I don't think that was a very comprehensive group. I think that they did the best they could but I don't think they necessarily covered the range of feelings and opinions that are represented around this table, but at least the Scientific Committee did cover that wide range and had the benefit of this Technical Committee report and no one can deny that they came out with the conclusion that this species is under threat and any

further take may cause it to become extinct.

Chairman

Thank you. If there are no more comments I think we should now proceed to vote on the figures we have on the table and the first vote would be for the figures 18 landed and 26 struck. USA amendment, seconded by Korea. The Secretary please.

Secretary

Mr. Chairman the amendment for the Commission is to amend the Schedule, paragraph 11, and I would ask for ease of convenience if you are reading your Schedule that we are going to have wording to say that "In 1980 hunting shall cease when either 26 have been struck or 18 landed." That is the same form as exists in the Schedule at the moment with the insertion of the words "26 struck or 18 landed." It requires a three-quarter's majority to amend the Schedule and the roll starts at Denmark, yes. France, abstain. Iceland, yes. Japan, yes. Korea, yes. Mexico, yes. Netherlands, no. New Zealand, no. Norway, abstain. Panama, no. Peru, yes. Seychelles, abstain. South Africa, abstain. Spain, yes. Sweden, yes. USSR, yes. UK, abstain. USA, yes. Argentina, yes. Australia, no. Brazil, abstain. Canada, abstain. Chile, yes.

Mr. Chairman there were 12 votes in favour and four against, so that is the required three-quarter's majority to amend the Schedule.

Chairman

Thank you. Is there anything else under this agenda item. The Chairman of the Technical Committee. Would you wish to report to us?

Mr. Mercer

Mr. Chairman there is also the matter of the resolution which was proposed. It is document number 31/30.

Resolution  
on Bowhead  
Whales

Chairman

I trust that everybody has got document number 31/30 in their hands and I don't think it is necessary to have the Chairman of the Technical Committee read the word, the recommendations of the Technical Committee. Do I remember correctly that this was passed with unanimity in the Technical Committee.

Mr. Mercer

The resolution Mr. Chairman, was brought forward by consensus in the Technical Committee. There may be some minor suggested amendments. There was certainly some discussion among, between these two delegations.

Chairman

Thank you. Are there any amendments to the resolution? Do Commissioners wish to propose, or are we still unanimous in adopting this resolution?

Mr. Mercer

Mr. Chairman Canada did have some minor changes which were to be discussed. They may prove to be agreeable. I do not have the copy of the original document at the moment.

Chairman

Were these matters of substance or only editorial changes that you were making?

Mr. Mercer

It might perhaps be better for the US to consider that.

Chairman

While the US is trying to clear their position, I wonder if there would be any problem with the final sentence on the first page where it is stated that "The Commission will review the regime, the scientific analysis, and the status of the Bering Sea bowhead stock at its Annual Meeting in 1981." We have only set quota for one year, and I wonder if this is contrary to what we have done. The USA.

USA

Mr. Chairman I'm not sure to which sentence you are referring to. Could you -?

Chairman

The last sentence on the first page. The bottom line. My question is if by accepting this wording we are accepting not to review the bowhead stock until at the Annual Meeting in 1981. The USA.

USA

Thank you Mr. Chairman. Could you read that sentence and then I can tell you the answer that is, as it will appear.

Chairman

Yes, I'll read the sentence. The sentence goes as follows: "The Commission will review the regime, the scientific analysis, and the status of the Bering Sea bowhead stock at its Annual Meeting in 1981." and my question is that if we adopt this now that we are thereby adopting that the status of the stock should not be reviewed until 1981. The USA.



USA

Thank you, Mr. Chairman. I think that this sentence refers to the fact that in 1981 it will be reviewed in a way, for the purpose of considering the regime. It was not the intent of the authors of the regime that it be considered until then because it was felt that at that time, information would be adequate. I do not think the Scientific Committee or the Commission should be precluded from considering this issue any time it wishes to do so, certainly before 1981.

If I may take the opportunity while I have the floor to do two other things. I have reviewed the corrections by the distinguished delegate from Canada and find them acceptable. They are improvements - I do not know however, whether my acceptance of them is adequate. The delegate from Australia was interested in this although it is not the provision which he added to it that has been changed. He, or others, may wish to look at it. I don't know how to proceed on this. These are minor changes. I feel confident that others will agree to them. I don't know what to do in light of the hour.

Having said that I would wish to thank the Commission for taking the patience to hear me out on this issue which obviously is of grave concern to my country. Thank you.

Chairman

Thank you. Korea.

Korea

Thank you Mr. Chairman. While recognising the need to establish aboriginal regime, we however propose to postpone the construction of draft resolution submitted by the United States until the next year,

for the reasons that we have not ample time to review the implications contained in this resolution.

Thank you Mr. Chairman.

Chairman

Thank you. Denmark.

Denmark

Thank you Mr. Chairman. If I am correctly informed Korea was a member already before the 1 January this year. Right? And the resolution is just an extract out of the Working Group report which was circulated after the Technical Committee Working Group on aboriginal whaling held in the beginning of April and at least in my office I have received this resolution as well as the report around mid-April. Thank you.

Chairman

Australia

Australia

Sorry. I am completely puzzled now what's happened. I've previously seen a document which I think the USA delegation had submitted and we'd considered and it was given IWC/31/25 and this was very specific -

Chairman

No, we are looking at document number 31/30.

Australia

Yes, but the point is that this, this almost wipes out IWC/31/25. I just can't understand it because the thrust of IWC/31/25, which I understood was the position the USA was taking, that next year there would be another look by the Scientific Committee at this bowhead position, and that it was, there were, various things put into this document, like that if, and when, the Scientific Committee can establish

reasonably the state of the recruitment, all of that sort of thing has been taken out. I just don't understand what's going on. I may have been -

Chairman

The USA can you explain to us please?

USA

I hope so Mr. Chairman, but maybe I'll have to ask for some help from Canada here. A document was distributed earlier, which was slightly modified by the distinguished delegate from Australia. It was then distributed in draft form. In any event it ended up as IWC/31/30. That document was distributed and then passed by consensus by the unanimous vote of the Technical Committee. Since then, however, there have been some, what I would call technical changes by Canada. I wonder if Canada would be willing to withdraw those, even though I subscribe to them, in light of the hour, if Canada has the understanding that the US delegation that the US will support making those changes, if this is the text that is finally used for the regime. I think that the changes are good, I am simply worried about the hour. This document includes a very important change included by the delegate from Australia because of his concern at some point that a regime should not go into effect, and it also includes some changes by, to reflect the views of the distinguished delegate of Canada because of his concern that the precise regime may not be correct. Now it is correct that this did replace 25, 26 and 27 and as you stated, that I agree with what you stated a minute ago.

Now look I'm sorry for taking up all this time. All I know is that this document was passed unanimously by the Technical Committee. It reflects the concept that we should, in two years, look to see whether we

should have a regime; it reflects the concept that we may not have a regime at that point because some people may not want it; it reflects the concept that we do not know what the provisions of the regime would be, although we do have provisions drafted by the Working Group. Thank you.

Chairman

Thank you. I think there is possibly some slight confusion as to what language we would like to adopt and I would like to propose now that we take a short pause for 15 minutes or so. We have been sitting here now for three and a half hours almost and I am sure that people would like to stretch their legs a little bit, so I propose that we break for 15 minutes and I ask the US, Canadian and Australian Commissioners to get together during this pause and try to straighten this out. So we'll be back in the plenary session in 15 minutes.

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FOURTH PLENARY SESSION IS ADJOURNED

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Chairman

Will you take your seats please so that we can go on? May I call the meeting to order, please? We'll continue our discussion on agenda item 14. We were discussing the paper number IWC/31/30, a resolution which was passed to us unanimously from the Technical Committee. Apparently there was some confusion with regard to the year span of this resolution. We have adopted a catch quota for the Bering Sea bowheads for the next year, 1980, but this resolution is geared for two years - 1980 and 1981. I don't think we should let this confuse us too much though because, of course, everything is under revision every year and I think we can just leave this until the next Annual Meeting to be revised. Does Australia have any problems with the resolution as it is worded, or can we adopt the paper 31/30 as it is? Australia.

Australia

Mr. Chairman, the paper 31/30, could I suggest a slight modification. At the bottom of the first page, under "Now therefore, the Commission hereby resolves as follows" the third line from the bottom - I would like to suggest that that needs to be changed, in the light of what you have just said, to "The Commission will review this proposal for a regime". I'm suggesting that we include "this proposal for a..." so the sentence will read "The Commission will review this proposal for a regime, the scientific analysis, and the status of the Bering Sea bowhead stock at its Annual Meeting in 1981."

Chairman

Thank you. Is this change in the language acceptable to the US.

USA

Yes.

Chairman

I hope you can then all agree to adopt this resolution as it stands. Canada?

Canada

Mr. Chairman. There were those minor technical amendments which Mr. Frank referred to. Perhaps we could adopt those - I believe Mr. Frank has the document. I don't know that it would be necessary to view these over again in the plenary.

Chairman

I'm sure we do all have every confidence in the Canadian and the US delegation to make these technical, or editorial, amendments. So I take it that we have then accepted the resolution contained in the paper number 30. Thank you.

We still have some points to discuss under this agenda item 14, and I call upon the Chairman of the Technical Committee to report.

Mr. Mercer

Yes, Mr. Chairman, there is a further recommendation from the Scientific Committee that efforts be made to confirm the validity of the recruitment rate and distribution of bowheads. It was suggested, and the USA, USSR and Canada indicated that they are prepared to co-operate in research programmes.

Mr. Chairman the next item under 14 is a recommendation from the Technical Committee that the exemption for a Greenland catch of 10 humpback whales be removed. I so move as Chairman of the Technical Committee.

Greenland  
Catch of  
Humpback  
Whales

Chairman

Thank you. Is there a seconder to the Technical Committee proposal that exception for 10 humpback whales in the Greenland waters be removed from the Schedule? The Netherlands. Any discussion. Denmark, and then Australia.

Denmark

Thank you, Mr. Chairman. In light of the late hours I shall not prolong the discussion. I'm sure you all know about the Greenland catch and the importance that the humpback whales do have in some special municipalities in Greenland. I see very many similarities between the Greenland humpback situation and the United States bowhead situation. Even I also, to be fair, do see some differences which I maybe did not explain this morning. The differences relate to the cultural aspects. I have understood from when we were discussing bowheads that the Alaskan eskimos attach a very special feeling for the bowheads and I don't think that the Greenlanders, who have a bigger variety of prey to hunt, do attach to humpbacks. Anyhow, the meat is important for subsistence and I can simply not carry a Zero quota for humpbacks back to Greenland. If I would do so I might come into the same kind of troubles as the distinguished delegation from the United States was speaking about when we discussed the bowhead problem. So, it is definite Mr. Chairman that Denmark is going to oppose this and I would like you to - I not like to prolong the discussion any more - I just suggest Mr. Chairman that you take a vote on it. Thank you.

Chairman

Thank you. Any more comments? Australia.

Australia

Mr. Chairman, it's my understanding that meat and products of these whales are to be used exclusively for local consumption by the aboriginal or the indigenous people. I wondered if the distinguished delegate from Denmark could reassure this Commission that in fact none of the whale meat sold in Denmark comes from these protected humpback whales. I would be grateful for his assurance that any whale meat, for example in Copenhagen, does not originate from any of these humpback whales; that they are purely used for local consumption.

Chairman

Thank you. Denmark.

Denmark

Yes, Mr. Chairman. I appreciate the question from the Australian delegation. This very rare meat is exclusively used for human consumption in Greenland and the whale meat you see in Copenhagen comes, I think, from Norwegian minke whales. Thank you Mr. Chairman.

Chairman

Thank you. Any more comments? If not we'll proceed to the vote. I ask the Secretary to repeat the question and to call the roll please.

Secretary

Mr. Chairman the proposal from the Technical Committee, seconded by the Netherlands, is that the exemption in the Schedule paragraph 11, whereby "10 humpback whales not below 35 feet (10.7 metres) in length, per year is permitted in Greenland waters provided that whale catchers of less than 50 gross register tonnage are used for this purpose, is deleted. The exemption



permitting 10 humpback whales to be taken is to be deleted. This is an amendment to the Schedule; it therefore requires a three-quarter's majority of those voting. The roll starts at France, pass. Iceland, no. Japan, no. Korea, no. Mexico, abstain. Netherlands, yes. New Zealand, yes. Norway, abstain. Panama, yes. Peru, no. Seychelles, yes. South Africa, abstain. Spain, absent. Sweden, abstain. USSR, no. UK, abstain. USA, abstain. Argentina, abstain. Australia, yes. Brazil, abstain. Canada, abstain. Chile, no. Denmark, no. France, yes.

Mr. Chairman there were six votes in favour and seven against so the motion fails.

Chairman

Thank you. As the Schedule is written it is a continuous exception so if there is no proposal then the exception will stand in the Schedule as it has been. So if I hear no proposals I take it that we leave the Schedule as it is. Thank you.

Are there more points under this agenda item. Mr. Mercer.

Mr. Mercer

Mr. Chairman, there are three recommendations from the Scientific Committee that steps should be taken to reduce the deaths due to net entrapment off the coasts off Canada and the USA; that the Secretary communicate with flag countries believed to be taking humpbacks in the north-east Atlantic and with the nations, Spain and Portugal, off whose coasts these vessels are operating, pointing out the danger posed to the recovery of this depleted stock; and that the status of the species off Peru be thoroughly investigated.

Scientific  
Committee  
Recommendatio:  
on Humpback  
Whales

Chairman

Thank you. I take it that we can all adopt these recommendations of the Technical Committee. Yes. Anything else under this agenda item?

Mr. Mercer

I think that completes this agenda item, Mr. Chairman, in terms of action required by the plenary.

Chairman

Thank you. We have then concluded our deliberations on agenda item 14 and we move then to agenda item 15, and I call upon the Chairman of the Technical Committee to introduce this item.

Mr. Mercer

Yes, Mr. Chairman, there were a series of proposals by the Small Cetaceans Sub-committee of the Scientific Committee, including one which involved an amendment to the Schedule, to list two species of small cetaceans. The Technical Committee recommended that the matter should be referred to the next Annual Meeting. In the meantime Contracting Governments should seek advice of their position on the matter.

Small  
Cetaceans

Chairman

Sorry, I was carried away. We have this on a piece of paper don't we?

Mr. Mercer

Yes, that appears immediately after agenda item 14, in the draft Technical Committee report.

Chairman

Are there any discussions on these recommendations of the Technical Committee? Chile.

Chile

Mr. Chairman, it is only to say that this recommendation for the Contracting Governments to seek legal advice on their position, I suppose applies to those Governments that may be doubtful about their own position, which is not the case of the Chilean Government. Thank you.

Chairman

Yes. Any more comments? If not, I take it that we adopt the recommendations of the Technical Committee on this agenda item, and we can move to the next one.

Mr. Mercer

Mr. Chairman, I missed on one point under agenda item 14. Under 14.3 there is reference to a Workshop on Arctic whaling and subsistence whaling, which was proposed last October to the recent meetings in the US and the meeting of the sub-committee. There were no specific recommendations from the Scientific Committee or Technical Committee.

Proposed  
Workshop on  
Arctic and  
Subsistence  
Whaling

Chairman

Thank you. Since there were no recommendations from the Technical Committee on this particular point, I take it that we don't see the need for this Workshop to be held and we let this point die from our agenda? Argentina.

Argentina

Please Mr. Chairman, could you be so kind as to explain me if we are dealing with item 15, Small Cetaceans.

Chairman

Yes, Argentina. We just went back to point 14.3 and I don't think there is any action required there. I don't think anybody of us wants this Workshop to be held.

We just wanted to make sure that there was nobody who wanted this Workshop.

