

INTERNATIONAL WHALING COMMISSION

36th ANNUAL MEETING

BUENOS AIRES, 18 - 22 JUNE 1984

VERBATIM RECORD

Agenda 1 Address of welcome	22.6 Access by observers	Agenda 7 Revision of Present Manage- ment Procedure
Agenda 2 Opening statements	22.7 Rules of Procedure	7.1 Proposals for revised procedures
Agenda 3 Adoption of Agenda	22.8 Suspension of the right to vote	12.2 Consider- ation of general principles
Agenda 4 Arrange- ments for the Meeting	22.9 Examina- tion of creden- tials	Agenda 8 Review of Regula- tory Measures Other Than Catch Limits
Agenda 5 Appoint- ment of Committees	Agenda 23 Date and Place of Annual Meetings 1985 and 1986	Agenda 9 Indian Ocean Sanctuary
Peru Voting Rights	Any Other Business	Agenda 11 Commiss- ion's Competence to Set Catch Limits For Baird's Beaked whale
Agenda 22 Finance and Administra- tion	ECO	Agenda 14 Small Cetaceans
22.1 Review of provisional statement 1983/84	Uruguay Right to Vote	14.1.1 Proposals for renaming sub- committee
22.3 Considera- tion of supplement- ary budget	Technical Committee Report	14.1.2 Review of specified fisheries and stocks
22.4 Considera- tion of advance budget estimates for 1985/86	Agenda 6 Compre- hensive Assess- ment of Whale Stocks	
22.5 Representa- tion of the Scientific Committee in Meetings of the Technical Committee and Commission	22.2 Consider- ation of estimated basic budget 1984/85	

North Atlantic, Central stock	12.3.6 Bottlenose whales	Agenda 29 Any other business
	Baird's beaked whale	
North Pacific, Okhotsk Sea - West Pacific stock	12.3.7 Protected species West Norway - Faroe Islands fin whales	
Sea of Japan - Yellow Sea - East China Sea	Antarctic blue whales	
12.3.3 Fin whales North Atlantic Spain - Portugal - British Isles stock	12.3.5 Bryde's whales Southern Hemisphere- Peruvian stock	
East Greenland - Iceland stock	Report of panel to review the operations of the Scientific Committee	
12.3.4 Sei whales North Atlantic West Greenland	Agenda 21 Adoption of Report of the Technical Committee	
12.3.5 Bryde's whales	Agenda 27 and 28 Election of Chairman and Vice- Chairman	
North Pacific western stock	Report of group on Rule of Procedure C.1(b)	

Agenda 15 Inter- national Decade of Cetacean Research	Agenda 26 35th Annual Report ECO	West Greenland humpback and fin whales
Agenda 16 Considera- tion of the the recommenda- tions from the Conference on the Non- Consumptive Utilisation of Cetacean Resources	Agenda 10 Infractions and Reports from Inter- national observers Agenda 13 Aboriginal Subsistence Whaling	West Greenland minke whales [12.1] The St. Lucia question Agenda 12 Whale Stocks and Catch Limits
Agenda 17 Adoption of the Report of the Scientific Committee	13.2 Report of the TC Aboriginal Subsistence Whaling Sub- committee	12.1 Report of the Scientific Committee
Agenda 18 Humane Killing	13.3 Action arising	12.3 Action Arising
Agenda 19 Register of Whaling Vessels	13.3.1 Bering Sea bowhead whales	12.3.1 Sperm whales Western North Pacific
Agenda 20 Amendment of the Schedule	13.3.2 Eastern Pacific gray whales	12.3.2 Minke whales Southern Hemisphere
Agenda 24 Adoption of Report of F & A Committee	13.3.3 Western North Atlantic humpback whales	12.3.2 Minke whales (contd)
Agenda 25 Co-operation with other Organisa- tions	13.3.4 Other Stocks	North Atlantic, North Eastern stock

VERBATIM RECORD
36TH ANNUAL MEETING

Index

Opening plenary session. Monday 18 June

	Page
Agenda 1. Address of Welcome	1
2. Opening Statements	3
3. Adoption of Agenda	3
4. Arrangements for the Meeting	4
5. Appointment of Committees	5

Second plenary session. Tuesday 19 June

Peru Voting Rights	7
--------------------	---

Third plenary session. Wednesday 20 June

Agenda 22. Finance and Administration	11
22.1 Review of provisional financial statement, 1983/84	11
22.2 Consideration of estimated basic budget, 1984/85	15
22.3 Consideration of supplementary budget	28
22.4 Consideration of advance budget estimates for 1985/86	29
22.5 Representation of the Scientific Committee in meetings of the Technical Committee and Commission	29
22.6 Access by Observers	36
22.7 Rules of Procedure	43
22.8 Suspension of the right to vote	44
22.9 Examination of credentials	45
Agenda 23. Date and Place of Annual Meetings, 1985 and 1986	45
Any Other Business	45

	Page
<u>Fourth plenary session.</u> Thursday 21 June	
ECO	49
Uruguay Right to Vote	50
<u>Fifth plenary session.</u> Thursday 21 June	
Technical Committee Report	58
Agenda 6. Comprehensive Assessment of Whale Stocks	58
Agenda 7. Revision of Present Management Procedure	59
7.1 Proposals for revised procedures	
12.2 Consideration of general principles	59
Agenda 8. Review of Regulatory measures Other Than Catch Limits	60
Agenda 9. Indian Ocean Sanctuary	61
Agenda 11. Commission's Competence to Set Catch Limits for Baird's Beaked Whale	62
Agenda 14. Small Cetaceans	62
14.1.1 Proposals for renaming sub-committee	62
14.1.2 Review of specified fisheries and stocks	62
Agenda 15. International Decade of Cetacean Research	65
Agenda 16. Consideration of the Recommendations from the Conference on the Non-Consumptive Utilisation of Cetacean Resources	65
Agenda 17. Adoption of the Report of the Scientific Committee	66
Agenda 18. Humane Killing	68
Agenda 19. Register of Whaling Vessels	70
Agenda 20. Amendment of the Schedule	71
Agenda 24. Adoption of Report of the Finance and Administration Committee	72
Agenda 25. Co-operation With Other Organisations	72
Agenda 26. 35th Annual Report	73

	Page
<u>Sixth plenary session. Thursday 21 June</u>	
ECO	78
Agenda 10. Infractions and Reports from International Observers	79
Agenda 13. Aboriginal Subsistence Whaling	84
13.2 Report of the Technical Committee Aboriginal Subsistence Whaling Sub-committee	85
13.3 Action arising	85
13.3.1 Bering Sea bowhead whales	85
13.3.2 Eastern Pacific gray whales	87
13.3.3 Western North Atlantic humpback whales	89
13.3.4 Other stocks	90
West Greenland humpback and fin whales	90
West Greenland minke whales	94
[12.1] The St. Lucia question	95
<u>Seventh plenary session. Friday 22 June</u>	
Agenda 12. Whale Stocks and Catch Limits	101
Agenda 12.1 Report of the Scientific Committee	101
12.3 Action arising	102
12.3.1 Sperm whales Western North Pacific	102
12.3.2 Minke whales Southern Hemisphere	104
<u>Eighth plenary session. Friday 22 June</u>	
12.3.2 Minke whales (contd)	
North Atlantic, North Eastern stock	115
Central stock	120
North Pacific, Okhotsk Sea - West Pacific	122
Sea of Japan - Yellow Sea - East China Sea	124
12.3.3 Fin whales	
North Atlantic, Spain - Portugal - British Isles stock	125
East Greenland - Iceland stock	125

	Page
12.3.4 Sei whales	
North Atlantic, West Greenland	126
Iceland-Denmark Strait stock	127
12.3.5 Bryde's whales	
North Pacific, Western stock	129
12.3.6 Bottlenose whales, Baird's beaked whale	130
12.3.7 Protected species	130
West Norway - Faroe Islands fin whales	130
Antarctic blue whales	
12.3.5 Bryde's whales	
Southern Hemisphere, Peruvian stock	131

Ninth plenary session. Friday 22 June

Report of panel to review the operations of the Scientific Committee	140
Agenda 21. Adoption of Report of the Technical Committee	141
Agenda 27. Election of Chairman and and 28. Vice-Chairman	142
Report of Group on Rule of Procedure C.1(b)	145
Agenda 29. Any Other Business	149

INTERNATIONAL WHALING COMMISSION
THIRTY-SIXTH ANNUAL MEETING : VERBATIM RECORD

OPENING PLENARY SESSION : MONDAY 18 JUNE 1984
 10.15am

Chairman

May I open formally the 36th Annual Meeting of the International Whaling Commission. It is a great honour for me to receive all of you here and we have today the Secretary of State for Housing and Environmental Planning, Architect Bacigalupo, who is giving the address of welcome from the government. He is the representative of the Argentine Republic and I would like to ask him to take the floor and address you all in this event. Before that if I may on behalf of all the Commissioners and representatives and observers give thanks to the Argentine Government for the amenities, facilities and all the arrangements they have already done. Having said that if I may I would like to ask Architect Bacigalupo to address us as the representative of the government.