Argentina

Right. But did you give before number 15 or not yet?

Chairman

We then come back to the 15 yes, and we have a consensus in this plenary I think to adopt the recommendations of the Technical Committee with regard to agenda item 15? Argentina.

Argentina

Sorry, Mr. Chairman, I asked for the floor sometime ago. I'm afraid you see me asking for the point 15, and I didn't like to interrupt the speaker.

Chairman

I apologise.

Argentina

No, it's all right. I'm sorry to say that. Maybe the Secretary could note of the reserve of Argentina concerning the whole of this point and the decision of the Technical Committee please?

Chairman

Yes.

Argentina

Thank you.

Chairman

The Secretary of the Commission.

Secretary

Mr. Chairman there seem to me to be so many delegations who reserved their position in this respect that I call

them "several" rather than naming them all.

Chairman

Argentina

Argentina

Thank you, Mr. Chairman. May I ask then why we are taking a resolution when several countries are making a reservation?

Chairman

That's a good question. I think that it was the general understanding that people could accept the resolutions with reservations. They didn't directly object to what was being proposed. They had reservations and they adopted the recommendations with reservations. Is that correct? The Chairman of the Technical Committee?

Mr. Mercer

Mr. Chairman, I don't quite understand the point that's being made now. The decision as I understood it under 15 was that the item would be referred on to the next meeting to give those nations which wish to consider their positions opportunity to do so. There were several statements of position made.

Chairman

Exactly, this is the recommendation that's to refer it to the next meeting, not just to forget all about it. Argentina.

Argentina

Sorry, Mr. Chairman, again. The recommendation is only to say that the Commission will deal again with the problem next year without saying anything about the question. Is this right?

Chairman

Yes, this is my understanding.

Argentina

All right. Thank you very much.

Chairman

So we all agree that this be so reflected in our report?

Yes. Can we move on please. The Chairman of the Technical Committee.

Mr. Mercer

Yes, Mr. Chairman. Under agenda item 16 there were no recommendations to be brought forward to the plenary. Under agenda item 17, the Scientific Committee has recommended a meeting on Behavioural Studies in relation to assessment and management. There was a proposal considered in Technical Committee for a two-stage meeting which would include the Scientific Committee Workshop recommended by the Scientific Committee followed by a discussion of the broader implications of the subject of the ethics of killing cetaceans. The USA has offered to investigate the possibility that it's Government would host such a meeting before the next Annual Meeting of the Commission.

Meeting on  
Behaviour  
Studies

Chairman

Thank you. Australia.

Australia

Mr. Chairman under agenda item 17, I don't know whether everyone has got the paper - Proposal for a Meeting on Cetacean Behaviour and Intelligence. We have tried - I think the paper has been circulated - and just simply by way of trying to help with the development of this workshop, because we felt there was some confusion. We have tried to spell out how it might

be arranged. Essentially the first part, to be a scientific meeting concerned with the cetacean behaviour and intelligence, is relevant to cetacean management. The second part, to deal with cetacean assessment and behaviour and intelligence, is related to the killing of cetaceans. I don't know if everyone has got a copy of this paper.

Chairman

There is no number on this paper is there?

Australia

No. I had that prepared by some US delegates, although it says Australia.

Chairman

It's headed agenda item 17? Proposal for meeting on cetacean behaviour and intelligence, with the name Australia in brackets)? Is that the paper?

Australia

Yes that's right. I think it has been generally distributed.

Chairman

Yes, I think so.

Australia

We are suggesting one slight addition to that paper. In the second paragraph, the second line, we are suggesting that after "cetacean" we believe that the Scientific Committee would prefer to see "cetacean assessment and management".

Chairman

Thank you. I'm told that the Finance Committee has taken account of this proposal but we still

haven't approved, of course, the Finance Committee's recommendations, and I wonder if we could approve these proposals, subject to later approval of the Finance recommendations of the necessary funding? Argentina?

Argentina

Thank you Mr. Chairman. I see in the third paragraph an amount that the Commission have to pay in order to co-sponsor this meeting. Is this right? I mean is the Committee considering some kind of procedure to decide the people and the structure and so on, of this meeting? I mean the Secretary, Dr. Gambell, will be intervening in preparing all that and putting to the consideration of the Commission as a whole, or just sending some letter - I mean how does the member could know about this meeting in the near future?

Chairman

I guess the Secretary will write circular letters. Is that what you do, Mr. Gambell?

Secretary

Yes.

Argentina

Thank you, Mr. Chairman.

Chairman

Can we approve this recommendation, subject to later approval of the necessary funding? I think so. In which case I think we should move on.

Mr. Mercer

Mr. Chairman, the next item is item 18, humane killing. There are nine recommendations which were proposed

Humane  
Killing



by a Working Group of the Technical Committee, which were approved by the Committee with several notes made concerning them. I would propose that we not read the nine recommendations which extend over about two and one half pages of the report. They are contained in the report of the Technical Committee Working Group on Humane Killing, which met in Cambridge, July 4 and 5. The annotations made by the Technical Committee are as indicated in the draft report of the Technical Committee.

Chairman

Thank you. Has everybody got that paper? If so I don't think it is necessary to read all the recommendations. I think they were unanimously passed in the Technical Committee and I take it that we still have a consensus. United Kingdom.

UK

Thank you Mr. Chairman. I would like to make a point at this stage about my Government's attitude towards humane killing. As I have already made clear my Government has the greatest concern about the humaneness of the present techniques for killing whales. That our concern is justified I consider is borne out in the report of the Working Group which was adopted by the Technical Committee. I draw your attention, in particular, to page 4, paragraph 3, which I shall quote. "The Working Group understands that at present the best available method for killing large whales is the explosive harpoon, but believes from a humane point of view that it leaves much to be desired. In the case of the small whales, improvements of or alternatives to the present cold grenade method are desirable."

We therefore welcome the recommendation in the report that a Workshop should be held within the next year

to discuss ways of improving present techniques to the explosive harpoon and I think we really must make special efforts to find alternatives to the explosive harpoon. We find, in particular, the use of cold grenades particularly distasteful and we do note with satisfaction that the Working Group have recommended their prohibition for killing all species of whales larger than minke whales. That's in one of the recommendations of the report.

I should also like to express the hope that the Working Group makes as one of its priorities research into ways of avoiding the use of the cold grenade also for minke whales. Thank you Mr. Chairman.

Chairman

Thank you. Any more comments?

It may be necessary to go through the Working Group's recommendations one by one. There seems to be some action required with respect to some of them and I wonder if it would be appropriate to go - take them one by one and see what there needs to be done. The USA.

USA

Mr. Chairman, my delegation supports strongly the recommendation and the discussion by the distinguished delegate from the United Kingdom, and we are concerned about minke whales because of the form of killing that takes place with respect to them. We do congratulate the Government of Australia for sponsoring the enquiry into whales and whaling which it has undertaken, and making the report of Sir Sydney Frost, Chairman of the Enquiry, available to the Commission. We believe that these efforts lay important ground work for the study of humaneness of whaling and we are pleased to see these first steps in an important programme of

research which the Scientific Committee has recommended. We support the research programme whose objective is a systematic investigation of killing techniques particularly the rapidity of unconsciousness and death. Thank you.

Chairman

Thank you. You will note from the report of the Technical Committee, recommendation 2, that there is need for a specific proposal to be developed and I think we'll have to go, we'll have to take the sub-Committee's or the Working Group's report, take the recommendations there one by one and see what action is required. You've all got the paper in hand. I refer you to page 5. I don't think we'll have to take all of them. I refer you to page 5. I think it would be a lot easier to have the Secretary explain what he needs to do, what we want him to do. What do you want us to tell you to do, Dr. Gambell?

Secretary

Mr. Chairman, if there is to be any further advance in the study of humane killing the proposals put forward by the Working Group and endorsed, with comments, by the Technical Committee need to be carried through by this plenary session. The report of the Working Group on page 4, the first recommendation is that more data, specified data, are required, and we need to ensure that those data are collected in the coming seasons, otherwise we have to wait a whole year before we have any information. So I would suggest that we make a resolution, or an arrangement, at this meeting, that these data are submitted by whaling operations.

Chairman

I think we can all agree on that. We do.

Secretary

The second recommendation was that a similar research programme to that carried out by Professor Rowsell should be done also on a small-type whaling operation where cold grenades are used, and the Technical Committee indicated that there is a need for specific proposals to be developed. We need to make those proposals. Last year at this time when a similar arrangement was recognised countries came forward by offering personnel and facilities and we need to do something similar now, unless we are going to take another year.

Chairman

Thank you. Is anybody going to step forward and do the same kind of offers that were made last year? If none of the countries engaged in the minke whaling believes that they can offer to arrange for the facilities for such a research programme, we'll have to postpone it until next year I guess. Last year it was Iceland that offered facilities to do such research on the Atlantic whales. Speaking as an Icelandic Commissioner we have some difficulties in offering again the same thing for the minke whales research because of the nature of our minke whale fishery. It will be very difficult to - Japan.

Japan

Thank you Mr. Chairman. We are at the moment exploring the possibility of working with, to develop a programme between the pelagic fleet and the University of Tokyo to conduct similar observations, like done by Professor Rowsell. So I think this should - I hope this could be done.

Chairman

Thank you. So we don't necessarily have to decide on the programme now and just hope that countries who

could start a programme would indicate to the Secretariat as soon as they are ready and the programme would get started then. Is there anything else Dr. Gambell.

Secretary

Mr. Chairman, numbers, recommendations number 3 and 4 are taken care of, or can be taken care of. We should note that recommendation 5 involves an amendment to the Schedule, but there was the proposal in the Technical Committee that whaling nations be encouraged to act in the spirit of the recommendation in the meantime.

Chairman

I think we can adopt that and no specific action is required. This will be reflected in our report. Australia.

Australia

Mr. Chairman, as Chairman of the Committee that looked at the humane killing, I feel I should draw the attention to the Commission, that whilst it was seen that the killing of large whales was inhumane for a significant proportion of the whales killed, particular concern was expressed about the effect of the killing procedures that are being used to kill the smaller whales, and particular the minke whales. And it was suggested that these were extremely inhumane and that there was an urgent need that something should be done about this. And so the first sentence of recommendation 5 is that "The use of the cold grenades for killing all whale species larger than minke whales should be prohibited." I think there was a general feeling that we should be looking at what are the killing procedures for minke whales and because of the

reluctance of some of the nations involved to carry out this kind of study that Professor Rowsell was indicating. I believe that the Commission should try to bring some pressure to improve the methods of killing of the smaller whales because of the inhumanity that's involved.

Chairman

Thank you. We don't have any proposals for a Schedule change to this effect, as I understand it, so I think all we can do is just to take note of what has been said and what has been recommended and we'll have to give it further consideration. Then I think we can endorse the rest of the recommendations contained in this paper on the same basis. Thank you. Can we proceed then to the next agenda item?

Mr. Mercer

Mr. Chairman the next agenda item is number 19. There is a recommendation from the Technical Committee with regard to prior review of scientific permits. We are proposing the addition of a new paragraph to Section VI of the Schedule. This paragraph is a fairly long one which is contained in the report of the Technical Committee. Do you wish me to read it in full? It is a Schedule amendment.

Prior review  
of Scientific  
Permits

Chairman

In the trust that everybody has got the paper in front of them I don't think it is necessary to read it all, and if I hear no objections I propose that we adopt this recommendation of the Technical Committee for Schedule amendment. Does Japan have any legal problems with such a Schedule amendment? I think that's recorded in the Technical Committee report. Japan.

Japan

Yes, we have the legal problems to have this incorporated in the Schedule. Since we are doing the same thing as provided in the Rules of Procedure as in the Scientific Committee, we still think that this Schedule amendment is not necessary.

Chairman

Thank you. This issue was voted on in the Technical Committee and in the light of what we have heard from Japan I guess that we'll have to proceed to a vote. A Schedule amendment needs three-quarter's majority votes in the Commission and if I hear no further comments I'll ask the Secretary to put the question and call the roll. Dr. Gambell.

Secretary

Mr. Chairman, the proposal before the plenary session is to insert an additional paragraph in Section VI of the Schedule, that is the section headed "Information required". This paragraph is written out in the Technical Committee report under plenary agenda item 19 and has the purpose of ensuring that scientific permits are reviewed by the Scientific Committee before a Contracting Government issues them.

Chairman

The Netherlands.

Netherlands

Thank you. Nobody asked for a vote Mr. Chairman. I don't think we need one really. The Commissioner from Japan has just stated that he thinks that the amendment isn't necessary. I understand that he could live with it. I haven't heard any other comments or a request for a vote. I propose that we ... Korea.

Chairman

Have you finished?

Netherlands

Yes, thank you.

Chairman

Thank you. Korea.

Korea

Thank you Mr. Chairman. We are willing to reject the recommendation.

Chairman

You are going to accept or reject?

Korea

Reject.

Chairman

Reject, so we have heard two countries saying that they cannot accept this recommendation. I think the proper thing to do is to put it to a vote, unless we want to abandon making this Schedule amendment.

Secretary

Mr. Chairman. The Schedule amendment requires a three-quarter's majority and the roll starts at Iceland, yes. Japan, no. Korea, no. Mexico, abstain. Netherlands, yes. New Zealand, yes. Norway, yes. Panama, ...

Panama

Could we ask what is the vote about?



Secretary

The proposal before the Commission is to insert into the Schedule Section VI - Information Required - the requirement for a Contracting Government to "provide the Secretariat with proposed scientific permits before they are issued in sufficient time to allow the Scientific Committee to review and comment on them. The proposed permits should specify:

- (a) objectives of the research;
- (b) number, sex, size and stock of the animals to be taken;
- (c) opportunities for participation in the research by scientists of other nations; and
- (d) possible effect on conservation of the stock.

"Proposed permits shall be reviewed and commented on by the Scientific Committee at Annual Meetings when possible. When permits would be granted prior to the next Annual Meeting, the Secretary shall send the proposed permits to members of the Scientific Committee by mail for their comment and review. Preliminary results of any research resulting from the permits should be made available at the next Annual Meeting of the Scientific Committee." That is the proposal.

Panama

Excuse me, and our vote is yes.

Secretary

Yes. Peru, pass. Seychelles, yes. South Africa, yes. Spain, abstain. Sweden, yes. USSR, no. UK, yes. USA, yes. Argentina, abstain. Australia, yes. Brazil, pass. Canada, yes.. Chile, abstain. Denmark, abstain. France, yes. Peru, no. Brazil, abstain. Iceland. Have we had Iceland? Iceland was the first one, sorry.

Mr. Chairman, there were 13 votes in favour and four against, so that is the necessary three-quarter's majority.

Chairman

Thank you. I take it then that we have disposed of this agenda item. Can we move to the next please? Chairman of the Technical Committee?

Mr. Mercer

Mr. Chairman, the next agenda item is item 20, prohibition of whaling by operations failing to supply all data stipulated. In the draft report of the Technical Committee there is a recommendation for a change in the Schedule to incorporate a paragraph which is contained on the bottom of the page. Do you wish me to read the paragraph in full?

No data  
No quota

Chairman

I don't think that's necessary. Everybody has got the paper I am sure. Please indicate if you don't. You propose that this Schedule amendment be adopted by the plenary.

Mr. Mercer

I so propose.

Chairman

Seconder? Netherlands, New Zealand. Any objections? Japan.

Japan

Yes, sorry, we are discussing on item 20, yes?

Chairman

Yes.

Japan

The proposal "It is forbidden to use" and so on and so on? Right?

Chairman

Yes, that is correct.

Japan

In which case I like to request a vote.

Chairman

We'll comply with that request. The United States.

USA

Mr. Chairman, briefly I would like to speak out in favour of this proposal. It is one that was discussed fully in the Technical Committee and therefore I think that all of its elements need not be reviewed. It basically provides that if data as required is not supplied then the entity which is not supplying it, not the country, but the entity - a catcher, a station - will not get a quota. As everyone here knows we have had some difficulty in some cases with not getting information from some who are involved in whaling. The Government of Japan happens to be one of them which is very good in providing that information and I think this Commission should commend it for that. I am sorry that it was unable to find this provision acceptable. Our original proposal was unacceptable to a number of countries - we made some changes so that it would become acceptable to them. Those changes include the fact that the requirement is that only for one year will the quota be denied, or not less than one year, rather; that only substantially all of the information need be provided; and further that the prohibition does not go into effect if the failure to submit the information was beyond the control of the factory ship, whale catcher or

land station. I think this is a very reasonable resolution and I encourage everyone to vote for it. Thank you.

Chairman

Thank you. Japan, Korea, and then Chile.

Japan

Well sir, it is very simple. Our objection is simply on the legal grounds. The Government of Japan will see to it despite the objection to this Schedule amendment, that all the information required under the Schedule continue to be provided to the International Whaling Convention. So I would like to make it very clear that our objection to this Schedule amendment is entirely on legal grounds.

Chairman.

Thank you Japan. Korea.

Korea

Thank you Mr. Chairman. The provision of information is one thing and the imposition of punitive measures is another. This Commission is going to be an organisation to legislate international law which affect domestic laws. As I previously intervened, we cannot accept this idea and the move; we cannot accept this motion to be included in the Schedule; we cannot accept the manner in which it is included and amended in the form of Schedule. Thank you Mr. Chairman.

Chairman

Thank you. Chile.

Chile

Mr. Chairman, we appreciate the efforts done by the

United States delegation to adopt this draft resolution amendment of the Schedule. I too agree the objections raised by a number of delegations. However, I would point to the very disturbing element that this and previous recommendations, and previous changes in the amendment like the one we have just passed, are introducing; upsetting the balance between those elements that exist in the Commission's authorities and on the other side the new concepts of the Law of the Sea which is now customary international law. It is from the point of view of the sovereign rights of the state, or the coastal state, that my Government cannot accept this amendment and objects most formally, and makes the most formal reservation to whatever decision may be taken on this matter. Thank you Mr. Chairman.

Chairman

Thank you. Are there more comments? If not... Argentina.

Argentina

Thank you Mr. Chairman. I would like also to make a statement concerning the programme, the national jurisdiction and particularly the Law of the Sea. We are always dealing with a matter which is in the age of some jurisdiction in international law. This is the reason my delegation like to state very formally as well, that any of the provisions we have taken in this way may affect the right of the state on his own waters and other provision of the Law of the Sea are considering an international law approved at the current moment. Thank you.

Chairman

Thank you. Any more comments? If not I'll ask the Secretary to put the question.- we have a proposal on the floor - and subsequently call the roll.

Secretary

Mr. Chairman, the proposal is to insert a new paragraph into the Schedule which appears in full at the bottom of first page of plenary agenda item 20 in the Technical Committee report, forbidding the use of whaling vessels for one year, which fail to provide the data required under Section VI of the Schedule. This is an amendment requiring a three-quarter's majority of the votes case. The roll starts at Japan, no. Korea, no. Mexico, pass. Netherlands, yes. New Zealand, yes. Norway, abstain. Panama, yes. Peru, no. Seychelles, yes. South Africa, abstain. Spain, abstain. Sweden, yes. USSR, later. UK, yes. USA, yes. Argentina, pass. Australia, yes. Brazil, no. Canada, yes. Chile, no. Denmark, abstain. France, yes. Iceland, yes. Mexico, abstain. USSR, no. Argentina, no.

Mr. Chairman there were 11 votes in favour and seven against, so that did not reach the three-quarter's majority necessary.

Chairman

So it means that we will not amend the Schedule to this effect and I believe that this has exhausted our deliberations on this agenda item. Can we move to the next? Chairman of the Technical Committee.

Mr. Mercer

Yes, Mr. Chairman. The next item, number 21, Revision of the Schedule by Lawyers. The Technical Committee received a comprehensive report from the Technical Committee Working Group. This report has been distributed. It is suggested by the Technical Committee that the report be accepted in the Commission and that comments from Contracting

Revision of  
the Schedule  
by lawyers

Governments should be invited during the coming year so that proposals may be debated at the next Annual Meeting. I so propose.

Chairman

Thank you. Seconder? Iceland can second this. I think we are all in agreement to adopt this recommendation. Argentina.

Argentina

This is 21st you are dealing with?

Chairman

21st, yes.

Argentina

Sorry.

Chairman

Do you have any difficulties with it, Argentina?

Argentina

I'd like to check two words, I'm sorry. It's all right everybody.

Chairman

Thank you. Next item please.

Mr. Mercer

Thank you. The next item is item 23 - New International Observer Scheme. The Technical Committee had a Working Group which convened to discuss this. The Working Group produced document IWC/31/5WG. This report contains a series of recommendations which were endorsed by the Technical Committee. These are to be found on page 5 of the Working Group report.

New Internal  
Observer  
Scheme

Chairman

I guess that people are reading the recommendations which are rather lengthy. I think the proper way of handling this, if the recommendations are acceptable to the Commission, then we would probably ask the Secretary to correspond with the Governments and inform them about these recommendations and ask them to comply with them. Chairman of the Technical Committee.

Mr. Mercer

Yes, Mr. Chairman. In looking at these recommendations contained in the Working Group report the plenary should also look at the draft Technical Committee report. There is a page that was circulated some time ago with the heading Plenary Agenda item 23 - New International Observer Scheme. This has one paragraph and there was a further circulation of additional material today which contained amendments to recommendations 4 and 7 as they were adopted by the Technical Committee.

Chairman

Can you please tell us what these recommendations are so everybody is clear.

Mr. Mercer

Do you wish me to go through them one by one?

Chairman

Yes please.

Mr. Mercer

The first one is "All whaling operations by Commission members should be subject to observation under the International Observer Scheme.

No. 2 ...



Chairman

I'm sorry, I don't think it is necessary at this late hour. Does everybody have the paper? I think so. If everybody is quite clear on what we are doing I think we can adopt them as a whole. Is there any other action required and to put this into our report and ask the Secretary to do the necessary correspondence.

Mr. Mercer

I think that is all that is required Mr. Chairman.

Chairman

Thank you, and I take it that we are all in agreement. Next item please.

Mr. Mercer

Mr. Chairman, that was item 23. That was the last item on our agenda, unless there are some pieces of document which are not yet available that we need to refer to in note form. Perhaps the Secretary could indicate which items are yet outstanding.

Chairman

What about agenda item 22 - Infractions. You established the Infractions Committee I believe and -

Mr. Mercer

That's correct Mr. Chairman. I overlooked a very lengthy report which we considered this afternoon. This is document number 31/10 and 31/11. There are a series of recommendations in document 10 on pages 2, 3, 4 and 5. The recommendation of the Technical Committee is that the Secretary act on these recommendations by writing the appropriate authorities involved. I recommend we proceed in this way.

Chairman

Thank you. Is that acceptable to everyone? I think it is. So we adopt these recommendations and the report of the Infractions Sub-committee. Thank you. I think this should finalise your report, Mr. Mercer.

Mr. Mercer

That's correct Mr. Chairman. I think that should finalise the report unless, as I indicated, there were some minor items which were only in note form and are not yet available in document. If the Secretary could verify that I would think that the report is now then complete.

Chairman

Mr. Secretary, can you verify this?

Secretary

Yes.

Chairman

Yes. So I thank you very much Mr. Mercer for so ably chairing the Technical Committee and for all the work you have done. It has been a very difficult meeting for you and we all appreciate very much the work you have done, and the Technical Committee, and I thank you.

We will now proceed to agenda item 24 - adoption of the Report of the Scientific Committee. The Chairman of the Technical Committee.

Mr. Mercer

Mr. Chairman, am I correct in my recollection that we may have missed one stock of whales, the minke whales off West Greenland.

Chairman

Pardon?

Mr. Mercer

Did we finish our discussion of the minke whale stock off West Greenland? That was one that was deferred.

Chairman

I think we did. Yes. I think we all agreed on a compromise proposal of 385 after we had two or three votes, in the plenary session. Yes, I think that's the case. So we can then adopt the report of the Scientific Committee? No difficulties there? It's a matter of formality mostly at this hour, but I would like to take the opportunity to thank the Chairman of the Scientific Committee and the Committee as a whole for the very valuable job they have been doing. They are the ones who work hardest of all during these weeks and I thank you all very much.

Adoption of  
Report of  
Scientific  
Committee

The adoption of the report of the Technical Committee can only be a partial adoption because we don't have all the report of the Technical Committee in writing. I think what we have done on similar occasions is to have the Secretary prepare the report, send it to the Chairman of the Technical Committee for approval, and then distribute it. So this is the way we'll do it. Thank you.

and  
Technical  
Committee

Agenda item 26 is a major agenda item - Finance and Administration and I would like to call upon the Chairman of the Finance and Administration Committee to report to us.

Finance and  
Adminis-  
tration

Dr. Aron

Mr. Chairman, members of the plenary. I'm sorry that we come to you so late at night, or so early in the morning, with a document which is both complex and very important. When you examine the agenda of the meeting you will note that there will be things that were charged to our Committee that, because of shortness of time, were not completely

covered. The Finance and Administration Committee was not really able to meet for the first time until I guess it was yesterday or the day before, I am a little bit unclear now. We met until fairly late at night. I would like to express my appreciation to all members of that Committee for their patience and dilligent work.

We reviewed the provisional budget provided to our Committee and to the members of the Commission by the Secretariat. The document I am speaking from now has just been handed out. It is IWC/31/13. We met with both Dr. Gambell and Mr. Harvey of the Secretariat, and we requested a meeting and Dr. Allen of the Scientific Committee reported to us on his plans, all of which were considered by the Finance and Administration Committee in the development of their report.

Review of  
Provisional  
Budget

I would like to highlight but a few things which we focussed on as having substantial importance. For those of you who pay attention to the provisional budget forecast and compare it to the document as before you, you will note that there are, what we feel are, substantial reductions. These reductions have taken place, in part because there has been more careful costing of some of the items. For example in the original proposal received from the Secretariat, the computer services facility would cost £77,000. In working with the Secretariat and the Scientific Committee we now have what we feel is a more correct estimate of £35,000. We have also eliminated from consideration a number of meetings that the Scientific Committee or Technical Committee felt were unnecessary, or not absolutely essential. We did take what we think is a fairly hard line on trying to establish a very tight budget

in view of the fact that even with extreme scrutiny it is clear that the budget must go up if the Commission is to have the services which it seems to require for conducting its business.

We did recommend, as you will note, that the addition of a new member to the Secretariat be deleted. We made this recommendation with considerable reluctance because it will mean, if followed, that the chance of having the Annual Report, which contains the scientific documents from that meeting will not be ready, or probably will not be ready, on time for the following meeting. The members of the Committee, however, with some reservations expressed by the delegate from the United States, agreed to this deletion because of the grave concern for increases in staff size and concomitant budgetary increases that such staffing would require.

We made, I think, considerable reductions in costs of travel and costs of minor elements of office equipment. We do not make any recommendation for changes in the section dealing with publications.

One of the biggest causes of concern and costs are the costs of the Annual Meeting. The Committee worked closely with the Secretary and the costs come really from a number of different factors.

Annual  
Meeting  
Costs

One - it is difficult and expensive to hold a meeting in London. It is difficult and expensive to hold a meeting of the size that the Commission currently requires. With the addition of new members, a very strong interest of observer groups, both from non-governmental and inter-governmental organizations, and other representatives, the Secretariat

has felt compelled to go to larger and larger meeting halls with substantial increase in costs. The fact that the meeting is held in London contributes also to the substantial cost, and the Secretary has indicated that these costs could perhaps be cut as much as 50 per cent if the Commission could agree to meet in the UK but some place outside of London. We discussed this problem because it may generate some difficulty for those Commissioners who work closely with embassies. I think that a decision of plenary which must be passed to the Secretariat is a recommendation dealing with the Commissioners' desire or need to meet in London or a willingness to meet outside of London, some place within the United Kingdom. Obviously another substantial way of reducing costs is for a member nation to host a meeting. To the best of our knowledge no such invitations have been received for the next Annual Meeting; in the absence of such invitation the next Annual Meeting will be held some place in the United Kingdom.

As a technique of reducing costs of the Annual Meeting the Danish Commissioner submitted a document, IWC/31/17 which involves the charging of seat fees with several different combinations that were considered both for delegations of very large size, for all members of delegations, and for observers. This proposal was reviewed very carefully by our Committee and was rejected. The Committee recommended that the proposal should not be considered. At the same time a representative of the United States, Mr. Al Mark, who is a Press Adviser, did outline to the Committee his perception of difficulties that the Press encountered in covering this meeting, and at the consideration of his report which is attached as Appendix C to our Finance and Admini-

stration report, the Committee recommends for consideration to the Commission that a press officer be designated, possibly the Chairman or the Vice-Chairman of the Commission who could meet briefly each day with members of the Press and explain to them what happened during the day.

We find the Press has grown increasingly interested in Commission activities and I would commend to your attention the comments in Appendix C of our report.

We did examine very carefully a number of special meetings that were suggested by both the Scientific Committee and also by the Technical Committee. These are covered in the report. I do not expect to discuss these in detail except on your request. It does appear that one meeting which is in our budget which, based upon the action which took place this evening, may not be necessary in fact - there are two meetings.- a special meeting on sperm whale, and a Special Commission Meeting on sperm whales, which might have been required had we been unable to reach quota determinations for the North Pacific. It appears to me that those meetings are no longer required and if that is the case we can delete £22,000 from the budget.

We did have a long, and I think important, discussion about a major costing item - the need for a computer facility. The Secretary carefully pointed out that it should be possible for member Governments to provide the necessary computer capacity to allow, without substantial additional cost, the Scientific Committee to function effectively. I asked the Secretary to discuss this view with the Scientific Committee which he did, The Scientific Committee, on due consideration, came back with a very strong

recommendation and a sense of need for such a facility. The Finance and Administration Committee has accordingly recommended to the Commission that £35,000 be provided to cover the cost of that facility. I think it is the view of the Committee that the importance of the Scientific Committee in the actions of this Commission are such that we must provide the support they need to function properly.

Provision  
of  
Computer

We did look at a number of different budget possibilities which are attached to Appendix B of this document. Now there are several comments which I would like to make at this point. One is that if member nations are able to pay their contributions at an early time it will be of substantial benefit to the Commission in view of the interest that could accrue from such early contributions. Two - the Secretariat pointed out that both from a cost point of view and from a point of view of having the best opportunity to select an excellent meeting site it would be desirable to schedule meetings two years in advance. At this point in time we do not know exactly where next year's meeting is to be held. This year's meeting presented special difficulties, particularly in terms of security and the Finance and Administration Committee did commend the Secretariat and recommends to the Commission that they provide for such commendation for the excellence of arrangements and I think the fine job that was done in terms of security.

By trusting to express a summary of the views I would just read directly from page 6 the views of the Committee.

"The Committee also noted with grave concern that the Government of Panama is in arrears of its national contribution for two years and recommends that the Commission consider whether a provision for sanctions in such instances could usefully be added to the 1946 Convention."



This is a problem as our budget situation is grave, it is important that member nations meet their contributions.

The three budgets which are shown in Appendix B are for all intents and purposes the same budget. They differ only in reductions of the contingency fund, and in removal of the item associated with a doubtful debt provision. I think these numbers, which range from contributions of £321,000 down to £283,000 could be reduced by the additional twenty or so thousand pounds that we gain by not having to hold a Special Scientific or a Special Commission Meeting. The cost, however, clearly remains very high. We have attached the anticipated fees for member nations for each of the three budgets that are suggested. These numbers would of course be reduced accordingly when we eliminate the £20,000 for the un-needed meetings. The big difference between the three, as I said, is associated with the contingency funds and what you are seeing is restricting the amount of flexibility of the Secretariat and reducing his ability to handle emergencies if we in fact reduce the contingency section of the document.