Architect Bacigalupo [translation]

Mr Chairman, Delegates, Observers, Ladies and Gentlemen, The Argentine Republic is honoured by the Thirty Sixth Annual Meeting in Buenos Aires of the International Whaling Commission and would like to extend to this International Organisation its most sincere welcome.

Agenda 1
 Address of
 welcome

The National Government is also pleased by the fact that the delegates and observers to this meeting are coming to our country at a time in which the Argentine people is undergoing one of its most important and intense historical experiences: the full enforcement of democratic and republican institutions.

My presence at this opening ceremony is very rewarding in many aspects and for me it is essential to explain so to the delegates and observers. We consider that the Argentine Republic has always demonstrated ample participation and cooperation in all the actions of the international community oriented to a serious and conscientious review of the problems of the environment, of ecological systems and in this particular case, those referring to the conservation and utilization of living marine resources.

Argentine policy is very well known and respected by this assembly. The rational use of resources is in agreement with its national philosophy, for it is a state generously gifted by nature; for it harvests in its land and marine spaces innumerable and valuable samples and examples of the animal and plant universe. At the same time, the prolonged action in favour of the protection and preservation of endangered species has been evinced in innumerable contributions and statements at international organisations and fora. At these occasions it has been a permanent concern to establish its stance - always coherent and pressing - that man must respect his environment, prevent its possible deterioration and foster natural conditions for the present societies and for future generations.

This honest attitude, in a world which sometimes is insensitive to these type of guidelines, has not overlooked the need of the international community, especially in the developing countries, among which Argentina is included, to develop its potential and encourage progress in the field of rational development and utilization of its natural resources, closely related to the scientific and technical research and study which guarantee these decisions.

These words could explain the feeling of gratitude of our government, which I mentioned earlier. The International Whaling Commission convenes for the first time in a developing country, in Latin America, and formerly has been honoured with the chairmanship of the organisation. These words do not but bring to our memory the words of Argentine scholars who, like Jose Leon Suarez, proposed at the end of the twenties, at the League of Nations, provisions for the protection of whales when he stated energetically "Agreements related to marine resources have not considered an interesting and demanding point of view for humanity as a whole, which is to avoid the extinction of the species..."

Finally it would be appropriate to point out that it has been the decision of my government that my presence at this opening ceremony should have another meaning: that of relating the activities and objectives of this Commission with the task and competence of my portfolio, environmental order. Within it an intense, creative and organised activity is developed with the aim of finding solutions to everything related to the environment and making our people aware of the unavoidable need of studying and working - effectively and promptly - at the level of the human environment.

The Argentine Republic shall be always present, ready to act, and willing to work for the benefit of the goals and decisions of the International Community.

Mr. Chairman, Delegates and Observers, Ladies and Gentleman, I wish you prosperous and rewarding activities, success in your negotiations and decisions and a happy personal stay in the Argentine Republic. Thank you very much.

Chairman

Thank you very much. On behalf of the IWC Commissioners and the Commission as a whole I thank you for coming here, you are welcome. I again thank the Government for its support and I know, I should really explain that we have a lot of work, and yourself as well are committed with some engagements this morning. Then, I would say thanks again and if the Commission would allow me I will join the Architect Bacigalupo to his work and I will come very soon to initiate and go on with this formal meeting of the Plenary, thank you. It's adjourned for a minute.

Chairman

So we resume again the Plenary and as usual, if you will allow me, we will pass to the Agenda. After the point number one, we have Opening Statements. As usual we don't have this year any new government coming for the first time, then could I assume that the opening statements have been already done, and because they are written we could move to the Item 3? Unless there are any comments on Item 2, I will pass to the next point in the Agenda. Thank you. So it is adopted in that way and we have accepted the written statements.

Agenda 2
Opening
statements

Item 3, Adoption of the Agenda. May I put to the consideration of the Commissioners the Agenda you have already with you in IWC/36/2, yellow pages? Any comment on that? May I notice that in the explanation of the Agenda we have some comments from the United States of America, which have requested the Item. You can see all the statement in the page 4, Item 3. Any comments on that? Sorry, yes Commissioner of Japan please.

Agenda 3
Adoption
of Agenda

Japan

Thank you very much Mr Chairman. With respect to the comments made by the United States, we had made, as you recall at the last year's meeting.....Thank you very much. Mr. Chairman I would like to record my reservation on the point raised by the United States with respect to action arising, with respect to the Schedule amendment. I made the same reservation so I don't think that I need to repeat once again, but I do like.....

Chairman

I'm sorry, but it seems again here you accidentally disconnected the microphone

Japan

I would like to make the reservation that any proposal which requires Schedule amendments must be proposed sixty days in advance. So that I would like to record the reservation of my delegation on this point vis a vis the United States comment on this Agenda Item. Thank you.

Chairman

Thank you Commissioner of Japan. If I may remind you, I don't think that this point is exactly.... I was just asking about the United States of America's intervention. I think that the question of the Agenda as a whole and particularly the certain point, will be discussed later on. If I may I will say that we could resist the intervention of Japan as well as the reservation he has already made, but if you will allow me, I would say that we can pass Adoption of the Agenda with the request of the United States in this point and discuss later on the matter that you have already suggested. Is this alright?

Japan

Thank you.

Chairman

Thank you Commissioner of Japan. Any other point? Any other comments on this Item 3? Yes Soviet Union has the floor.

USSR

Mr Chairman the Soviet delegation would like to associate itself with the view which was expressed by the esteemed Commissioner of Japan and we also reserve our position.

Chairman

Thank you Commissioner of Soviet Union. Then we have two objections and two reservations. May I consider both accepted by the plenary? Then we will take note of that. Any other comments on this particular item 3? I do not see any, then could I assume that we are adopting the agenda in the terms that it is put in the yellow paper stroke 2. So it is decided. Thank you.

Agenda 4
Arrangements for
the Meeting

We pass then to the item number 4, arrangements for the meeting. I will at this point to ask Dr Gambell to introduce us to this particular meeting in Buenos Aires and perhaps some need of arrangements must be done in order to adapt it to our work. Dr Gambell please.

Secretary

Mr. Chairman, you realize that we need to be able to identify your microphones very easily, please can I ask that you raise your card or indicate in a similar way when you are speaking so that our engineers can find the right microphone. On other practical matters if you have any requests, queries, typing help of any kind for this meeting, please go to our registration desk, where you registered first of all, and we will do our best to help you. If we need to make contact with you, we will do so through the pigeon holes which are at the back of the lobby outside this meeting room. All documents and any telephone messages or letters which the secretariat receives for you will be placed in those pigeon holes, and can I just say that because we are in the Southern Hemisphere for this meeting the names are in the opposite position from where they usually appear, the names are above the slot which belongs to you. I know this is different but there has to be a reason, so please take documents from underneath your name, your name appears over the top, otherwise the people whose documents you are taking will get very cross. The meeting will make the normal breaks I would expect for mid-morning, mid-afternoon refreshment and lunch and dinner breaks, these will be decided by yourselves and we will try and fit in with those arrangements. So, let me emphasize, we will contact you through the pigeon holes, you contact us for any help at the registration desk. Thank you Mr. Chairman.

Chairman

Thank you Dr. Gambell. So, is there any comments on this item 4 about the arrangements for the meeting. Thank you. Then we assume that it is adopted the way Dr Gambell is proposing to us.