I think this covers the highlights of the report with one exception. The United States in its concern for some of the uncertainties associated with the budget process and recognising the problem that many member nations face with their financial ministries, suggested a somewhat different approach to funding the Commission. This approach would result in having a combination of a flat membership fee, flat fees for areas of interest, and then a pro-rated fee in association with actual catches of whales. The scheme proposed by the United States included a £5,000 membership fee which would be paid by all members, a £3,000 area fee with the remainder

US proposal  
on method of  
calculating  
contribution:

pro-rated on the basis of whale catches. In view of the very short time for typing we were unable to include, for your consideration, tables showing the consequences of this approach. The United States, however, made it clear in our Committee meeting that those kinds of numbers could be juggled in an effort to obtain appropriate equity to the members of the Commission. The main idea was to try to provide some predictive capability to Commission members.

I would make a few additional comments about this report. One - I must confess to all of the Commission, that the members of the Committee have not had an opportunity to read the final report in the final draft and if any of them here find it necessary to suggest changes of specific words, or even of substance, I would appreciate their comments first, either directly or through their Commissioners. I think there was a sense expressed by many members of the Committee of the rising costs of the Commission and how it affects them, and I think that your Finance and Administration Committee did attempt to work in a very conservative way.

We did look at the budget for next year but we did not have the time to look at it in any depth or detail except to note that it is slightly less than the proposed budget for this year. We do think that we have probably reached a point of levelling out of expenses unless of course the Commission decides that it wishes to do more. The Secretariat is operating, I think, at the peak of its capacity. I think it will be unable to do more than they are presently doing without additional support. I think I would be pleased, as I'm sure other members of our Committee would be to answer any questions which this report provides. Thank you.

Chairman

Thank you, Dr. Aron. Before we proceed to the recommendation or find if we can adopt the recommendations of the Finance Committee and the budget, I open the floor for discussion of the report. Australia.

Australia

Mr. Chairman. The policy of Australia is to fully support the IWC and we would also wish to pay whatever dues it is determined that we should pay and I would like to commend the Finance and Administration Committee who, I believe, have done a remarkably good job in a relatively short time. There is, however, just one question - and I'm only really seeking information - and I want it clearly understood this is no way meaning that we would not wish to pay our fees, we would wish to pay them fully - but I just can't understand quite the figures at the last table. I notice that Australia as a small non-whaling nation is fourth highest on the list. So, for example, if we take series C, option C, Australia - a non-whaling nation of thirteen and a half million - is paying £13,362 whereas the USA - a whaling nation of 200 million people is only paying £12,795. This is a complete puzzle to me how you get at those figures.

Dr. Aron

If I can answer and request the help perhaps of Mr. Harvey, I do believe that Australia has been caught not so much by their future in this case, as by their past. I think what we see here is a cost which reflects the fact that at one time, not terribly long ago, Australia was a whaling nation, and I think that these additional costs are a reflection of the previous year's catch. I think you will reap

the benefits of your new policy in subsequent years, and I suspect your costs will drop somewhat below those of the United States.

Chairman

Thank you. Any more comments? France.

France

Thank you Mr. Chairman. I would like at this stage to make a few comments about this paper. First, the French delegation has in fact a very great concern about the rising cost and the rising budget prepared. I know in fact its not trouble for the Secretariat because the Secretariat has all the papers from us, from all the delegation, from reports of Scientific Committee and so on, and from the policy of the Commission, but this delegation has in fact a very great concern about, before the saving we have made, a quite doubling budget for the next year, and at this time we are very, very worried about this question, because we know through the figures the different lines, the different needs, but it is necessary to cut. We have made a good work I suppose for the Commission and through this administrative Committee but the French delegation express its reserve about the amount of the budget after the saving. Thank you, Mr. Chairman.

Chairman

Thank you. Mexico.

Mexico

Thank you, Mr. Chairman. I share the views expressed by the French Commissioner, and on this matter I would like to state that I am not prepared to agree any commitment to increase contributions. For this

reason I want to reserve the right of my country on this matter and I will appreciate that that was said, be included in the final report. Thank you Mr. Chairman.

Chairman

Thank you. Brazil.

Brazil

Thank you Mr. Chairman. I wish to say something on the same lines as my colleagues who preceded me in this debate. The Brazilian delegation is also very much concerned with the increase, the progressive increase in the budgets of the organisation, and we believe that we should do our best to keep this as low as possible. For instance, if we consider computer facilities for instance, which are being envisaged at this moment for the Commission, we believe that it doesn't prove much, it should be left on a voluntary basis. Countries which can afford that would provide the necessary funds for that and the ones who disagree - I mean, not with the idea of having computers but are not in the same financial position, would be entitled not to participate. Thank you very much.

Chairman

Thank you. Peru.

Peru

Panama

Chairman

Panama, sorry. Panama.

Panama

Mr. Chairman, just to say that we have already made

the necessary arrangement and I can inform you that the contribution of the Government of Panama which is in the arrears, will be settled shortly. Thank you.

Chairman

Thank you, Panama. United Kingdom.

United Kingdom

Thank you Mr. Chairman. I'd like to formally put on record that we believe that every effort should be made to pare down the budget of the IWC in the sense that it seems to be growing very rapidly, and is something which has to be looked at very carefully before we look at increased costs, but I recognise that the Finance and Administration Committee has done its very best to remove as many items which it considers to be superfluous and I also must say that I believe that unless the International Whaling Commission provides itself of the proper facilities for the use of the Scientific Committee in its work - which I think has reached the stage where the Scientific Committee has found its burden almost too great - then we, as Commissioners, will be finding ourselves in the position where we will be not getting the advice which we expect from the Scientific Committee.

I would like to ask a point of information from the Chairman of the Working Group, if that's possible. The figures in the tables are of course now wrong at the back because these were now calculated on the basis of a number of items being included - could we have some indication as to how these figures might be reduced. Would it be of the order of say 2%. Can we give some rough idea, or it may be an impossible calculation? It may be helpful to delegates in deciding how they should consider this budget. Thank you.

Dr. Aron

I think that the reduction is reasonably straightforward. We are talking about eliminating £22,000 from the budgets - this simply means reducing each of your payments proportionately depending which, if any, of the three budget options you select, but it does appear that the £22,000 is roughly seven or eight per cent reduction from the total budget, and I think that one could reduce individual member nation contributions accordingly. I think that Mr. Harvey and the Secretariat will be able to prepare in a reasonably short time, corrected versions of this, recognising of course that they now face a very difficult logistic problem of cleaning up, re-assembling their equipment, moving it to Cambridge, and trying very hard to complete all of the work which the termination of this meeting produces for them.

Chairman

Thank you. Argentina.

Argentina

Thank you very much Mr. Chairman. I would like also to share the worries of other - previous delegations have made, but I think we are in a stage, not only for their work, but only for our feeling, to wait a little bit. This is the reason I am thinking really to check the other delegation about some proposal I have to make.

The first one would be to consider here in the Commission the recommendation on page 6 about renting a computer. You said here the Committee recommends and it seems not all countries are agreeing with that. And it is my first proposal to consult other

delegations if they are in favour or not to rent the computer.

The second point will be ask the Danish delegation, which idea is quite original if I can say, to study a little further its proposal, and even the Commission could ask the Danish delegate to go along with that next year.

The third one would be concerning the proposal of the United States delegation on page 3, 6 I'm sorry, at the bottom, to modify some words - the last recommendation of the Committee - put in, "and provide if possible a complete proposal on it to the Secretary so that it can be considered at the next Annual Meeting".

Afterward, if you think it will be useful I will repeat all of them.

Finally, I have to reserve my position about the budget and I'm afraid I can't accept at this moment any increase of the budget concerning or referring to the last one. Thank you very much Mr. Chairman.

Chairman

Thank you. Denmark.

Denmark

Thank you, Mr. Chairman. In light of the late hour I think I will not pursue my idea about seat fee this time. However, I must point out Mr. Chairman that the reason why, that I made a similar statement in the Tokyo meeting, because of the late hour the Finance and Administration Committee came to us. I am pleased to hear that Argentina does see some unusual advantages in the Danish proposal, that is because Argentina is a newcomer certainly, and all Danish proposals have unusual advantages, and I should be most happy to put it forward next year.



I think the Argentinian delegate asked me to consider the proposal once more. I have the opposite feeling. I would ask the delegations and governments to consider the proposal until next year. It is obvious that the principle is that those who are the reason for the cost should pay - that's quite simple. Small delegations should pay less than big delegations. I think the majority of this Commission consists of small delegations and if I am not misinformed such adoption of such a proposal does require only simple majority, so I can look forward to a happy, hopefully, discussion next year and I would urge that this proposal be taken up separately from this Finance and Administration Committee next year so that we can have time to discuss it before 12 o'clock in the evening.

Having made these remarks, Mr. Chairman, and I would like them to be reflected certainly in the report, I have a question about the computer facility. We feel very strongly that these facilities should be coming into effect, and we did make a proposal in Tokyo to that effect, and I am not quite sure what the paragraph under the heading on page 5 - computer facility - really involves. There is something about Contracting Government could give some money to that but it is unclear to me whether or not Governments have indicated that they are willing to give such money so that the computer really can come into effect to the extent which is possible, and not only possible, but necessary.

Having asked this question I will just draw the attention to page 2 - the next but last paragraph, the last lines where our Secretary, Dr. Gambell, even we know how very much he has to do, indicated that he

wished to keep the Secretariat as small as possible. I think this adds even more to the respect we have to pay to Dr. Gambell. It is quite remarkable, I would have asked for ten more people.

Thank you Mr. Chairman, if I could have information about the question about the computer facility. Thank you.

Chairman

Thank you. Dr. Aron.

Dr. Aron

Mr. Chairman, I would like to answer the question in two parts. For the second part I would like to refer to the Chairman of the Scientific Committee, who I would hope will provide you some information about an addendum to the Scientific Committee report, IWC/31/4, but before that I would point out to the Commissioner from Denmark that if one examines page 5 it was only a suggestion that individual nations might themselves provide the computer analysis which the Scientific Committee requires. That possibility was discussed within the Finance and Administration Committee and I think it was generally agreed on within that Committee, particularly after hearing from the Scientific Committee itself, that this was not a valid proposal in terms of meeting the needs of the Committee. With that I would like to turn the floor, with the permission of the Chairman, to the Chairman of the Scientific Committee to receive his comments, and explanations.

Chairman

Dr. Allen

Dr. Allen

Thank you, Mr. Chairman. The Scientific Committee as you know, early in its proceedings this year, did consider and make a strong recommendation with regard to the need for a computer facility to enable it to do its work in the manner it believed was necessary to meet the Commission's requirements. However, this morning it discussed the matter again in view of the advice it received regarding the financial problems facing the Commission and I think I cannot do better than read the fairly brief statement which it drafted on this occasion.

"The Committee reviewed the need for the Commission to operate its own computer system. While it is true that analysis can continue to be undertaken by a few national groups which can also assemble partial data banks, it will be impossible for the Committee to examine the results of the analysis critically, or to examine the data in a detailed and comprehensive manner unless there is a computer system containing a consolidated data base available to the Committee at its meetings. Without this the Committee's work will revert to the method and level of several years ago, when all it could do was to debate the merits of national reports. This would mean that any improvement in the quality of advice given to the Commission would become impossible. The Committee therefore advises the Commission, in the strongest possible terms, that if it wishes to continue to try to base its actions on the basis of scientific knowledge of the conditions and likely reactions of the stocks it is absolutely essential that it sets up its own computer system as proposed."

This, sir was a very carefully considered statement by the Scientific Committee.

Chairman

Thank you. South Africa, and Australia.

South Africa

Mr. Chairman. It is not clear to me whether the computer facility will require extra staff and whether this is reflected in the budget, because I presume that somebody will have to operate this computer or is the current staffing sufficient to do this.

Chairman

I think both Dr. Allen and Dr. Aron are anxious to answer this question.

Dr. Allen

Thank you Mr. Chairman. Yes, in fact the key to the whole operation as we see it is the employment by the Commission of a highly qualified man, whose job it will be to set up and operate this system and carry out the analysis which the Commission requires. The proposal is that the Commission would rent time on the Cambridge University computer centre facilities and that is where the actual work would be done. The Commission would only need a minimal hardware of its own, probably a fairly small terminal in its office. Our consultations with the computer centre people and our analysis of the work required indicate very clearly that we want a really good man for this job and therefore his salary is quite a significant component of the cost of the operation. It will also, the first year, be necessary for him to undertake a considerable amount of travel because he will have to visit most of the major centres where analytical work is being carried on or where data is being stored, so that he can identify in very

great detail what is required in the way of programmes and so on, and what data there is which can and should be incorporated into the system. He will obviously have to spend quite a lot of time with our associates at Sandefjord and looking at what is in the Bureau there because a great part, if not all of this, should very rapidly be incorporated into the system. He also certainly will have to visit the United States and Australia, which are the other two major countries in which we have at the present time, substantial amounts of data in storage and considerable programme development.

The travel aspects of the budget will probably be smaller in subsequent years. There will probably be a small requirement for assistance, probably only on a part-time basis, and that would be a relatively lowly paid position but, returning to the specific question, yes the employment of a person is absolutely essential. It is the key part of the whole proposal.

#### Chairman

I understand that the costs of the computer man and his assistant and his travels are covered by the budget we have in front of us. May I as Icelandic Commissioner make just a few remarks. We, of course do appreciate that the costs have to be met some way or another and I think that what's been proposed by the Finance and Administration Committee is reasonable and we think that we should have this computer facility and we think that all the costs they are anticipating are costs that can hardly be avoided. We are, however, finding it increasingly difficult to find the money in Iceland. We heard the Australian Commissioner make some kind of comparison of the *per capita* contribution of his country and the United States.

I draw your attention to the fact that every Icelandic tax payer is paying approximately 2,000 times more than a US tax payer and when we are talking about figures in the neighbourhood of £10,000 this is quite a heavy burden. I must say that I cannot promise that we will find the money - we will do our best - and that's all I can say at this stage. There is one comment I would also like to make and this is regarding the method of allocation. We are still using the whale catches as an element in our contributions. We find it rather difficult to accept because we think that all the members of this Commission have equal interests in being members. I'm being told that in some countries there is considerable amount of money involved in sight-seeings and all kinds of whale projects and I think that these countries have equal or at least some monetary interest also in whales, and on top of that I think that the interests of protecting the whales should be put on the same level as harvesting them when we come to contributions. So this is an element of allocating the contributions that we are having great difficulties in accepting and we hope that in the near future we will reconsider this element. I also want to support the idea advanced by the Danish Commissioner for a seat fee. I think this is a very reasonable method. We know that there are many observers - I think there are observers from some 57 or 8 different organisations, and countries. We have to provide the facilities for these people and this is of course making the Annual Meetings a lot more expensive than they would otherwise be, and in actual fact of course the member countries are paying the costs that are necessarily involved because of these observers and I think it is only fair that the observers should pay also,

and contribute to the costs that are involved because of their attendance, and on top of that countries which can afford to send big delegations should be able to afford to pay a little more than countries that cannot afford to send big delegations. My country would have liked to send an alternative Commissioner but we couldn't afford it.

The final point I want to make is about the recommendation of a daily press conference given by the Chairman or the Vice-Chairman of the Commission. This is the first time I hear this and I haven't had any time to reflect on it. My first impression is that it might be difficult to promise to have a daily press conference. I would like to get the views of the Vice-Chairman on this point. This is all I want to say at the moment. Thank you. Australia.

#### Australia

Mr. Chairman, various comments have been made about the cost of the computers and I was glad to hear these because I should have drawn attention to the Commissioners that by and large Australia alone has been paying that bill for the last three years, and I think why we are having this sudden increase is not the fault of the Finance and Administration Committee it is the fact that Australia now believes that other members should pay a relative proportion of that cost. We have been, and there is much hidden in that in terms of employment of Dr. Allen, Dr. Kirkwood and so on, and I think if we really want the kind of information that we all believe we need then we should be willing to foot the bill as individual countries.

The other point is that the Danish Commissioner has pointed out the need to revise the dues and you know

he has taken one sort of basis and this is a very, very complex thing actually, it is not as simple as that. I'd like to point out to him that he is more fortunate than us in the Southern Hemisphere. Apart from a little island to the south, or some little islands to the south of Australia that go under the name of New Zealand, we probably have to pay far more money to travel here than any other delegation, and there is also the problem of the distance travelled. Now, I don't want to get into an argument about how we do this, but I would like to reiterate that Australia is willing to pay whatever is appropriate but we do believe that what the Danish Commissioner is suggesting does need looking at very carefully and I would suggest that arrangements be made at the next Annual Meeting to look at this matter very carefully to come up with some kind of reasonable suggestion which we can all accept. I also believe that we have got to be very conscious that the whole nature of the IWC is beginning to change. The Chairman of the Finance and Administration Committee, for example, pointed out that Australia could look forward perhaps to a reduction of fees next year because of the abandonment of whaling and we have made various decisions which are going to affect this whole pattern of dues, and so I think at the same time we are going to be looking to the future a little bit. So I think there really is a need for very careful and very fair study to make sure that, you know, all the different things are taken into account. I don't know what the formula will be, I don't think we can resolve that here.

And finally, I believe, the Finance and Administration Committee have done a very fine job. I think they had almost an impossible task and I believe we should go ahead now and agree one of these figures in principle. If you want a motion I'll suggest that we take the middle figure - B.



Chairman

Thank you. United Kingdom and Chile.

United Kingdom

I will second the Australian proposal.

Chairman

Thank you. Chile.

Chile

Very briefly, Mr. Chairman, to say that I share the concern expressed by some delegations about the great increase in the estimated budget and also the ideas and questions put forth by the Commissioner of Argentina, particularly on the subject of the computer. Thank you, Mr. Chairman.

Chairman

Thank you. If there are no more comments we have a proposal that we adopt the proposed middle column figure from the Finance Committee of - sorry Argentina.

Argentina

I'm afraid that you have more than one proposal I'm sorry.

Chairman

Pardon

Argentina

I'm afraid you have more than one proposal at this moment.

Chairman

With regard to the budget itself?

Argentina

Yes.

Chairman

Do you mean that you haven't got a proper answer to your question how many people don't want to pay for the computer, or do we have another proposal that you were referring to? Is it the computer.

Argentina

Sorry, Mr. Chairman, perhaps my English is not so fluent. I misunderstood it myself. I made three proposals. The first one is considering not to use this year, the computer, and in this way to modify the report the Financial Committee put in page 3, - 6 - fourth line after the Committee recommends put "to study the feasibility for the next year that the computer facility be established" and so on. It is clear that will affect the budget and this is the reason I think you have to consider that first.

The second one, Mr. Chairman was concerning the proposal of the United States, and I would like to propose in the last paragraph of the same page, 6, put "therefore the Committee recommends that the Commission urge Contracting Governments to review this proposal and provide, if possible, a concrete proposal," (delete 'comments') "on it to the Secretary so that it can be considered" (delete 'more thoroughly' and so on). This is the second one. Thank you Mr. Chairman.

Chairman

Thank you, Argentina. Yes, the Chairman of the Finance Committee.

Dr. Aron

I think there's just some minor confusion. I think that the report of the Finance and Administration Committee probably cannot be amended by the plenary. I think that what must happen is that plenary makes a recommendation based upon the comments of the report. I think it is perfectly appropriate for the plenary session to recommend that the United States or another country takes some action but I don't think we can modify this report on the floor of plenary. This is a report of the Finance and Administration Committee, it is not a report of the plenary.

Chairman

Thank you. Argentina.

Argentina

Thank you Mr. Chairman. I'm afraid perhaps I am wrong but I would like to be clarified in the same way. If this document, we can't modify, does it mean we have to approve it on the whole without taking any part in disagreement? This is the conclusion.

Chairman

No. This is not what was meant by the Chairman of the Finance Committee I am sure.

Dr. Aron

I think there are a series of recommendations in this report and the plenary can accept or reject any or all of them and treat them individually. Some of the recommendations are not related to one another at all. We do have to decide at this group, among other things, where you would like to hold a meeting, if it must be in the UK. We have not treated that

at all. There may be some very strong views in this group as to whether or not you would wish to meet in London or could meet outside of London, with appropriate cost savings. It is certainly appropriate to this group to review any item of the budget, the computer, travel, salaries, and recommend rejection, deletion, reduction, expansion, or you can treat it in any way which is appropriate to your delegation sir.

Chairman

Thank you for your explanation, Dr. Aron. I think you are quite right. Brazil and then Canada.

Brazil

Thank you very much Mr. Chairman.. I just wish to say that I couldn't agree more with the delegate from Argentina. So we not only second what he has just put forward but we wish to express very clearly the reservations of the Brazilian delegation about this part of the report. Thank you very much.

Canada

Thank you Mr. Chairman. I would like to be very brief. It is now ten minutes to three. Canada has pointed out before that we do support establishing the computer facility this year. In our intervention concerning the moratorium issue we raised this point. The recommendation from the Scientific Committee is very, very clear in terms of the need for the facility; we think we should support it. We have a proposal on the floor as I understand it that has been seconded to adopt a budget figure which I would take to be that in the middle column on the last page. I suggest that we have had a fair discussion of this item now and it might be appropriate for us to vote on the figure. Those members who have to express

reservations for various reasons, of course can do so, but we should adopt some figure, hopefully before noon tomorrow when we have to leave the room.

Chairman

Thank you. What about press conferences. Do you care to comment on that?

Canada

On that, very briefly, Mr. Chairman, I would appreciate, have appreciated, the time to see my delegation at some point during the week. Seeing the press would come second to that, although the concern that is expressed in the document, passed out by the US, is a real one and I think we should try to accommodate the press as best we can in terms of meeting with them, but I certainly share your concern in terms of making a commitment to hold briefings at any particular times. It becomes a very difficult thing to do.

Chairman

If we deal with that one first. Can the Commission agree that the Chairman and the Vice-Chairman do their best and not commit them to have a daily press conference. I hope you can. Thank you. I think we should then try to focus on the problems we have and eventually on the figures we'll end up with as the budget. We have a proposal, yes that's true, for the middle column to be adopted. We also have a proposal that we don't take the advice of the Finance Committee to implement the computer facility in the next year and that proposal has also been seconded. It will have a bearing on the figures that we will be agreeing on and I think we might as well start on finding out if we want indeed to have the computer or not. Is that agreeable to the Commission that we first test

the feeling of the Commission if we want the computer or not. There is substantial money involved and I think we will have to do this by polling the members. I don't see that there is any more discussion forthcoming and I'll ask the Secretary to poll the members in order to find out if we want the computer facility this year or let it wait. I don't think we'll have to have the exact wording but it has been proposed by the Finance Committee that we provide the funds for a computer facility and this proposal has been amended or there has been an amendment proposal that we postpone this for a year.

Secretary

Mr. Chairman the subject under debate is an amendment to the Technical Committee proposal - Finance Committee proposal - the amendment is by Argentina, seconded by Brazil, that there should be a delay of one year in going ahead with the computer facility.

Chairman

Argentina

Argentina

I'm sorry again Mr. Chairman but I said to consider next year to rent a computer.

Chairman

Yes, this is what we actually meant. Didn't put it quite clearly.

Argentina

To delay it. To delay the decision.

Chairman

Yes.

Secretary

The proposal Mr. Chairman is to delay consideration of the computer until next year. In other words there will be no computer this year. I'm concerned that if you vote 'yes' you might be voting 'no', so the amendment is for no computer this year. So if you vote 'yes' there is no computer. This is silly isn't it.

Chairman

Let's make it simple and just put the question in the simple way and say do you want a computer or not.

Secretary

Yes, this is my worry, Mr. Chairman, because of the backwards way of doing it. Right we all understand what we are voting for. 'Yes' for the computer this year. 'No', the consideration of the computer will be delayed until next year. If you want the computer this year, you vote 'yes'. If you want the delay which is your amendment [Argentina] you vote 'no'.

Argentina

I'm sorry this is not right. Psychological pressure.

Chairman

Yes, the Chairman of the Finance Committee.

Dr. Aron

I think that aside from the misunderstanding of the planned vote, I think there are several things that should be pointed out to the Commission. One it is not my understanding that the Commission is buying or renting a computer. What it is doing is formalising internally the development of the capacity to use existing computers. Two - and I think that the

distinguished Commissioner from Australia was perhaps more kind than he should have been. The Commission has lived during the past several years on the basis of Australia providing an outstanding young scientist, Geoff Kirkwood. In his absence I rather think the Scientific Committee might not have been able to function. I am not sure that the Government of Australia will be able to continue to provide Dr. Kirkwood's services and it is not a simple matter of eliminating an item from the budget. I think that, at this stage, such elimination may, and I would be very pleased for the comments of Dr. Allen or Professor Ovington, but I think that such a deletion from the budget will have a very severe impact on the work of the Scientific Committee. It can not even be "business as usual".

Chairman

Thank you. Nobody seems to care to comment so I think we will have to proceed with this, and find out if we want to allocate this sum of money to this purpose.

Secretary

I am not at my best, Mr. Chairman.

Chairman

Nobody is!

Secretary

We are voting "yes" to have the computer facility within the Commission this year.

Argentina

If I propose an amendment you've got to say "yes" or "no" to the amendment. Is this right?



Chairman

You are right. Yes.

Argentina

Yes. Then I propose an amendment and if the people or delegates are agreeing with my amendment they have to say "yes". And I like to emphasise I am not against the computer, just a delay of one year to use it in the way of expensive way. This is the reason I would like to emphasise. If we really like to be serious I have to be serious. I propose quite clearly, and I think, even though my English not so fluently, I can say I was quite clear, and I propose again, if somebody didn't understand me, that I propose to delay one year the renting of the computer, attending that the budget is very high for many countries. This is the only amending I just proposing and if the delegates are agreeing with that they have to say "yes", otherwise they have to oppose. Thank you.

Chairman

Thank you, your point is well taken and you are of course quite correct and your English is very good and we don't have to misunderstand it at all. We were trying to simplify matters but sometimes it makes them just more confusing. So I'll ask the Secretary to put the question in the way suggested by the Commissioner from Argentina which is the correct way of doing it.

Secretary

Mr. Chairman the Argentine delegate, seconded by Brazil, has proposed an amendment to the Finance Committee proposal to the effect that there should

be a delay in considering setting up a computer facility, for one year. The amendment is for the delay. The roll starts at Korea, abstain. Mexico, yes. Netherlands.

Netherlands

I'm sorry Mr. Secretary I lost track. I don't want the delay.

Secretary

So you vote no.

Netherlands

OK, no.

Secretary

New Zealand, no. Norway, no. Panama, no.  
Peru, absent. Seychelles, yes. South Africa, no.  
Spain, abstain. Sweden, no. USSR, yes. UK, no.  
USA, no. Argentina, yes. Australia, no. Brazil,  
yes. Canada, no. Chile, yes. Denmark, no.  
France, yes. Iceland, no. Japan, no.

Mr. Chairman there were seven votes in favour and 14 against, so the amendment loses.

Chairman

Thank you.

Secretary

Can I just repeat that. Seven votes in favour and 13 votes against.

Chairman

As I understand it the other two proposals put forward by Argentina, do not have impact on the actual amounts of the budget so if you agree I

propose that we proceed to vote or come to a conclusion on what amounts will be in the budget for the coming year.

Argentina

Thank you, Mr. Chairman, I think you are correctly interpreting my proposal, the other one. The only doubt I have, if we are not feeling enough here to accept some kind of strong recommendation in order to implement next year the proposal of the United States about to consider a flat rate and other system of the payment of contributions, but if I am not see here many countries in this way I can't insist.

Chairman

Thank you. We've had a proposal for the figure of £298,950 with the reduction of amount near to £22,000?

N.B. The figure of £298,950 is the amount required in contributions. The total budget is £320,250.

Dr. Aron

£22,000 Mr. Chairman

Chairman

£22,000. Are there any more comments or do we agree or do you wish to have a vote on this figure. If nobody asks for a vote I take it that we can accept this figure for our budget and the allocations that go with it. Denmark.

Denmark

I'm sorry Mr. Chairman, I didn't understand. If we reduce the budget by some £20,000 what will then not be done?

Chairman

The Chairman of the Finance Committee.

Dr. Aron

At the time the Finance and Administration Committee met, Mr. Lemche, there appeared to be a possibility of a need for a Special Meeting, both of the Scientific Committee and the Commission on sperm whales. I think the fact that the Commission has decided on quotas for the North Pacific obviates such a need.

Chairman

Thank you for this explanation. And if nobody asks for a vote I take it that we agree that these figures... France.

France

Thank you Mr. Chairman. Even if the second figure is agreed by the Committee I would stress again the reserve of the French delegation and I would like to have this reserve in the report.

Chairman

Thank you. Chile.

Chile

The same, Mr. Chairman.

Chairman.

The same. Argentina, the same? Mexico, Brazil. Several reservations. Iceland also makes the reservation that they adopt this subject to finding the necessary funds.

Thank you, I think we have then adopted, don't you agree.

Dr. Aron

The budget, yes we have.

Adoption  
of budget

Chairman

Then we come to the recommendations. I'd like to look at them as a whole and I'll just be asking for amendment proposals to the recommendations. We have already had two from Argentina and I wonder if there are more amendment proposals forthcoming. If not, we'll deal with the two Argentinian proposals. We've already agreed on the press conference things. The Chairman of the Finance Committee.

Dr. Aron

I think perhaps the most important direction you can provide to the Secretariat, Mr. Chairman would be a sense of this meeting regarding the venue of next year's session. There will be apparently potential for substantial cost savings if the meeting could be held outside of London.

Venue of  
Annual  
Meeting

Chairman

What does the meeting think about this. Are Commissioners prepared to meet outside London. As I understand it there are facilities elsewhere in this country. France.

France

Thank you Mr. Chairman. The French delegation if the Secretariat is able to finding the accommodation would like to support the meeting outside London.

Chairman

Thank you. Do we all agree to hold the Meeting outside London next year. I see people nodding their heads and I think there is a consensus here. So if nobody objects to looking for a meeting place outside London next year, I take it that we are all agreed that this be done. This will reduce the costs considerably. Thank you. Japan.

Japan

My delegation is a little bit worried about the question of security, if the meeting is held outside. I have no information on it, but certainly when the Secretariat selects the location I think this point will be taken care of. Thank you.

Chairman

Thank you. Can't we trust the local authorities to provide us with the necessary security also outside London? United Kingdom.

UK

Thank you, Mr. Chairman. In reply to the distinguished Japanese Commissioner I would say that in my view I think the security problems will be less, rather than greater, outside London and therefore more easier to overcome, but of course we will make all the arrangements that will be necessary in the circumstances. Thank you.

Chairman

Thank you. We are all agreed then to look for a meeting place outside London next year. Shall we then, are there any comments on the Argentinian proposals. Do you want them repeated? Argentina.

Argentina

Thank you Mr. Chairman. My proposal was concerning the US proposal, but if you US delegation is not intending it at all I mean I can withdraw mine. There was, I saw that in there, and I thought he was intending that. All right, I withdraw.

Chairman

United States would you care to respond?

Dr. Aron

Mr. Chairman and the distinguished Commissioner from Argentina - the United States would be very pleased to develop a new proposal and, through the Secretariat, circulate it for consideration by all Commissioners. So we could, indeed, have something to discuss at the next meeting. Thank you.