Coming to the item number 5 Appointment of Committees, I would like again to ask Dr. Gambell to introduce the different Committees and ask you as Commissioners for participation in that. Thank you Dr Gambell.

Agenda 5
Appoint-
ment of
Committees

Secretary

Mr. Chairman, the Rules of Procedure of the Commission require that we should ask members of the Commission if they wish to be represented on the Technical Committee at this present session. Let me explain for the benefit of those who are not perhaps quite so familiar with our practice, the Technical Committee of this Commission is essentially the meeting of the whole body which does not make the final decisions in terms of recommendations or voting and it is normal for most governments to be represented on the Technical Committee for the first discussion of the major items. So Mr. Chairman I would propose to call the role of the members of this Commission and ask them to reply "yes" if they wish to be on the Technical Committee or "no" if they do not wish to be on the Technical Committee. Let me emphasize again that it usual for governments to serve on the Technical Committee unless they have some strong reason for not taking part in the early discussion. So, I will start working down the list alphabetically.

Antigua yes, Argentina yes, Australia yes, Belize absent, Brazil yes, Chile yes, People's Republic of China yes, Costa Rica absent, Denmark yes, Egypt No, Finland yes, France yes, Federal Republic of Germany yes, Iceland yes, India absent, Jamaica absent, Japan yes, Kenya yes, Republic of Korea yes, Mauritius absent, Mexico yes, Monaco yes, Netherlands yes, New Zealand yes, Norway yes, Oman yes, Peru yes, Philippines absent, St. Lucia yes, St. Vincent yes, Senegal absent, Seychelles yes, South Africa yes, Spain yes, Sweden yes, Switzerland yes, USSR yes, UK yes, USA yes, Uruguay absent.

Chairman

I think I should tell you that as usual in previous meetings we would accept newcomers if they are coming tomorrow or later, even Wednesday, as the usual way to receive new governments or new countries to this Technical Committee, will you accept that? Thank you, then we accept this position for eventual newcomers.

Secretary

Mr. Chairman, continuing with the Committees, the Technical Committee will only meet during this coming week, but the Scientific Committee often takes action during the coming year by correspondence. So I will poll the Commissioners again asking that you indicate whether you wish your delegation to serve on the Scientific Committee through the coming year; this is for the next twelve months. So, please indicate if you wish to be represented on the Scientific Committee in the coming year.

Antigua yes, Argentina yes, Australia yes, Brazil yes, Chile yes, People's Republic of China no, Denmark yes, Egypt yes, Finland no, France yes, Federal Republic of Germany yes, Iceland yes, Japan yes, Kenya no, Republic of Korea yes, Mexico yes, Monaco yes, Netherlands yes, New Zealand yes, Norway yes, Oman no, Peru yes, St. Lucia yes, St. Vincent no, Seychelles yes, South Africa yes, Spain yes, Sweden yes, Switzerland no, USSR yes, UK yes, USA yes.

Mr. Chairman I should emphasize that if a government has not been represented on the Scientific Committee before the Secretariat would appreciate having a name and address so that we can write to the proper person within that government or organisation. Continuing with our Committees, the Chairman of the Commission has already appointed the members of the Finance and Administration Committee and that Committee has met already and will continue to meet. The Aboriginal Subsistence Whaling Sub-committee and the Infractions Sub-committee were appointed by the Chairman of the Technical Committee and various other committees have met already which were established by the Commission at the last meeting. That completes the establishment of committees at this stage.

Chairman

Thank you Dr Gambell. Any comments on this particular item number 5? Then we accept the decision taken by the member to be a representative. I do not see any comment or objection, then it is so decided.

So we pass to the item number 6, Comprehensive Assessment of Whale Stocks. We usually at this time decide to move to the Technical Committee as a whole, that means we will become Technical Committee body here and in this respect I will say that we need to approve the items that we need to pass to the Technical Committee. If I may I will suggest unless there any comments or objections to pass to the Technical Committee from item number 6 to item number 21, that means Adoption of the Report of the Technical Committee. Is there any comments on that? I do not see any, then could we approve that the Technical Committee will deal with item number 6 to item number 21 including Report and if there are not any other comments I will adjourn the plenary and pass to the Technical Committee.

[Adjourn 10.45am]

INTERNATIONAL WHALING COMMISSION
THIRTY SIXTH ANNUAL MEETING : VERBATIM RECORD

SECOND PLENARY SESSION : TUESDAY 19 JUNE 1984
4.50pm

Chairman

[Opening missing]

So we have been discussing this matter and I think that it is a very substantial one, as well I would like to emphasize that everybody was fully aware of the implications. It's a little more substantial than the voting right in a very specific matter. We were referring this morning about a letter that a country presented to the IWC Chairman. The letter was later on provided to all Commissioners. We have been this afternoon in a Commissioner's meeting, and if I was quite well informed I would be in a position to offer you a solution or a partial solution, for the time being of course. In that context, I would like to address you in the following context. I think the matter, as I was saying is important and this is the reason why we took note very carefully about the comments of this government, in particular Peru, of course when dealing with this situation. The Peruvian Government was explaining the very special situation with domestic economic problems, and I think that it is not proper to discuss that here. But anyway, if I may say, the Government of this country was trying to explain some particular difficulties they have at this moment. Secondly, and according with the situation the Commission decided essentially and not having any particular interpretation, but on the contrary in order to apply the Rules of Procedure to accept the voting rights of the Peruvian Commissioner for this particular meeting, that means until the very end of this meeting that means before Friday 9.00pm, when we are fully aware we have to finish. Sorry, 7.00pm. Thirdly, my idea was, in order to tackle this situation that is very difficult, to ask a small group of Commissioners that I will suggest later on, this evening or tomorrow morning to deal with this matter with the terms of reference that I think we are all together in agreement. This group will deal with the situation of voting rights and the application of Rules of Procedure. I don't know if I was clear, sometime I hope to be clear, definitely, but if there are any comments on that and particularly in order to be clearer for myself I ask you to do that. Otherwise I will deliver this idea, but I could ask you that we could go along with that by consensus. Any particular comment on that? Yes, Seychelles has the floor.

Peru
Voting
Rights

Seychelles

Mr. Chairman, I regret to say that the idea is not entirely clear to us. I am not sure whether we will receive a written proposal for adoption by consensus. Whether we are agreeing to the suspension for the duration of the meeting of the Rule of Procedure C.1(b). Quite procedurally it is unclear to us Mr. Chairman, if we are proposing to adopted by concensus the suspension of Rule C.1(b), then the Seychelles would wish to enter a reservation as to the procedure being followed Mr. Chairman, without opposing that procedure.

Chairman

Any other comments? St. Lucia has the floor.

St. Lucia

Thank you Mr. Chairman. In the similar lines as those put forward by the delegation of the Seychelles, since it is not clear that we have a formal proposal or a written proposal the question comes to my mind - If there would be a proposal presented in writing, if the matter would come to a vote, would the government involved would be able to vote in that circumstance?

Chairman

Thank you Commissioner of St. Lucia. I think that again I'm very aware of my English, but my idea has some very particular qualities in order to convey to you what was my idea, which since was indicated. In fact what I was saying was that I thought in principle we are agreeing that the explanation provided by the Peruvian government about the domestic difficulties allows us to understand the situation, that is very particular in this meeting. Secondly, I said that taking into account the explanation I could foresee a consensus accepting not to apply during this meeting; that means until next Friday afternoon before 7.00 o'clock, the Rule of Procedure that established the suspension of vote in this particular case. Thirdly, because we are having a decision, create a small group of Commissioners that have to deal with this matter, and I will propose later on quite which member to do that. I don't know if this explanation is enough, or do you feel you need another and more clear explanation from the chair? Yes, St. Lucia has the floor.

St. Lucia

Thank you Mr. Chairman. I believe that the question in my mind has not been fully addressed. Should there not be consensus and should there be a need to resolve this matter by a vote, would the government involved be able to vote?

Chairman

Any other comments on that? Yes, Norway has the floor.

Norway

Mr. Chairman, if Commissioners agreed after a very long discussion in a private meeting that the proposals you outlined were acceptable on the basis that we were applying our Rules of Procedure in their entirety, the question raised by the Commissioner for St. Lucia is already answered, and would not require further precision. Thank you Sir.

Chairman

Thank you Norway. I think, in my point of view, that the St. Lucia Commissioner is asking about a hypothetical case. I fully appreciate your worries about the processes, but if I may this time I would like, taking into account the seriousness of the matter, unless you really have a strong feeling about to know what the hypothesis would work or not, to deal with that later on, but clearly I wouldn't like to be involved in asking about hypothesis alone. I don't know if the St. Lucia Commissioner could be so kind to accept my explanation and try later on to discuss this hypothesis? Seychelles has the floor.

Seychelles

Mr. Chairman, Seychelles was prepared to request a vote on this proposal. However, we were very much aware of the procedural problems that would be associated with such a request including that which has been raised by the delegation of St. Lucia. It is for that reason Mr. Chairman that we would refrain from asking for a vote, but would wish to enter into the record a statement of our position on this procedure. Thank you Mr. Chairman.

Chairman

Thank you Commissioner of Seychelles. Commissioner of St. Lucia.

St. Lucia

Mr. Chairman. I do not wish to tax your patience any further, perhaps during the coffee break we will be able to address the hypothetical question in a private manner. However, my delegation would like to register its association with the views put forward by the delegation of the Seychelles and also wishes to enter its reservation on the procedure adopted.

Chairman

Thank you Commissioner of St. Lucia. Any other comments? So, I'm sorry, United Kingdom has the floor.

United Kingdom

Thank you Mr. Chairman. I intervene purely with a question of clarification of the proposal which you have made to us. When you referred in your third point to the small group of Commissioners to deal with the matter on terms of reference which have been discussed earlier, I take it that you included within those terms of reference not just the issue of voting rights itself, but the wider problem of the arrears of contributions to this organization. I think that it would be useful for this group to concern itself with those wider problems and consider any possible steps that might be taken to improve the situation. I believe that some of the work of the Finance and Administration Committee may be of use to that group when their report emerges. Thank you Mr. Chairman.

Chairman

Thank you Commissioner of United Kingdom. I think that it will be useful as well that the small group we are preparing could deal with this matter, but I will say that they will, it will be up to them, to decide if they can suggest or not a whole comprehensive of arrears of contributions formally. I think that for the time being it will be enough to establish a small group that must work during this meeting and provide us either a solution or a way to a solution for the next meeting. Between the period from now until the next year's meeting and before that if the working group have decided otherwise, we can have the solution for all the problems of our arrears of contributions as well. Thank you. Any other comments? Well I repeat again having the right to open again the floor, but may I insist then that we accept by consensus, but the the registration of reservation for St. Lucia and Seychelles of the procedure taken, that Peru could vote in this meeting. That means until next Friday. Secondly, that this is the reason of the explanation given by the Peru Government and thirdly, that we are establishing a small working group of five members and I will not define until later on who will be the members unless you prefer to make a wider group. Any other comments? Thank you, it is so decided. Then I think that it will be proper to convene again the Technical Committee, unless there are other comments to go on that. Peru has the floor.

Peru

[Translation]

I would like to thank the members and Commissioners of the International Whaling Commission for their understanding of the explanation given by Peru in this matter. Thank you very much Mr. Chairman.

Chairman

Thank you, Commissioner for Peru. So, it was decided in that way, taking into account the thanks of the Peruvian Government, and if Dr. Lemche like to take the Chair for the Technical Committee. Thank you. We adjourn the Plenary Session.

[Adjourn 5.10pm]

INTERNATIONAL WHALING COMMISSION
THIRTY SIXTH ANNUAL MEETING : VERBATIM RECORD

THIRD PLENARY SESSION : WEDNESDAY 20 JUNE 1984
5.45pm

[Opening Missing]

Chairman of the Finance and Administration Committee

Thank you, Mr. Chairman. The Finance and Administration Committee met on 13 June 1984 and subsequent days. A list of participants is given in Appendix 1. I was elected Chairman and Dr. Kirkwood from Australia was appointed Rapporteur. A draft agenda had been prepared based on items 22 to 23 of the Plenary Agenda. This draft agenda is shown in Appendix 2. The next item on our agenda was the Plenary Agenda Item 22.1, the review of provisional financial statement 1983/1984. The Committee examined the income and expenditure figures and explanatory notes in the Appendices A, B and C of document IWC/36/9. An updated balance sheet for 1983/1984, projected to the end of the current financial year, is given in Appendix 3. Financial contributions outstanding at 31 May 1984 are given in Appendix 4. The Secretary noted that at the end of the current financial year there will be a substantial shortfall against the budget figure because income due from the contributions of many member governments had not been received. A further implication of this shortfall was a marked drop in the level of funds available for investment and a consequent reduction in interest on investments, and I refer you to IWC/36/9 Appendix A, where you have to look at the five first columns from the left.

Agenda 22
Finance
and
Administra-
tion

22.1
Review of
provisional
statement
1983/84

Turning to the next page, Mr. Chairman, the Committee expressed great concern that the contributions of so many member governments are in arrears. However, some indications of arrangements for payment have been given and apart from the relevant information on top of page 2 it must be added that the Government of Senegal has given indications that payment is about to be made. The Committee recommends that the outstanding debt of Dominica, which has ceased to be a member of the Commission, should not be written off. The Committee discussed at some length possible additional steps that might be taken to persuade member governments to pay outstanding contributions, and the Committee agreed to recommend that the Chairman of the Commission should write immediately after the current Annual Meeting to all Contracting Governments whose contributions are in arrears, urging that the outstanding contributions be met as soon possible. The various comments of members of the Committee on the financial situation, and you will find those at the bottom of this page. Turning, Mr. Chairman, to page 3 you will find a recommendation that the Commission accepts the provisional financial statement subject to audit. I have to make here a small correction. Reference is made here to Appendix 3. Reference should be made to IWC/36/9 Appendix A, because the Appendix 3 to this report contains only the balance sheet and that is only a part of the provisional financial statement. So there are under this Item 22.1 several recommendations, Mr. Chairman, I think you will wish to deal with it item by item. Thank you, Mr. Chairman.

Chairman

Thank you, Mr. van Reenen. Thank you. Could I ask for a seconder to the proposal made by the Committee on Finance. Yes, Denmark, thank you.

So we have under consideration Item 22.1, Review of Provisional Financial Statement 83/84, that means in the paper stroke 10, the first and second and third pages. We will split between the text and the recommendations. Any comments on the text itself, or any comments as a whole to the matter dealt in this item? So, may I assume then that we approve the text then we are moving to the three recommendations. The first one in the third paragraph, page 2, the Committee recommend that the outstanding debt of Dominica, and so on. The second one, the Committee agreed to recommend that the Chairman of the Commission should write, and so on, and the third one, page 3, the Committee recommends that the Commission accept, and so on. Any comment on that? The United Kingdom has the floor, please.

United Kingdom

Thank you, Mr. Chairman. I intervene on the recommendations in this section of the report presented to us by the Finance and Administration Committee in order to underline that my government shares the great concern, the very serious concern, that the contributions of as many as, I think, eighteen member governments including a significant number of whom are represented at this meeting, that these contributions are in arrears and that the total arrears shown in the table amount to something of the order of 46% I think of the estimated budget for the coming year. I think this is a very serious situation. There are a number of differences of view among those represented at this meeting on a variety of subjects and I am sure there is one thing that unites us, and that is the importance which we all attach to the work of this Commission and I think it is a problem which we must all recognise as a serious one whatever our particular point of view. I note that certain further information has been obtained and I hope that we shall continue in the course of the next weeks and months to receive better news but certainly the present situation is a serious one and I congratulate the Finance and Administration Committee on the serious consideration which they have given to it.

Among the recommendations I think I would wish to single out the second of the recommendations and to comment on it if I may Mr. Chairman? In that connection, I think that I would remind you Mr. Chairman of the fact that we did take a decision, I believe that it was yesterday, to make a certain procedural decision of considerable significance but that we linked that decision with another decision to set up a small group to study a problem connected with the arrears of payment. We haven't I think yet heard from you Mr. Chairman on the constitution of that group, but I hope that we shall do so. I feel that a group of this kind both at this meeting and possibly indeed after the meeting could assist the Chairman and the future Chairman of this organization to make some progress with resolving the financial problem of these arrears of payment.