Chairman

If there are no more problems then - Norway.

Norway

If we are going to have our meetings outside of London, may I suggest that the Secretariat tries to find a date for the meeting which is more convenient than the middle of July. Thank you.

Chairman

Thank you. And by proposing a more convenient date I assume that you would like to have the meeting earlier in the year - in June? We'll ask the Secretary to try to comply with this request. The Secretary.

Secretary

Mr. Chairman, if the Commission wishes we can presumably arrange to find accommodation to have the meeting almost anytime. At the moment we are considering, because the Secretariat is in Cambridge, having Scientific Committee meetings there and it is not possible to hold meetings in Cambridge during University term time, when we are looking for college accommodation, so that we would need to move out of Cambridge as well for the Scientific Committee if we move any further forward into the early part of the Summer.

Chairman

The Chairman of the Scientific Committee.

Dr. Allen

I'm not entirely clear what the Secretary meant but I think that the Commission having agreed to set up a computer system as I said - now this is predicated on this being tied in and actually relying on the Cambridge University computer for its operations, it will be essential I think, at least in this first year, that the Scientific Committee should meet, if not in the town of Cambridge, at least about as close to it as it did last year when it met at Bar Hill. And I don't think it will be practicable for the Scientific Committee to be meeting further away from Cambridge than that because it must have direct access to the computer centre in Cambridge.

Chairman

The Secretary doesn't see the possibility of finding a place somewhere near Cambridge that could accommodate the Scientific Committee so I guess we will have to assume that the meeting will have to be held in Cambridge, which means that the plenary meeting of the Commission meeting will have to be held in July, even at a little later date than the meeting we are sitting in now. Well if there are no more problems I take it that we have accepted the report of the Finance and Administration Committee and the recommendations contained therein and the budget for the next year, with the reservations of some countries and these reservations will be reflected in our report. And I'll take this opportunity to thank the Chairman of the Finance and Administration Committee for the admirable job they have been doing. It is a very good job in a very short time and I thank you Dr. Aron and all the members of the Finance and Administration Committee for what you have done. Thank you.



We move now to the agenda item 27, the date and place of the next meeting, which is a direct continuation of what we have been talking about it, and I think the Secretary can give us some indication as to exactly when the meeting is to be held.

Date and  
Place of  
32nd  
Meeting

Secretary

Mr. Chairman, we could hold the meetings next year from the 21 June for one week for the Special Sperm Whale Meeting of the Scientific Committee in Cambridge, followed by two weeks of the Scientific Committee in Cambridge, 28 June with the Commission meeting starting in London or elsewhere on the 14 July. But you have agreed to have two Technical Committee Working Groups meeting for one week before the Commission meeting and I am not sure whether that goes between the Scientific Committee or overlaps with the Scientific Committee and I will seek your guidance on that one.

Chairman

I think we will have to fit the Working Group Meetings in somewhere between the Meetings of the Scientific Committee. Is that possible?

Secretary

It means that you have your scientists sitting around for a week not doing anything but it would help the Secretariat enormously. I don't think that we will again ever try and move over a weekend having finished the meeting on Friday, and starting again the next Monday. It really is too difficult to move the whole Secretariat in that short space of time and we need to build in spare days in future, so that I would think then that we would have to put in an extra week so that the Technical Committee Working Groups would meet from the week of the 14 July and

the Commission meeting would be the week of the 21 July.

Chairman

Do you think a full week will be necessary for the Working Groups?

Secretary

I'm merely going on what the recommendation of the plenary was. Both of them said to meet in the week prior to the Commission meeting.

Chairman

But not necessarily to take a whole week. Canada.

Canada

Mr. Chairman, we didn't really determine how long it would be necessary to meet these two Working Groups. We said that we would meet in the week prior to the Commission Meeting but whether or not we could do this in two or three days or would require longer, I think we would want to reflect on a little bit before we decide.

Chairman

I should think two days would be enough for the Working Groups. Is there anybody who feels that a longer time is needed. Everybody will be very fresh then and be prepared to work long hours I am sure.

Secretary

Could I just ask one other question of the Commission Mr. Chairman. Do you think that a week is long enough for the Commission Meeting?

Chairman

I think a week is more than enough for the Commission's Meeting. I think we are agreed on that. Korea?

Korea

Thank you Mr. Chairman. With regard to the question raised by the distinguished Secretary, I would like to respond in a brief way. If we will conduct our business in this fashion we do think that one week will not be sufficient, as we are undergoing this hardship at this late hour. If we can improve the manner in which we are dealing with the various items then we can complete our work during one week in time. In the view of my delegation there would be much room for the improvement of dealing with business in this Commission. We would like to reserve opportunity to submit our opinion in due course. Thank you Mr. Chairman.

Chairman

Thank you. I think we will have to, in any event, assume that the Commission Meeting will take one week and I am sure that we all hope that we'll improve our working methods and be more and more efficient. And in the hope that we can finalise our meeting in one week without having to work as late as today, I think that's the time we should set for the next Annual Meeting. Isn't this sufficient for you Dr. Gambell to work on. You would then correspond to us and tell us the exact dates and the arrangements along the lines we have been talking about? Thank you.

We have dealt with agenda item 28 too. This brings us to agenda item 29, "adherence of non-member countries to the Convention", and I note

Adherence  
non-member  
countries  
the Conve  
tion

that the first point is a report by the Secretary.

Secretary

Mr. Chairman, my report is contained in the annotation on page 20. I don't think we need to take time on that.

Chairman

I don't think so either. Point 2 is the prohibition on importation whale products from non-member countries, including reports by member nations. Does any member nation wish to report. South Africa.

South Africa

Mr. Chairman, I have something to report but it deals rather broadly with the problem of pirate whaling and would you want me to do this now or do you want a report specifically about the importation?

Chairman

Well if you prefer to postpone it.

South Africa

No Mr. Chairman I would rather make a report on all aspects of the steps we have been taking to not only prevent the importation of whale products but to carry on into the prohibition on the transfer of whaling vessels and ...

Chairman

Yes, I think we can take the two points at the same time.

South Africa

Thank you Mr. Chairman. Well, Mr. Chairman, I'll be very brief because it is very late and we have in fact written a rather detailed document which

is IWC/31/18 and I hope that most participants have read this but I would like to point out a few highlights and indicate, and these should indicate, the grave concern which we have over this problem. Not only because these vessels present a real threat to the stocks but also we fear that unless we take strong steps to discourage this sort of activity, its continued success will only encourage other participants, other pirate whalers, and this would indeed be a very serious problem.

Listed in our document you will find the various steps we have taken which include some time ago, placing an inspector on the *Run* which later became the *Sierra*. You will notice that we took steps to stop South African funds being used to purchase this vessel. We have refused the *Sierra* a permit for off-loading its products in South African ports, we have made arrangements whereby the importation of products from non-member whaling nations are prohibited. In 1978 we brought to the attention of the Scientific Committee the possibility of the *Tonna* commencing operations, and most recently we have introduced regulations which we feel will discourage South Africans from participating in this form of whaling and also which would make it an offence to supply any ship's stores, etc. to these vessels. And as a result of the introduction of these regulations I can report that we expect that the *Sierra* Fishing Agency, which was in Cape Town and has been associated with at least the recruitment of crew for these vessels, will shortly be closing down. The South African Minister for Economic Affairs has recognised the seriousness of this type of activity and we have been conducting an Inquiry and this is still on-going.

Mr. Chairman, I have mentioned that we are concerned about an escalation of this activity and I would like to report to you some worries we have in this respect. In the first instance, a stern trawler was refurbished in Cape Town and, not extensively, but we have it on authority that this vessel was, well there was a possibility that this vessel would engage in pirate whaling, the vessel we understood was to be registered in Panama and we contacted our Panamanian colleagues and they have recently informed me that this vessel is not under Panamanian registration but in any event we did take this step, anticipating a possible difficulty.

Two ex-South African whale catchers have been in the news. These are the Durban based vessels which have been recently renamed the *Susan* and the *Theresa*. These vessels were sold to a company registered in Panama and the vessels themselves have a Panamanian registration. Although we were assured that the vessels would not be used for whaling we once again contacted our Panamanian colleague. He has informed me that the vessels have been licenced as fishing vessels and we have ensured that all the whaling equipment on the vessels has been removed. The vessels have been very extensively refitted and allegedly for trawling, but I must mention that in my opinion it would not be very difficult for them to replace the gear which they took off while the vessels were in Durban, and they could in fact commence this pirate whaling activity if they so wished. We have ascertained that the funds for the refurbishing of these vessels, which was very expensive, to the tune of nearly a million rand each - these funds, the source of these funds was not South Africa.

Mr. Chairman, I have dealt very briefly with what I think are the main steps we have taken. I would, however, like to point out that in our experience in trying to combat this form of illegal whaling, we have found that this type of operation has a very, very high degree of flexibility. It is very easy for these people to arrange alternative bases, alternative personnel, and in fact to change the registration of the vessels, and in addition, fishing vessels can be easily converted and the ease with which they can change their registration makes it very difficult to even keep track of what is happening to vessels, so it is our opinion that, although we have, I think, taken what you will judge to be very adequate measures with regard to any South African connection, we feel that the only real solution to this problem is, in fact, to deny the pirate whalers a market for their products and it is for this reason that we were particularly pleased to learn of the action which has been taken by Japan. Thank you Mr. Chairman.

Chairman

Thank you. Any more reports or comments?  
Netherlands, then United States.

Netherlands

Thank you Mr. Chairman. As you may remember last December I said that steps were being taken in the Netherlands to ban the import of whale products into our country. Due to some unexpected difficulties of a legal nature this prohibition has, unfortunately, not yet come into effect. However, an amendment of our law on threatened animal species taking care of those difficulties is being prepared now and we expect to have the ban come into effect before the end of this year. Thank you.

Chairman

Thank you. United States of America.

USA

Thank you, Mr. Chairman. During the past year the whaling success of unregulated whalers continued to confound this Commission. Recent activities of Japan, which have been noted here, and of South Africa, which have just been mentioned, have contributed substantially to a resolution of this issue we hope. These countries should be commended for their efforts to come to grips with this important problem. This Commission should not be deluded however into believing that non-member whaling is no longer a problem. In the absence of continuing vigilance on the part of the Commission, financial aid, whaling material, and technical assistance may still be made available to non-member operations for members of this Commission. While enforcement of this problem is admittedly difficult, my Government believes it is vitally important not to let our efforts flag in banning exports to and imports from non-member countries. My Government urges each IWC member, therefore, to support a United States resolution which calls for a cessation of these practices. That resolution is nominated as IWC/31/24 which has been handed out to the delegates. Mr. Chairman earlier, when we were discussing some of the quotas, I mentioned that we should consider one other means of banning unregulated whaling, and that was by tying it to the quotas. I would like to suggest that we adopt the proposal, the nominated United States proposal in document 31/24 but I would like to add two elements to it. The most important of these would ask this Commission, or at least member countries, over the next year to consider this subject of adding to the quotas the amounts that are caught by non-member countries.



I suggest the following additions. As the third paragraph, as a third "WHEREAS" clause on the first page a new "WHEREAS" clause which would read as follows:

"WHEREAS the activities of whaling vessels of non-member countries seriously hinder the purposes of the IWC;"

The second addition would be at the end of the resolution and would provide as follows:

"BE IT FURTHER RESOLVED that all member nations shall consider through the application of national legislation, prohibiting whaling by non-member nations within their fishery conservation zones."

It is my belief that if such legislation were enacted by Governments then we would be able to prevent vessels like the *Sierra* from whaling within 200 mile zones. Since Governments have not had an opportunity to think about this subject before we are in this resolution simply suggesting that Governments consider so doing. I propose, Mr. Chairman, the adoption of resolution 31/24 as amended. Thank you.

Chairman

Thank you, would you care to repeat the amendments that you made to the resolution, at a little slower speed.

USA

Yes sir. As the third WHEREAS paragraph on page 1 "WHEREAS, the activities of whaling vessels of non-member countries constitute" I'm sorry that is out, the last word is 'countries' - "seriously hinder the purposes of the International Whaling

Commission". At the end, on page 2, a new paragraph which would read "BE IT FURTHER RESOLVED that all member countries consider, through the application of national legislation, prohibiting whaling by non-member countries within their fishery conservation zones."

Chairman

Thank you. Has everybody got the right wording and the paper in front of them? Does anybody care to comment on the proposed resolution as amended? Do we all agree? Japan.

Japan

Thank you. We have a small problem which is expertise; constitutionally it is very difficult for my country to prohibit the whaling expertise going out of our country. They are not required to declare the purpose of the travel abroad when they travel. So I wonder if we can take out expertise, out of the resolution part so that it makes my delegation much easier to accept the present resolution as proposed?

Chairman

Thank you. United States.

USA

Mr. Chairman, do I understand that the Government of Japan would be able to support this resolution with that change.

Japan

Yes.

USA

Then, in that case, Mr. Chairman, I would be willing to agree to that change, to the deletion of that word.

Chairman

So we delete the word "expertise" on page 2, the second paragraph, is that it? It occurs in several other places. Do we delete it everywhere it occurs in the resolution? I guess, to be consistent, that's what we'll do. Yes. Thank you. Is there a unanimity in this Commission to adopt this resolution, as amended? I think there is, and the resolution - France

France

Sorry, Chairman, can you repeat the resolution please?

Chairman

Shall we read the whole resolution to you. Do you have the paper number 24, IWC/31/24 in front of you France?

France

Not at this moment but I wish to have the amendment please?

Chairman

Yes, we'll read the amendment once again. I'll ask the Secretary to read the amendment so that we are sure that the correct wording goes into our report. The Secretary.

Secretary

There is an addition, after the second WHEREAS clause to read "WHEREAS the activities of whaling vessels of non-member countries seriously hinder the purposes of the International Whaling Commission;" and then on the second to last WHEREAS clause on that first page "whaling expertise and" is deleted. On the last WHEREAS clause, the last but one line, "expertise" is deleted, and there is a final clause on page 2 to

be added "BE IT FURTHER RESOLVED that all member countries consider, through the application of national legislation, prohibiting whaling by non-member countries within their fishery conservation zones" and there are, on that second page, the terms "expertise" in the second and third clauses, to be deleted as well.

Chairman

Thank you. Can you accept this recommendation, France? Yes. So I take it we are all agreed to accept this recommendation? Thank you.

Resolution on prohibition on import and export of whaling material assistance etc. from non-member countries.

I think that has concluded our - Seychelles.

Seychelles

Thank you, Mr. Chairman. The Seychelles Government has taken the step of placing a document, document 7 before you on the activities of at least one vessel whaling under a flag of convenience. We do this because we believe it is necessary for the Commission to consider this kind of operation very carefully. In particular, we are extremely disturbed to learn that two further ex-whale catchers are being brought back into class in Durban, on the east coast of South Africa, and that both are being fitted with slip-ways and freezer plates to make them combined whale catchers and processors, like the infamous *Sierra*. In fact we've just heard, Mr. Chairman, that one of them sailed from Durban in the past few days. We feel that there is a very great likelihood that one, or both, of these vessels intend to carry out unregulated whaling in the Indian Ocean Sanctuary, as *Sierra* has done in the Atlantic, and that they could, as she did, each take as many as 600 whales a year, and with this kind of uncontrolled onslaught we feel that the whale stocks in the Indian Ocean would rapidly be decimated. We

commend the action already taken by the Governments of Japan and South Africa, and we urge the Commission to give them every support. It is vital that the Commission should make its classifications and set its quotas with the utmost care, but it will be pointless if, having done so, it then allowed unregulated operations to destroy the whole basis of its management decision.