I would support in particular the recommendation that the Chairman of the Commission should write in his own person to the Contracting Governments whose contributions are in arrears. I think that perhaps Mr. Chairman it would be useful if the Chairman of the Commission

could at the same time notify the other Contracting Governments at the time that he has done so, and that this would provide the opportunity for those Member Governments who have paid their contributions to take up the suggestion made in the fourth paragraph on page 2 of the report, to add their encouragement to the approach made by the Chairman of the Commission. I think that this would be a useful step which should lead to bring further home to the governments concerned the great importance of the environmental issues with which we are concerned in this Commission and the very important work which we are doing and the very serious risk that this work will be jeopardised if contributions are not fully paid up. Thank you Mr. Chairman.

Chairman

Thank you Commissioner of the United Kingdom. India has the floor.

India

Thank you Mr. Chairman. Speaking for India I should like to inform you that our Parliament has voted the budget only very recently and therefore the payment is really on its way.

Chairman

Thank you Commissioner of India. St. Vincent and later on Belize.

St. Vincent

Thank you very much Mr. Chairman. I would like to say that on behalf of St. Vincent and the Grenadines that last week the cheque did go out in the mail. So presumably by now you may have received it.

Chairman

Thank you Commissioner of St. Vincent. Commissioner of Belize.

Belize

Thank you Mr. Chairman. On behalf of the Government of Belize I would like to say to you that the money was allocated and as far as I know the cheque did go off. So it should be received at any moment now. Thank you very much.

Chairman

Thank you Commissioner of Belize. Any other comments? Norway has the floor.

Norway

Thank you Mr. Chairman. My delegation is heartened by the interventions which have preceded me. Nevertheless we find that there is every reason for this Commission to pursue vigorously the efforts to collect both outstanding contributions from current members and debts owed by governments which have chosen to leave the Commission. I would associate myself entirely with the remarks of the Commissioner from the United Kingdom. Thank you sir.

Chairman

Thank you Commissioner of Norway. Any other comments? Thank you. So could we take note first of the intervention already done. Secondly, we approve the first recommendation? Thank you. We approve the second one? Thank you. If I may from the Chair perhaps it would be a little large interpretation that you already did in this group. I'm addressing to the Chairman van Reenen. But when you are asking that the Chairman must write to all contracting parties, are you including Dominica in that? It would be useful that the Chairman write to Dominica again, because you have not written off the debt. Is it included in the interpretation of the second recommendation? Or we could accept that this interpretation will be done in that way? Yes please Chairman.

Chairman

Thank you Mr. Chairman it is indeed not included in the recommendation but if the Commission thinks it proper that the Chairman should write to Dominica as well the Commission may decide so. But it is, as far as your question is concerned, it is my understanding that this is not included in the recommendation. Thank you Mr. Chairman.

Chairman

Thank you Mr. Chairman. Any comments on that? Denmark has the floor.

Denmark

Thank you Mr. Chairman. I support your suggestion that also Dominica would receive a letter.

Chairman

Thank you Denmark. Any other comments on that? Could we then take the second recommendation including the former contracting parties in order to allow the Chairman to write to them? Thank you. Then we pass to the third one. Any comments on that? Then we have approved the three recommendations with the remark about the second one? Thank you, it is so decided. Could Mr. Chairman go on with the Item 22.2? Yes please.

Chairman of the Finance and Administration Committee

Thank you Mr. Chairman. Plenary Agenda Item 22.2, Consideration of the Estimated Basic Budget 1984/85. The Committee viewed with extreme concern the expected shortfall of income in the current year and the resulting depletion of reserves. It recognised the strong likelihood that a similar shortfall may occur in 1984/85. Therefore it agreed that it should attempt to reduce expenditure during 1984/85 to the lowest possible level consistent with maintaining the essential functions of the Commission.

22.2
Consider-
ation of
estimated
basic
budget
1984/85

The Committee identified the following items that might be reduced or deleted.

First provision comes under the heading Secretariat costs, and there are under this heading three items. First one is one unfilled staff position which could be left vacant. The second item is the provision for office furniture and equipment and the Committee recommends that the budget provision for these items be reduced by £3,000 and £2,000 respectively. There is a third item under the heading Secretariat Costs, for Secretariat travel and subsistence. The Committee agreed that it was highly desirable for a detailed breakdown of projected travel under this provision to be given, and recommended that in future years such a breakdown be included in the budget proposals. The Committee agreed to recommend that a total of £3,000 be allocated for this item of travel and subsistence representing £1,000 for internal UK travel and £2,000 for all overseas travel, to be allocated at the Secretary's discretion. For your information you will find the total reduced figure recommended for Secretariat's costs in Appendix 5 to this report, totalling £233,425.

The next heading of expenditure is for the International Whaling Statistics. At the last Commission meeting, it had been agreed that the Secretariat should take on the task of collecting and distributing the International Whaling Statistics.

The Committee did not recommend a reduction in the allocation for this item for 1984/85. So that still stands at £15,000 as you may see in Appendix 5.

Next heading concerns the Annual Meeting, the Annual Meetings. The Secretary reported that he had found that the local authorities in Eastbourne and a hotel in Bournemouth were prepared to provide facilities free, and this would allow a saving of £17,000 in comparison with the projected cost of holding the 1985 meetings at Cambridge and Brighton.

The major drawback in holding both meetings in Eastbourne or Bournemouth was the problem of security. However, the consensus of the Committee was that security arrangements acceptable to the Commission could be made. The Committee recommends that the 1985 Annual Meetings of the Scientific Committee and Commission be held consecutively at Eastbourne or Bournemouth. It also recommends that the Secretary be instructed to make firm bookings and confirm dates as quickly as possible.

The Committee also recommends that a charge be made for refreshments and this could result in a saving of approximately £3,000.

In summary Mr. Chairman, the Committee therefore recommends that the provision in the 1984/85 budget for Annual Meetings be reduced by a total of £20,000, and you will see from Appendix 5 that that will leave us with a total figure of £54,900.

There are Mr. Chairman, also some additional recommendation related to the provisions for Annual Meetings. The Committee recommends that the Commission consider the financial and other implications of holding meetings annually, this in light of the growing costs and the moratorium decision taking effect in the near future.

The Committee agreed, but with reservations expressed by Japan, to recommend that the Commission considers the establishment of a small panel, including the Chairman of the Scientific Committee, to review the operations of the Scientific Committee and its sub-committees to see whether there exist areas of possible savings that could be made, without jeopardising the advice required by the Commission from the Scientific Committee.

The Committee also recommended for consideration by the Commission that this review panel might give high priority to an examination of possible cheaper alternatives to the current practices regarding publication of scientific papers used by the Scientific Committee.

Finally under this heading for annual meetings. The Committee recommends with reservations from Japan, that this review panel, should it be established, should meet during the current Annual Meeting.

Next provision Mr. Chairman in the expenditure for 1984/85 is Other Meetings. These include IWC sponsored meetings, other scientific meetings and attendance of IWC observers at various meetings.

In view of the severe financial situation facing the Commission in the coming year, the Committee recommends that none of the proposed IWC sponsored meetings or other scientific meetings be held during 1984/85. It also recommends that, wherever possible, the IWC observer should be a member of a national delegation already attending the appropriate meeting. Where this is not possible, funding of attendance of IWC observers should be sought from other sources.

The Committee therefore recommends that no provision be made for attendance at other meetings.

Allocation to the Research Fund. Under this heading there are two items. The first one the provision for attendance at Scientific Committee meetings of specialist invited participants and the second item a 7th IWC/IDCR minke whale research cruise.

The Committee recommends that the amount allocated for funding invited participants be reduced to £6,000. The Committee noted the importance placed by the Scientific Committee on the attendance of scientists with particular areas of expertise not available among national delegates.

The Committee recommends that the practice to urge all potential invited participants to first seek outside funding be continued, but also recommends that where appropriate, the Secretary should also write to governments to seek funding of invited participants.

The second item under this heading Allocation to Research Fund is the 7th IWC/IDCR minke whale research cruise. The Committee noted that the Scientific Committee had given the highest priority to this research cruise. However, while agreeing that provision should be made in the 1984/85 budget for funding this cruise, the Committee recommends that the allocation be reduced to £35,150. That leaves us Mr. Chairman under the heading Allocation to Research Funds, with a total of £41,150, as you will see from Appendix 5.

The final item provision for expenditure is the provision for Publications. The Committee recommends that the proposed allocation for publishing the Annual Report and for other printing and copying be retained, but it also recommends that the Secretary be instructed to continue investigating alternative modes of publication. The Committee also recommends that the Commission encourage Member Governments to give every assistance to the Secretary in seeking out possible commercial publishers.

The Committee recommends that the allocation of £17,100 for publication of the report of the Right Whale Workshop be deleted from the 1984/85 budget; and if you look Mr. Chairman at Appendix 5, you will see that that leaves us, under the heading Publications, with a reduced total of £57,500.

In summary Mr. Chairman, the estimated budget for 1984/85 in light of both the recommendations for savings on expenditures and the consequential changes to income, the Committee revised the proposed estimated budget in IWC/36/9, and the originally proposed estimated budget, you will find that in IWC/36/9 Appendix A, where you have to look at column F.

The Committee also agreed to present the recommended estimated budget, which you will find in Appendix 5 to this report, in a different format to that used in IWC/36/9. The budget proposed in 36/9 included as an item of estimated expenditure a provision against unpaid contributions. The Committee agreed to delete this provision and instead add a footnote to the recommended estimated budget drawing the attention of the Commission to the serious consequences of non-payment of contributions. A further change in the format is the specific inclusion of estimated levels of reserves, and the Committee believes that this allows a clearer picture of the financial position to be presented. The Committee recommends that the Commission approves the revised estimated budget for 1984/85 shown in Appendix 5, together with the provisional estimates of contributions, and the Committee draws the attention to the footnotes associated with this recommended estimated budget.

Mr. Chairman, if you will allow me I would like to go through this Appendix 5. Mr. Chairman we have already seen the various items for expenditure. When we look at the income side, you will see that there is a total recommended figure for income of £449,357. If you add up the expenditure you will come to a total of £401,975, that gives us an excess if all contributions will come in of £47,382 which in that case could be transferred to the reserve. As I noted already earlier Mr. Chairman, we have changed the format of this budget. You find also the reserves on this sheet. In the first place you find the projected reserve at 31 August 1984 to an amount of £141,214 and this figure has been derived from Appendix 3. You will see there at the bottom of the page the balance sheet and a total figure of £180,382 which is financed by the general fund and that is what we are talking about now, of

£141,214. So that figure you will find again in Appendix 5 under Reserves, projected reserved at 31 August 1984. Now if an amount of £47,382 could be added to those reserves then the projected reserve will be at the end of the next financial year, that is at the 31 August 1985. There is a small mistake here, 1985. You will find there a total figure of £188,596.

So this, as far as the figures are concerned, but I would like now to draw your attention with great emphasis to the notes which have been added at the bottom of this page to the estimated budget.

The first note reads as follows, that " the reserve is to cover the deficit, if there will be any deficit".

The second note reads as follows," additional funds will be available as the unpaid contributions of £131,246 are paid". So those are the contributions owed for the current financial year and that is a figure that you will find, also in the balance sheet in Appendix 3, under provision against unpaid contributions, and you should be aware that that figure represents those outstanding contributions where no indication of arrangements for payment have been given.

The third note on the bottom of the page of Appendix 5, Mr. Chairman reads as follows, " the Committee draws to the attention of the Commission that the IWC reserves will be reduced to a level of £55,567, and that is equivalent to approximately 2 months annual expenditure, at the end of 1984/85 if the pattern of non-payment of contributions of Contracting Governments is allowed to continue". I would like in this context Mr. Chairman to remind you that according to the Secretary the minimum reserve ought to be of the order of between £150,000 and £160,000.

In this recommended budget Mr. Chairman, total income from contributions from Member Governments totals £377,672, that is a figure which you will also find in Appendix 5. So total income from contributions from Member Governments has been estimated to be the same as last year, and the assumption has been made that all Member Governments will as required pay their contributions. If we return now to page 8 Mr. Chairman, in view of the current poor state of the Commission's reserves the Committee recommends that the Commission should urge all Member Governments to pay their contributions as early as possible. So I emphasise, all Member Governments, not only those who have outstanding contributions, should urge all Member Governments to pay their contributions as early as possible within the 90 day period following the request from the Secretary, that is the request referred to in the Financial Regulations section E. The Committee noted the concern expressed by the Secretary that the setting of the provision for national contributions at the same level as last year represents a reduction in funding in real terms. Then Mr. Chairman the last recommendation under Agenda Item 22.2 the Committee recommends that the Commission reaffirm its decision of last year that borrowing facilities should not be established at this time. Thank you Mr Chairman.

Chairman

Thank you very much Mr van Reenen. So, we have in front of us a very extended item. Then if you allow me I will consider each recommendation separately and I will ask first if there any comments as a whole about this item, I mean, not taking any particular point but if you like to express any decision or any comments on this item as a whole; then we will move to any particular recommendation and have just the floor for this particular one but if someone feels the need to make any comments as a whole please do that now, the floor is open then. Norway has the floor.

Norway

Thank you Mr Chairman. First of all I would like to thank the Finance and Administration Committee and its Chairman for the extremely good work which has been done with a ruthlessness which we do not generally expect of them. The ruthlessness has been necessary in view of the discovery of our situation; that situation continues to be serious. My Government is grateful that we have now a firm recommendation that we should base our budget on the clear assumption that all contributions will be paid. Even then we see that the reserve fund will be seriously depleted if there is any shortfall and that depletion is of a nature that causes great concern as to the operational viability of the Commission as from the next Financial Year. Mr Chairman, it continues to be of great importance to my delegation that we concentrate on the operational aspects of this Commission's work, that we exercise every economy but concentrate our expenditure in the fields where real work is done, in fields which are of direct relation to the duties of the Commission and in the service of its members. I would like to revert to certain specific points as we go on. Thank you sir.

Chairman

Thank you Norway. Any other comment as a whole concerning this item? Thank you then it is so decided, we move then to each recommendation separately. We have in page three the first one, that says that the Committee recommends that the budget provision for these items be reduced by the indicated amount. Any seconder for this one? I think it will be wise to ask for a seconder for all the recommendations in this particular item is there anyone to do that? Thank you the United States is seconding. Thank you, then we move to the first one that I have already read. Any comment on that? Then we can approve it. It is so decided, thank you. The second one at the bottom of the page, recommended that in future years such a breakdown be included in the budget proposal. Any comment on that? So, it is approved. The third one is in the page four, the first paragraph, to recommend that a total of £3000 be allocated, so on, so on, any comments on that? Thank you it is approved. Page five second paragraph, the Committee recommends that the 1985 annual meetings of the Scientific Committee and Commission be held consecutively at Eastbourne, and so on. Any comments on that? USA has the floor.

United States

Thank you Mr Chairman, I don't wish to take any time on this issue, but I do commend the Committee and the Secretary in obtaining an excellent proposal from Eastbourne or Bournemouth, which ever. I would hope, however, that due to the vivid memories that so many of us have of Brighton and the excellent facilities there that, with that proposal in hand, we might be able to strike a better deal in Brighton. Thank you sir.

Chairman

Thank you Commissioner for the United States of America. The Secretary is taking note of that. So it is approved. The following one recommends that the Secretary be instructed to make firm bookings and so on. I think it is advisable to approve it. Thank you, it is so decided. The next one, recommends that a charge be made for refreshments provided at the next Commission meeting. Any comments on that? So it is decided then. Next one concerning recommends that the provision in the 84/85 budget for Annual Meetings be reduced by a total of £20,000. Any comments? So it is approved. Next one, next paragraph recommends that the Commission consider the financial and other implications of holding meetings annually. Any comments on that? Yes, Norway has the floor.

Norway

Mr Chairman, would this be a recommendation for immediate consideration? Is the recommendation of the Committee that we consider the question now?

Chairman

No, I think it is to consider in future time but we can ask the Chairman of the Finance Committee to answer you, thank you. Please Mr van Reenen.

Chairman of Finance Committee

Thank you Mr Chairman, it is my understanding that this recommendation is phrased in broad terms and it is for the Commission to decide whether it wishes to consider it already during the present Annual Meeting or at a later stage. Thank you Mr Chairman.