The resolutions of the Commission, and the separate national legislations now being enacted should go a long way towards controlling pirate activities. We recognise the difficulty of doing anything further on an international basis because of the difficulties of conforming with international law and commercial practice. However, we believe that there is something more which the Commission could do. We suggest that the Commission's Secretariat keep and maintain a detailed register of all whaling vessels, catchers and factory ships which belong to member nations, and are subject to our quotas and regulations and that up-dated copies of this register are circulated annually to all Contracting Governments. We understand that outside funding is available and will be provided for the Secretariat if they should decide to do this, so it won't add to the budget we have just discussed, Mr. Chairman. If such a register is made available to us by the Commission, my Government undertakes firstly to limit insurance cover, where this is provided by companies registered in Seychelles, to whaling vessels which are included on such a register. Secondly, to refuse registration to any whaling vessel not included on such a register. Thirdly to refuse harbour facilities so far as is compatible with international law, to any whaling vessel not included on such a register. And fourthly to prevent, where possible, Seychelles nationals and

Register of  
Whaling  
Vessels

residents from joining the crews, or sailing, with any whaling vessel not included on such a register. We recognise Mr. Chairman, that unregulated whaling constitutes a disaster to conservation, a blatant subversion of the New Management Procedure, and a severe blow to this Commission's credibility, and we urge the Commission to call on all members to take individual national action, such as we have outlined, and we propose that the Commission decide now to adopt a motion that a register of member whaling vessels be kept by the Secretariat, maintained and circulated annually, to all members. Thank you, Mr. Chairman.

Chairman

Thank you. Korea.

Korea

Thank you, Mr. Chairman. We listened to the remarks made by Seychelles with great interest. However, Mr. Chairman, the proposal made by Seychelles, whether in the form of a resolution which he has in mind, or other forms, seems to be not suitable at this stage. We wonder if he is going to change Schedule again, in order to include his resolution which we believe is not suitable? The maintenance of a register of member state whaling vessels are not within the purview of the Commission. In the script and the letters of the Convention of 1946 there is our preliminary view, certainly we will respond to the proposal if it is going to be discussed at a later stage. Thank you, Mr. Chairman.

Chairman

Thank you. Seychelles.

Seychelles

Mr. Chairman, I would just make it clear that the only proposal I am making is that the Commission form a register. Thank you.

Chairman

Thank you. Yes, I agree I don't think that your proposal would constitute changing the Schedule amendment, this is only for agreeing to charge the Secretariat with certain duties - that is to keep this register. I don't know what methods the Secretariat could use in order to obtain such a register, but I would like to ask the Secretary's views. Did I hear you correctly that you only talked about register of whaling vessels from member countries?

Seychelles

That is correct, Mr. Chairman.

Chairman

Thank you. So I guess the Secretary would communicate with member countries and ask them what whaling vessels they have, and make his register on the basis of the information he receives. Is that the way you would go about it Dr. Gambell.

Secretary

That would seem the appropriate course of action, Mr. Chairman. My only previous experience of this is when I wrote to the Commissioner for Panama for details of the catches by the *Paulmy Star III* and was informed that it was a shrimp boat. I wonder really whether this is going to be very effective, if it's based only on Government returns of that kind.

Chairman

Thank you. Do Commissioners have doubts about the advisability of charging the Secretariat with this responsibility or do you wish to adopt the recommendation put forward by the Seychelles. Netherlands and Denmark.

Netherlands

Thank you Mr. Chairman. I fully support the proposal put forward by the Seychelles. Although we don't know what the results would be I think that at least the effort should be made. Thank you.

Chairman

Thank you. Denmark.

Denmark

I have no particular view Mr. Chairman whether it will be appropriate or not, and suitable to do it that way, but if it should be done I would like to, an under-limit to be considered, because whale catcher in our Schedule can mean anything down to a canoe and if something like, I have no idea, 80 gross tons would that be a suitable limit. It would cover my needs.

Chairman

Thank you. Seychelles.

Seychelles

Thank you, Mr. Chairman. I don't want to go into the details of register drafting Mr. Chairman but I would like to make it clear that I am talking about commercial whaling and not aboriginal whaling. Thank you Mr. Chairman.

Chairman

Thank you. Are we all agreed that the Secretary



write a circular letter to member countries asking them to provide him with this information, and put it together in the form of register? Did the Seychelles proposal include in it a proposal as to how to fund this or shall we take it from the operational costs of the Secretariat. Seychelles..

Seychelles

Thank you, Mr. Chairman. As regards funding, Mr. Chairman, we could be in communication with you afterwards as to these.

Chairman

OK. We don't want to prolong the discussion on this item. We seem to be in agreement with the essence of the proposal put forward by Seychelles and we agree to ask the Secretary to communicate with the member governments. Thank you. Panama.

Panama

Mr. Chairman, on this item 29.3 we have a statement and a proposal. Mr. Johnson will make the statement which we would like to be entered in the record of the meeting.

Mr. Johnson,

Mr. Chairman, the Panamanian delegation wish to state that a Panamanian merchant marine, one of the biggest in the world, owes its international prestige to the reliability and the responsibility of its laws. It has been mentioned the whale hunting by some ships with Panamanian registration such as *Paulmy Star, III*, *Susan* and *Theresa*. However, based in this principle of reliability that have characterised the Merchant Marine Laws of Panama, the Panamanian representation to this Council want to clearly state

that as soon as it is proved that any ship under Panamanian registration undertakes any illegal activity the Government of Panama will proceed immediately to suspend the licence or what is the same, the Panamanian Registration. Panama does not issue a certificate of registry to any ship that wishes to devote itself to the whale hunt. The *Theresa* and *Susan* have been registered as trawlers and we have no official information that they have been engaged in whaling. Panama has a very clear and definite conservative policy. This policy was clearly demonstrated in the result of last year's potation and has been reaffirmed in this Thirty-First Meeting of the International Whaling Commission. Being this the case we want to communicate to all the countries and the organisations concerned that if it proves to be true the information about these ships, *Paulmy Star*, *Theresa* or *Susan*, or any other ship for that matter, we will immediately proceed to cancel the licence of registration.

Yesterday, I have received some information about the *Cape Fisher*, *Susan* and *Theresa* which I forward to my Government. We hope that this declaration will clarify any doubts that may have come up in recent years. Thank you Mr. Chairman.

Chairman

Thank you. Panama.

Panama

Yes, Mr. Chairman. I would like to be, to speak quite plainly and simply. *Paulmy Star III* apparently, from unofficial sources we learn, has been whaling in Chile which is now one of the new members of the IWC, and therefore will operate within the

regulations of the IWC. *Theresa and Susan* as far as we know have not been involved in whaling yet, since they were commissioned by the Union Fishing Company in South America. As for the *Cape Fisher* it has been alleged to be under Panamanian flag, apparently, if it has it has not been received yet by the official registry in Panama and we have learned that the ownership has been transferred to a company in Cyprus called *Sierra Limited*. This points to the need of information in order to fight unregulated whaling. This is why I would like to make the following proposal to the Commission. I will read the proposal.

"In view of the need for information to assist the implementation of the prohibitions mentioned in items 29.2 and 29.3 of the agenda, the Committee recommends that the Commission's Secretary ask the Governments of Panama, Spain, Japan and South Africa, for information:

1. about the direct and indirect ownership by the nationals or by companies registered in these nations, in the following company which allegedly own whaling vessels operating outside the IWC regulations.
2. about employment of their nationals by said Company."

And then there follow a list of company which we have received unofficial information that they might be involved into unregulated whaling.

So this, to explain it now, this is simply a request of information to various Governments. I understand that there in some cases this information is not available because of the legislation of the particular countries and in some of the cases the information will be available and presently forwarded to the Secretary.

Chairman

Thank you. We don't have your proposal in a written form do we?

Panama

No, I'm sorry but I can give it to the Secretary now if you want.

South Africa

Mr. Chairman of course we would be very pleased to provide the Commission with what information we have and as a matter of fact we do have a list of names and passport holders of South African citizens who have in the past been involved in this form of whaling and may still be involved in the future and we will provide this very gladly. With regard to companies who actually own vessels of this nature, we certainly don't have any companies registered in South Africa but obviously if we did have information we were of interest we would provide it very freely, but I have the feeling that the delegate from Panama has mentioned four countries. There may be other countries involved as well and so therefore I see no need to specify particular countries because I think I can add one or two to his list. I think that it this is to be a resolution it should refer to all member countries.

Chairman

Thank you. Any more comments? Are delegates - Japan.

Japan

For information, I don't think we need a resolution. Anybody could write to my Government for information. I should say that I like to say any peoples, any person, can write to my country for information. So I don't think we need any resolution asking for information from my Government.

Chairman

Thank you. Are there others who share the view of the Commissioner from Japan that we don't need this resolution or do all of us feel that we should adopt the Panamanian proposal. Korea.

Korea

Thank you Mr. Chairman. We think that we have to avoid the use of a sword. We support Japan. Thank you.

Chairman

Thank you. Some more views. Is there any support for the Panamanian proposal? If I don't have a seconder I take it that we are content with what was expressed by the Japanese Commissioner and supported by Korea that the Governments could be approached by anyone who is interested and ask for such information as is contained in the Panamanian proposal. Panama.

Panama

I am quite glad that the delegate of Japan will be providing this information and maybe he can answer one question. Maybe by asking with the proper person in his delegation. Is it true that the Taiyo Fisheries is involved in the activities of the Ming Tai Marine Products Company in Taiwan? Does the employee of Taiyo Fisheries in his delegation know anything about it?

Japan

I have no information.

Chairman

So, I think we should not dwell any longer on this agenda item. Are there any more comments? If not

we have concluded discussion on this agenda item and move to the next one. Agenda item number 30, "Revision of the International Convention for the Regulation of Whaling," and I call upon the Commissioner from Denmark to report on the meeting that was held in Copenhagen. Denmark.

Revision of  
the  
Convention

Denmark

Thank you Mr. Chairman. Most of you were present in Copenhagen and in the autumn we distributed the report which Dr. Gambell had drawn up so excellently, and the alternative texts, which were even more difficult to write. Dr. Gambell did forward to us somewhere in January and we then in a couple of week's time from then handed them to the Embassies in Copenhagen, of all those who were represented in Copenhagen, as well as to the Inter-Governmental Organisations who were there as observers. Having the floor Mr. Chairman, we have all got a letter from the Secretary, dated the 15 June where Captain Cardosa from Portugal asked if it might be possible to hold a two to three day Working Group meeting in Lisbon immediately after the Thirty-First Annual Meeting of the IWC. As you remember it was agreed in Copenhagen at the preparatory meeting that a small group meet to tidy up the text developed in Copenhagen. You can see the relevant part of the rapporteurs report of that attached to the letters which all Commissioners have received. Now it was very short notice and I understand that through different channels have different delegations *inter alia* my own, responded more or less to Captain Cardosa that it was at too short notice. However, I am not sure that everybody has got this letter dated 15 June in due time to answer Captain Cardosa so I will suggest Mr. Chairman that the Commission agrees that the Secretary, on behalf of all of us, send a letter to Captain Cardosa, or maybe better Telex

where he expresses his gratitude for his offer but regret that for all of us it was too short notice. Maybe we could here discuss, in this form, that's up to you Mr. Chairman, whether in such a letter we should try to ask Captain Cardoso, indicate to Captain Cardoso that if it is still the wish of the Portugese Government to convene such a small meeting what would then be the wish of the potential participants. I think it would be, could be done much easier here than by correspondence later. Thank you Mr. Chairman.

Chairman

I doubt if the Commission as a body can ask Captain Cardoso to invite to a meeting, but I agree that we should thank him for the invitation but we were unfortunately unable to accept and I wonder if there is any action arising. Is there anybody who is prepared to invite for a meeting of the Working Group of Drafting Group, or even a new Conference. Denmark.

Denmark

Just to indicate that Captain Cardoso raised the matter some time in the - March, but doing it in a way that did not commit his Government at that time, just indicated that he had suggested to his Government to arrange such a meeting in the middle of March and that was exactly at the time when the Law of the Sea session of the Spring took place so I think for most delegations there would be no interference between such a meeting and the Law of the Sea conference which continues as you know here in July and August. Thank you.

Chairman

I think all we can do in this case is to thank Captain Cardoso for his invitation and we'll just

have to wait for another invitation. If I hear no more comments we'll proceed to the next agenda item, which is agenda item number 31, "Convention on International Trade in Endangered Species of Wild Fauna and Flora". We should ask the IWC observer on the Second Meeting of the Parties, Costa Rica, March 1979, to report to us what happened at that meeting. Mrs. Prudence Fox, the Vice-Chairman of the Technical Committee attended the meeting. Could you give us a brief explanation of what happened at that meeting?

CITES

Mrs. Fox

Yes, I'm sorry Mr. Chairman I'll make it extremely short. My report is also extremely short. Well in any case Mr. Chairman I'll try to do it from memory as I can't seem to find my document. The meeting of CITES concluded two matters. They passed a resolution which is contained in the document which has been put out by the CITES Secretary in document 31/OS CITES, which recommended that all member nations of CITES should take action to not issue export or import permits, or certificates of introduction from the sea for primarily commercial purposes for any specimen of a species or stock that's protected from commercial whaling by the IWC. That was the first action they took. The second action they took was to list some additional species of cetaceans on Appendix I and to list all the remaining cetaceans that are not on Appendix I on Appendix II. Also when they listed all of the additional cetaceans on Appendix II they did indicate that only three of those species was listed for biological reasons, because they met the criteria for listing on Appendix II, those being the sperm whale, the Bryde's whale and the minke whale. The rest of the cetaceans were listed simply for the reason that it would be impossible to



tell the difference when they were in trade. That I think is the report, Mr. Chairman.

Chairman

Thank you very much and thank you for representing the IWC at the meeting. I might ask the CITES observer if he has anything he wants to say to the Commission. Is he in here?

CITES

Thank you Mr. Chairman. I'll be brief. I believe we can refer to the accurate report of your observer which is document IWC/31/14 and all I may wish to give here is supplementary information that has arisen since that report and since the events after the meeting which are mentioned in the report. First of all, as Mrs. Fox has mentioned, the actual final text of the resolutions are attached to the document which she quoted, also attached to that document is a list of protected species which was prepared by our Secretariat in consultation with the Secretariat of the IWC and which will be communicated to the Parties next week on the 20 July. Secondly, as regards membership developments since the Meeting, there are now 54 members of CITES including 15 members of the IWC. Thirdly, subsequent to the Costa Rica Meeting the 90 day period that is required for bringing the new amendments to the Appendices into effect expired on the 28 June which means that since the 28 June the new Appendices are in effect. Prior to the expiry of that period two reservations were received from two countries, Canada and South Africa, regarding the including of cetaceans. It is not for the Secretariat to comment on the merits of these reservations, I merely wanted to point out that the effect, the actual effect, of reservations

of this kind regarding the listing of cetaceans will be that the Secretariat will not be in a position to provide trade data, export and import data, from the two countries concerned, Canada and South Africa as regards the cetaceans and cetacean products which are concerned by these reservations. You will find the details of the reservations also in the document mentioned.

Lastly, I should like to report on a convention which has been adopted since - the Convention on Conservation of Migratory Species of Wild Animals. The Convention was adopted by a plenipotentiary conference on the 23 June 1979 in Bonn and it has been signed by 22 countries so far and will enter into force after 15 countries have ratified it and under the terms of the resolution attached to the final act of the Conference our Secretariat will co-operate with the Secretariat of the new Convention. On the appendices of this convention and this I think is of relevance to your Commission, are a number of species of cetaceans. Appendix I which concerns endangered migratory species requiring immediate protection contains the humpback, the bowhead, the right whales and the blue whale. Appendix II of the Convention Migratory species requiring international agreements for their conservation and management in accordance with the Convention, contains one species of cetaceans, the blue whale. These appendices are to be reviewed at the first meeting of the Conference of the Parties scheduled to be held within two years after the Convention comes into force.