Chairman

Any comments on that? Norway has the floor.

Norway

Mr Chairman, just to say at this stage if you wish to keep the debate brief, that my delegation feels that we must constantly look at the need for meetings in relation to what we expect those meetings to do. At the time when we feel that we can dispense with annual meetings there is no other choice but to find another rhythm for our meetings, that would apply I think equally, to the annual meetings of the Commission and to the meetings of the Scientific Committee. We must at all times evaluate the productivity of these bodies in the light of the tasks to be carried out. Thank you.

Chairman

Thank you Commissioner of Norway. Any other comments on that? Iceland has the floor.

Iceland

Thank you Mr Chairman. The Icelandic delegation would like to associate itself with the view expressed by the Norwegian delegation. Thank you.

Chairman

Thank you Commissioner of Iceland. Any other comments? Then we approve this recommendation taking in to account that the interpretation is broad, that means we are not considering that at this particular point. If I may say to you, I think when we are dealing at the very end of the Agenda, the plenary, we will have the next meeting item. It is the item 23. I don't know if you like to keep the matter open even for this year or the next year. We already approved the recommendation without taking an interpretation according with the Chairman of the Committee, that means that we can consider that now, in the item 23 or next year. Then, may I decide that it not at this particular moment that we are considering but could some delegation take the matter for item 23, if they wish, otherwise it will pass to next year. Is it correct? Thank you, it is so decided in this way.

Next one, is the recommendation, reservation expressed by Japan, that the Commission consider the establishment of a small panel, including the Chairman of the Scientific Committee, and so on. Any comments on that? Yes, Norway has the floor.

Norway

Mr Chairman, my delegation considers that such a panel will undoubtedly be useful. However, we must underline that the task of that panel would not necessarily be only a question of assessing scientific priorities. In keeping with views I have expressed here, I would at this time offer the suggestion that the Commission should discontinue the sub-committee on small cetaceans for the time being. I am sure the sub-committee does a great deal of useful work, but, it also implies a great deal of expenditure. I've noted that in the 34th Annual Report Scientific papers relating to small cetaceans take up 30% of the space

allocated to scientific papers. I take that as a rough measure of the volume of effort put into the small cetacean group and also as an indication of the overhead costs which are incurred by maintaining that sub-committee. I note that the sub-committee offers us some interesting information, some useful information, but the bulk of the work of this sub-committee has no direct bearing on the management tasks of the Commission and in a time of necessary economy it seems to me that we could suspend the operation of that sub-committee. Thank you sir.

Chairman

Thank you Commissioner of Norway. Yes please, Mexico

Mexico

[Text missing] and of the present financial situation. The work being done on the small cetacean committee shouldn't be considered as a priority for the work to be undertaken by the Scientific Committee. Thank you Mr Chairman.

Chairman

Thank you Commission for Mexico. Any other comments on this intervention? Japan has the floor.

Japan

Thank you very much. We would like to withdraw our reservation on this item. We had some doubt on the effectiveness of the small panel but we would like to withdraw our reservation on this issue, and also my delegation associates itself with the viewpoints expressed by the delegations of Norway and Mexico. Thank you.

Chairman

Thank you Commissioner of Japan. Commissioner of Peru.

Peru

Mr Chairman, my delegation supports the proposal made by the Norwegian delegation, by Mexico and Japan. Thank you Mr Chairman.

Chairman

Thank you Commissioner of Peru. If I may intervene at this stage, I will say that as yet I have not accepted the proposal, I am just having some reflections from some of the delegations and we can receive the proposal; but until now I am just considering different interventions on this particular matter, unless Norway insists for the time being, but I would prefer to listen to other comments if you feel that this is necessary. Any other comments? Yes, United Kingdom has the floor and then Sweden.

United Kingdom

Thank you Mr Chairman. I would first congratulate the Chairman and members of the Committee and indeed the Secretary, for the proposed budget that they have put before us. On the specific point which we are now discussing, I am not sure Mr Chairman that further discussion of the interesting suggestions put forward by Norway and Mexico will lead anywhere very constructive at this meeting. I personally don't feel that I am in a position to take a view at this meeting on the role or otherwise of the small cetaceans sub-committee but it seems to me that it's precisely to consider these kind of questions that the recommendation for a small panel is made, and I would have thought that it would be more profitable to devote our attention to the adoption of that recommendation which is one that I certainly would support. Thank you.

Chairman

Thank you Commissioner for the United Kingdom. Sweden has the floor.

Sweden

Thank you Mr Chairman. My delegation also wishes to thank the representative of the Netherlands, or the Chairman of the Finance Committee for his very thorough and satisfactory work. We have also listened with growing concern to the problems, all the economic problems of the International Whaling Commission. We realise that certain reductions and probably drastic reductions have to be done. However Mr Chairman, I wish to turn shortly to the question of small cetaceans that has for some years been a concern of my delegation. We realise that for economic reasons that it may be necessary to put certain projects on the shelf for some time and if the small cetaceans should prove to be such a project we wish it to be noted in the report that my delegation wish that work, the information on the research of small cetaceans to be resumed as soon as it is economically possible as we do think it is a very important one. Thank you.

Chairman

Thank you Commissioner of Sweden. Any other comments? Denmark has the floor.

Denmark

Thank you Mr Chairman. Mr Chairman I wonder if there would be a way of reconciling different views with respect to the Norwegian proposal if we view the Norwegian proposal...

Chairman

Approach more to the microphone first. This is a considerable matter and a matter of substance as I have already said; I would not like to be misinterpreted I did not receive yet, why I didn't consider myself a proposal from Norway. We are working on an idea. Thank you. Sorry to interrupt you.

Denmark

Thank you Mr Chairman. I am sorry. I wonder if there would be ways to reconcile different points of view expressed on the Norwegian idea of discontinuing the sub-committee on small cetaceans work. What I am thinking about is the footnote number two on Appendix 5, where it is said that additional funds will be available as the unpaid contributions of so many pounds are paid. Would it be possible to make some kind of priority so that the small cetaceans group would only be financed if these outstanding monies would come in. Thank you Mr Chairman.

Chairman

Thank you Commissioner for Denmark. Any other comments? Australia has the floor.

Australia

Thank you Mr Chairman. I think in putting forward this view (and Australia was a member of the Finance and Administration Committee in support of this recommendation) it was, I believe, the intention of the Committee that this review panel would consider the whole of the operations of the Scientific Committee to look at as a whole and then begin to identify those areas, including small cetaceans, but any areas where it was felt that there might be savings and I think it would be unfortunate if the Technical Committee took over the review, the work of the review panel, in nominating particular aspects of its work. I think that this is a matter for discussion with the Chairman of the Scientific Committee in a proper and a thorough way and whilst not disagreeing with some of the suggestions that have been made, I would hope that we would just agree that the committee be set up and no doubt it will note the comments that are being made at this meeting.

Chairman

Thank you Commissioner for Australia. France has the floor.

France

Thank you Mr Chairman. I would like to support the idea which has been put forward by some delegations concerning the small cetaceans and concerning the words said by the Danish Commissioner, I wonder, it's a question to the Secretary I would like to put, I wonder if it is possible, so to say, to allocate some money which is not paid for the time being to a specific item? I don't think so, I don't think it is a way of allocating the money, and I would like to know if I am right in putting this question. Thank you Mr Chairman.

Chairman

Thank you Commissioner for France. If I may stop a little bit. The debate I think is very fruitful but I would like to convey to you which is my idea of what is happening now. We are receiving an idea from the Norwegian Commissioner and other Commissioners received it in favour,

others I think are not so happy, but until now we are just considering an idea. Then we have another two recommendations, the following two, that is we are approving, if we are, a sort of a small panel to discuss precisely this matter, this is the reason why I allowed this debate, in order to feel which is the feeling of all the Commissioners. Then if you think this is, if my interpretation is appropriate, I will say that now I will leave the floor to three more countries in order to express their ideas about this subject, then we close the debate about ideas, then we move to the other following two recommendations and then we will discuss the establishment of this small panel and according with your intervention and with your ideas I will suggest if not now, perhaps tomorrow morning, a small group that could work in the way that the small panel is asked to do. Do you think that it would be proper my interpretation? Thank you, then if there are still three countries more wishing to express an idea otherwise I will close the debate. Thank you, not even three more, alright. So, we decided not to open this matter again and we approve, should we, the recommendation in front of us. I'm sorry, a small procedural point, is Japan withdrawing the reservation or just keeping alive because no decision is taken? Japan has the floor.