I should like to conclude by saying that we have appreciated the co-operation, close co-operation with the Secretariat of the IWC and we hope to continue

this co-operation in the future. Thank you.

Chairman

Thank you very much Mr. Sand. We also appreciate this co-operation and hope that it will continue and your report will be reflected in our report. United Kingdom.

UK

I shall be as short as possible Mr. Chairman. It may not be in order for me to ask this question at this meeting and if it isn't I respect your ruling, but I was a little disturbed to hear that as a result of the two objections that have been put forward to the proposal, the United Kingdom's original proposals, that there will now be some difficulty in monitoring the trade in some cetacea which we have stated in earlier parts of our discussions are vulnerable in one way or another, and I was wondering whether either Canada or South Africa were in a position to comment at this stage on their reasons for putting in a reservation at this stage.

Chairman

Thank you. Both Canada and South Africa want to comment. Canada first.

Canada

I was attempting to get the eye of the Chairman at a time when the Commissioner from the UK raised this point. A couple of items - you will recall that the matter of relationship between CITES and IWC was raised by Canada initially at our meeting, I believe in Canberra, two years ago. Canada requested that the Scientific Committee be asked to review the status of cetaceans in relation to the

CITES Convention, the definitions indicated in the fundamental principles, and also to look at the application to those fundamental principles of interpretations that were adopted at a meeting which took place in Switzerland two years ago. Canada has placed reservations against those species for which the Scientific Committee has adjudged are not properly classified in relation to those definitions within the Convention, and the rational behind the reservations are indicated in detailed letters to the depository Government which should have been distributed to the other Parties so they would be available to the UK. If the Commissioner for the UK does not have copies these of course can easily be provided.

I would like to make one comment on the statement contained on page 2 of the report from CITES where it is stated that "the Secretariat regrets to inform the IWC that, due to reservations now expressed by Canada and South Africa, complete statistics regarding trade in cetaceans and cetacean products will not be made available from these two Parties." This refers back to a resolution of the Parties, 2.9, which was adopted and which called for, was a recommendation to Parties not to issue any import or export permits or certificates relating to species or stocks protected from commercial whaling by the IWC. Now, obviously, Canada's- the import statistics will be very simple. Canada prohibits the importation of whale products from any non-member of the IWC - we distributed, or we turned in to the Secretariat last year, a very detailed report on our regulations that affect this, our import permit regulations will not allow such imports. Imports would only be permitted from IWC members who are not of course harvesting from Protected Stocks, so the statistics become very simple.

In terms of exports they are also very simple, because Canada does not engage in commercial whaling and does not export products of any whale which is a Protected Stock under IWC.

So the statistics are not very much affected in terms of the live cetaceans which are managed.

Chairman

Thank you. South Africa.

South Africa

Thank you Mr. Chairman. There is nothing sinister about the reservations which we entered. I think we really have a rather similar case to that which has just been explained by Canada in that with regard to the two species which were included in Appendix 1, these are rather common and there was no way in which we could in fact regard them as being threatened with extinction and, secondly we didn't feel that all cetaceans conformed to the criteria of "although not necessarily now are threatened with extinction, may become so" etc. etc. However, we are aware of the fact that the problem which is expressed on page 2 about statistics and so on, and our statistics in the case of cetaceans are very minimal, but we will in any event ensure that they are received by the proper authorities. So, Mr. Chairman, essentially I think it is that we couldn't quite agree with the complete, that the particular animals concerned fitted exactly into the criteria of the two Appendices.

Chairman

Thank you. If there are no more comments I don't see any action arising, and we can remove to the next agenda item. Thank you Mr. Sand.

Agenda item 32. Four reports. We have got them all in the written form - I don't think they necessarily have to be presented. We'll just adopt the reports if there are no comments to the contrary. So we adopt these four reports, and move to the next item, which is the Thirtieth Annual Report - that has also been distributed, and it's the practice that we adopt the Annual Report too, and if there are no objections to the report, which I trust you've all read, I take it that the Annual Report is also adopted. Argentina.

Co-operation  
with Other  
Organisations

Argentina

Thank you Mr. Chairman. Are you referring to the point 33. That report - this one?

Adoption of 30th  
Annual Report

Chairman

No the Annual Report.

Argentina

Sorry?

Chairman

Here. Yes.

Argentina

Oh, the rose one, the pink one.

Chairman

Yes. It's the paper number 16. Does anybody have difficulties with that paper, or comments? Can I take it that the report is adopted?

Argentina

Sorry Mr. Chairman. When did you issue this document.

Chairman

Can the Secretary answer this question?

Secretary

Yes, Mr. Chairman. It was sent out 60 days in advance of the Meeting, together with the agenda for the Meeting.

Argentina

All right.

Chairman

OK. So the 30th Annual Report is adopted. The 34th item on the Agenda is admission of press to plenary sessions. We noted that the Finance - Pardon?

Argentina

Could you please say, Dr. Gambell, repeat what you say. You mean 60 day?

Chairman

Yes.

Argentina

Well, how the draft Report can say, this report embrace the year ended 31 May 1979, if we send it one month before. Sorry.

Secretary

Mr. Chairman, I wrote it anticipating the things that would happen after I'd written it up to the end of the Financial Year.

Chairman

Are you satisfied with this explanation Argentina.

Argentina

Oh yes.

Chairman

Thank you. I was saying on point 34, that we noted in the Finance Committee's report some reference to this agenda item. I wonder if the Chairman of the Finance Committee now has a comment to make?

Dr. Aron

Mr. Chairman, I think in this case I must speak, perhaps wearing two hats, but to save time it may be best if I do this, rather than attempt to speak sequentially. The United States has admitted to the Finance and Report comments that were developed by one of the members of our delegation who is an experienced and distinguished member of the press. Well, I think we feel very strongly the great value of having the press attend as much of this meeting as is possible, to have access to the delegates as much as possible consistent with the orderly business of the Commission, because we feel it is the interest of the world in whales that does count and the press is its vehicle. The work of the Commission, I think, is work that all of us can be proud of. We do have nothing really to hide. There were problems that were associated with this first year of our new approach. These are detailed in the Appendix to the Finance and Administration Report. I would like on behalf of the United States to express my own sense of thanks to you, Mr. Chairman, and to the Deputy Chairman, for your willingness to take on as much as is feasible in future meetings, the responsibility of meeting with the press to keep them informed of what is happening. I hope through the Secretariat we can make arrangements again whenever possible to accommodate some of the problems that were noted to occur this year. Thank you very much.

Press  
Arrangements

Chairman

Thank you. I guess this will depend a lot on what



kind of facilities we get for the next meeting, but we will take note of this Appendix C and see what can be done about it. Comments? Denmark.

Denmark

Mr. Chairman, we agreed last year to try this year to have the press attending the plenary meetings. However, we have seen that the very fact that the press were allowed gave them opportunity to speak to observers who are not allowed to speak to the press about Technical Committee meetings. I think that the observers who get a letter from Dr. Gambell about Rules of Conduct for Observers, they disregard that, and we must face, if we are going to try and admit the press next year, we must face that everything said in the Technical Committee comes out in the media; and I think that that is maybe somewhat counter productive, because one of the reasons to have as well a Technical Committee meeting and then later a plenary meeting is to be able to negotiate. It is difficult to negotiate - we have seen it here - but it is even harder to come to solution when, on the top of the unpleasantness of moving your position, you have the unpleasantness of losing your face; and that's what happens when the Technical Committee things come out in the meeting. Thank you.

Chairman

Thank you. Were there any more comments. Japan.

Japan

I'd like to support the comments made by the distinguished delegate from Denmark.

Chairman

Thank you. We've all agreed that the press should

be admitted to the plenary meetings and not the Technical Committee meetings and this means of course that we don't want to have everything that happens in the Technical Committee reported in the press, so I guess we'll just have to appeal to all present in the future not to - how shall I put it - leak out to the press what happens in the Technical Committee. United States.

USA (Dr. Aron)

Mr. Chairman I think we do appreciate the views of the Government of Japan and the Government of Denmark. It is for this reason that we feel it important that responsible members of the Commission make themselves available to the press. I have the inescapable feeling that the press is really much more anxious to talk with the Chairman of the Commission or with the Deputy Chairman to find out exactly what is happening rather than to depend upon information which is often less than accurate from people who are peripheral to the meeting. I think you will find that it will have a healthy result if we can be available to the press in a somewhat more frequent manner. Thank you.

Chairman

Well, I don't think the press can expect to find out from the Chairman or the Vice-Chairman exactly what has happened in the Technical Committee meetings because then we could just as well allow them to attend the Technical Committee meetings but we'll do our best as I said and try to get better contact with the press in future. Are you all satisfied with what you have heard and we'll take note of the comments we have heard. There is no action arising I take it. This brings us to the last item on the agenda - Any Other Business. It looks

like we are going to make it before 5 o'clock in the morning. I've been asked by the Commissioner from the Peoples' Republic of Korea to give them the floor to make a statement. Korea.

Korea

Thank you, Mr. Chairman. I apologise for taking the floor at this late hour. With your permission I would like to make a few observations on the work of the Commission, as a new member participating for the first time. I want you to place my statement on record.

Statement  
by  
Republic  
of Korea

On this important occasion of the Thirty-First Annual Meeting of the International Whaling Commission it is believed that we have just crossed the water-shed of international co-operation in the conservation of whale stocks and orderly development of whaling industry which are the fundamental objectives of the Convention of 1946. In an atmosphere of dangerous emotionalism, prevailing inside and outside the conference room, some irresponsible and drastic measures have been taken in an irregular way. The measures are considered to be incompatible with the purpose of the Convention and are likely to be the beginning of ending the work of the Commission. If we believe in the extreme philosophy with which we can win the battle merely by recourse to the naked majority force of vote without support of scientific and objective evidence and the convincing reasons, we will no doubt be faced with the same extremism which denies the result of that battle in the same reckless way.

We would like to appeal to all delegates, ladies and gentlemen , for the recovery of sound judgement, common sense and lawful conduct of our business in dealing with important matters affecting the interests of individual member states. The Commission is not a scientific institute; the Commission is not a charity organisation; the Commission is an international organisation composed of sovereign states in accordance with the provisions of the Convention of 1946. No sovereign states will sacrifice their national interests unless they are bound to do so by its consent or in international law. If there is a victim state imposed at one time it will try by all means to recover its sacrificed interest at another time.

Mr. Chairman, strong wind is blowing from the conservationist camp which is going to destroy the whole legitimate mechanism which has been operating so far within the framework of the Convention. I am sad that I have to receive this wind with a mostly 'no' vote at the very moment when we have just become new members with the Commission. I am compelled to disclose our disappointment and the consternation of the outcomes of the present session which have been produced and the manner in which problems and issues before the Commission have been dealt with. We sincerely hope that any radical measures resulting in the disappearance of the Commission, which is only inter-governmental body in this field, should be avoided by any means. The adoption of an indefinite moratorium or a ban on whaling without scientific evidence and cogent reasoning, at the cost of the interest of important members of the Commission, can not be, in our humble view, a solution to the conservationists' claims.

On the contrary, it will contribute to acceleration of undesirable confrontation, and to promotion of chaos, in effective conservation of the sea resources in question.

We are afraid that it will take whaling member states out of the Commission thereby destroying the existing apparatus of conservation. It is earnestly expected that every genuine effort will be made in the future to harmonise the divergent positions of the different sides and to accommodate their conflicting interest in a more realistic and practical way, and in a spirit of compromise. We have to avoid an emotional and sentimental imposition of catastrophic demand. We need more negotiating instead of impatiently and erratically resorting to voting procedures. We need more considerate and gradual approaches rather than those of "once-and-for-all" and "all-or-nothing". We need approaches to survival of whales as well as the Commission. We pledge ourselves to accept any conservation measures if they are based upon objective scientific evidence and if they can present convincing rational ground.

Before concluding my remarks I wish to take this opportunity to reiterate the position of my Government that it reserves all right with regard to the coastal whaling within the coastal area over which it exercises its right under international law and any measures of the Commission do not affect such a right. I also wish to state the desire of my Government that appropriate and suitable transitional arrangements should be made with a view to protecting the legitimate interests of new members of the Commission and encouraging non-members to join the Commission, as many numbers as possible. It would take

several years for new members to adapt themselves to ecology of the Commission and follow up the work of the Commission. In this regard we ask for the full understanding by older members of problems of new members.

I would like to express on behalf of my delegation, and my own, our sincere appreciation to you, Mr. Chairman, Chairman of Scientific Committee, and Chairman of Technical Committee, and those who led the various Working Groups. Our thanks also go to Dr. Gambell, Secretary of the Commission, and members of the Secretariat for their tremendous effort made during this session. Thank you very much, Mr. Chairman.

Chairman

Thank you. Any more comments. Australia.

Australia

Mr. Chairman, it was my understanding that when we spoke in the break that you said paper IWC/31/23 that's agenda of, United States Proposal in relation to agenda item 14, and the proposed amendments of the Schedule, paragraph 11, had not been handled. I think it is important to change paragraph 2 of that amendment so that it is in accord with the decisions that have been taken at this meeting.

Chairman

What is the number of the paper you are referring to?

Australia

The paper is. IWC/31/29 - United States proposal agenda item 14, Bering Sea bowhead whales.

You recall, at the natural break, I pointed out to you that as it stood it wasn't correct and you said we hadn't dealt with that paper yet.

Chairman

I think what is contained in the paper has been superceded already by the decisions we have taken.  
Am I wrong? USA

USA

Mr. Chairman, can we please have a clarification of the suggestion?

Australia

If we take paper IWC/31/29, if you look at number 2 it says "For each of the years 1980 and 1981, the take of the Bering Sea stock of bowhead whales shall not exceed 20 landed or 26 struck, whichever occurs first." and it was my understanding that we had only agreed the Schedule for one year, and that Schedule was 18 landed or 26 struck. Now I just want to confirm that this document is altered in the light of that decision, because it was my understanding from the Chairman that we haven't agreed it yet.

USA

I think that Professor Ovington is most certainly correct.

Chairman

I agree, so there should be no misunderstanding there.

Secretary

Mr. Chairman, as I have understood the debate, and as I have recorded it in my notes, this document is totally superceded. The amendment which was

adopted by the plenary session used the original, the existing form of words of Paragraph 11 in the Schedule and was framed exactly in the line of the current Schedule, so that document 29 is totally irrelevant.

Chairman

Thank you. So if there are no more statements of comments I would like to. - France.

France

Thank you, Mr. Chairman. It is not on this matter, it is on another matter I will raise. Before the closure of this Thirty-First session of IWC session, the French delegation, or I, would like to raise a short statement.

The French delegation regrets delays in that no adequate time-table or no strict observance of time. There are some people around this table, perhaps some tired, but I would stress of better organisation, and mainly better working methods. Altogether we have to something next year, and to respect different rules. It's not the kind of criticism of the Secretariat, but for us, for us, approving some decision on whale stock only from statements from the Chair and not with the hands. In our reports I suppose it's unusual - and regarding a profuse incident on an agreement for a quota catch, although we understand perfectly the reason, I hope we shall bear in mind our very pleasant and comfortable night and without effort surely we shall have to meet on Saturday, on Sunday, next year. Thank you, Mr. Chairman.

Chairman

I'm sure we'll all do our best for to improve and be more productive in our work, and if there are



no more comments I wish to thank all of you; I want to thank the Chairmen of the various Committees; and last, but not least, I'd like to express my sincere thanks to Dr. Gambell and his staff and I ask you, Dr. Gambell, to convey our deepest thanks to your staff for everything you have done for us. You have been doing really much more than could be expected from people not more numerous that you are. Thank you very much and I declare this Thirty-First Annual Meeting of the International Whaling Commission closed.

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END OF FOURTH AND FINAL PLENARY SESSION

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