Japan

Thank you Mr Chairman. We withdrew our reservation. Thank you.

Chairman

Thank you, it will be registered then by the Secretary. So, we approve the recommendation that the Commission consider the establishment of a small panel including the Chairman and so on. Thank you very much, it is so decided.

Now, the following one, that's recommending for consideration by the Commission that this review panel might give high priority and so on. Any comments on that? Thank you, then we will approve it.

Then is the third one, that a little ago I was saying to recommend with reservation from Japan that this review panel, should it be established, should meet during the current Annual Meeting. Then first we have a quite linked reservation and we have it but then we, Japan has the floor.

Japan

Thank you very much, again we like to, we'll be happy to see our reservation struck off. Thank you.

Chairman

The reservation from Japan is deleted in this recommendation. Could we approve this recommendation as well? Thank you, then we approve it. So, now I hope you and me know what we have approved already. That means we are establishing a small panel to discuss the idea which we discussed here just now. Does any delegation feel that we have to decide that now or would give to the Chair to think about it and

tomorrow I will not open again this matter but I will say that I will ask a small panel to deal with this matter and to come back. I think we don't need to open again the item on Finance Committee but just about the work of this small panel. Is it agreed this mechanism? Thank you very much, then it is so decided.

So, we come to other recommendations in page 6 in paragraph starting with the title Other Meetings. The first one is that the Committee recommends that none of the proposed IWC sponsored meetings and so on. Any comments on that? Thank you, it is approved.

The next one, it also recommends that, whenever possible, the IWC observer should be a member, and so on. Any comments on that? Denmark has the floor.

Denmark

Thank you Mr Chairman. This time, speaking as Chairman of the Technical Committee, I refer to the recommendation the Technical Committee made with respect to what was said and recommended in the Scientific Committee Report at the bottom of page 6 and top of page 7, where it is said that the Scientific Committee strongly recommends that it should be properly represented at CCAMLR Scientific Committee meetings and that any necessary funding should be made available. This recommendation was adopted by the Technical Committee, Mr Chairman, and I am not quite sure whether or not that this recommendation matches the recommendation we are speaking of here. Maybe the Chairman of the Scientific Committee could give us some clarification. Thank you Mr Chairman.

Chairman

Thank you Commissioner of Denmark. Before giving the floor to Dr Tillman, any other comments on that? Thank you, could Dr Tillman?

Chairman of the Scientific Committee

Well, Mr Chairman it is my understanding that the Finance and Administration Committee agreed not to provide funding for attendance at CCAMLR.

Chairman

Thank you Dr Tillman. So, with this clarification, any other comments? Thank you, could we approve then the recommendation? Thank you it is so decided.

Next one, the Committee therefore recommends no provision be made for attendance at other meetings. Any comments? Thank you.

The bottom of the page, a new recommendation that the amount allocated be reduced to £6000. Any comments on that? So it is so decided and approved.

Page seven, we have a new recommendation that this practice be continued, but also recommends that where appropriate the Secretary should also write to governments seeking funding of invited participants. Any comments on these two recommendations linked? Thank you, we then approve both.

The following one, the Committee recommends that the allocation be reduced to £35,150. Any comments on that? Denmark has the floor.

Denmark

Thank you Mr Chairman, again a question of clarification arising from our procedures in the Technical Committee. We agreed in the Technical Committee to make a list of items with financial implications and let them stand until a later decision. During our Technical Committee meeting it was shown that many such items already were forwarded to the Finance Committee for consideration. I have only one point on my list and that deals with a cruise in Area IV in the Antarctic, and my question is whether this has been dealt with here or not? Thank you.

Chairman

Thank you Commissioner of Denmark. Any comments on that? Thank you, yes, the answer is yes. So, could we approve with this clarification? Thank you, it is so decided.

Coming to the item Publications, the first is the Committee recommends that the proposed allocation for publishing, and so on. Any comments on that? Norway has the floor.

Norway

Mr Chairman, I will not object to the recommendation, but I will note that publication of the Annual Report absorbs approximately 10% of the operational budget of the Commission, that is a very large slice. I am quite aware of the responsibilities of the Commission with regard to the proper publication of the valuable scientific material which is presented to us and I see a very important role for the Commission as the custodian of that material. It is a proper task for the Commission to act as godfather to a very important area of scientific publication and to take on the role that foundations or government funding provides for other academic publications. But, nevertheless the amount which goes into the actual printing of the impressive Annual Report is so great that if the Secretary finds that his funds are running short, I would see no grave danger if he put the manuscript for the Annual Report somewhere at the back of a filing cabinet until the financial situation made it possible for us to publish it in proper shape, in the meantime, acting on the two subsequent recommendations. Thank you sir.

Chairman

Thank you Commissioner for Norway. Any Comments? St. Lucia has the floor.

St. Lucia

Thank you Mr Chairman. I would concur with the suggestion made previously by the distinguished Commissioner from Norway. Thank you sir.

Chairman

Any other comments? I do consider, then we approve both recommendations and taking into account the comments coming from Norway and supported by St. Lucia. Thank you, it is so decided.

The third one in the same paragraph, is related that the Commission encourage member governments to give every assistance to the Secretary, and so on. Any comments on that? Thank you, it is so approved.

The last one in the same sub-title, the recommends the allocation of £17,100, and so on. Any comments on that? Thank you, it is so approved.

Page eight, the Committee recommends that the Commission approve the revised estimated budget for 1984/85. Any comments on that? Thank you, it is so approved.

Next one, the Committee recommends that the Commission should urge all Member Governments to pay their contributions, and so on. Any comments? Then we approve it, it is so decided.

The last one, the Committee recommends that the Commission reaffirm its decision of last year that borrowing facilities, and so on. Any comments on that? Thank you, it is so decided.

Please Mr van Reenen, we have the next item 22.3.

Chairman of Finance and Administration Committee

22.3
Consideration of
supplementary budget

Thank you Mr Chairman. Plenary agenda item 22.3, consideration of supplementary budget. The Commission may wish to take note that no supplementary budget has been presented for consideration by the Finance and Administration Committee. Thank you Mr Chairman.

Chairman

Thank you Mr van Reenen, any comments on that? Dr Gambell would like to take the floor.

Secretary

Mr Chairman, I was trying to draw the Chairman's attention to the fact that if in the remainder of this meeting, in the plenary sessions, there are decisions taken which have financial implications they will in fact be supplementary budget items, supplementary to the budget that you have now approved.

Chairman

Thank you, any comments on that? Thank you, can I assume that the Commission took note of what Dr Gambell was saying? I have careful attention to that. Thank you, it is so decided concerning item 22.3, about the supplementary budget.

Item 22.4 please Mr van Reenen.

Chairman of Finance and Administration Committee

Thank you Mr Chairman. Plenary Agenda Item 22.4, consideration of advance budget estimates for 1985/86. The Committee considered the advance budget estimates for 1985/86 shown in appendix 6. In accordance with past practices, these have been prepared by the Secretariat by updating directly the recommended 1984/85 budget. The Committee recognised that updating in this manner cannot take into account any policy decisions reached by the Commission at this and the next Annual Meeting. The Committee agreed that these 1985/85 budget estimates were subject to very considerably uncertainty. Nevertheless, the Committee recommends that the Commission accept the forecast budget estimates for 1985/86 shown in Appendix 6. Thank you Mr Chairman.

22.4
Consideration of
advance
budget
estimates
for 1985/86

Chairman

Thank you Mr van Reenen. Any comments on that? Thank you, then we consider the only recommendation in this item, that the Committee recommends that the Commission accept the forecast budget estimates for 85/86 shown in Appendix 6. Any comments? Thank you, it is so decided.

Chairman of Finance and Administration Committee

Thank you Mr Chairman, Plenary Agenda Item 22.5, Representation of the Scientific Committee in meetings of the Technical Committee and Commission. As outlined in the annotations to the Commission's Provisional Agenda, that is IWC/36/2, at present there is no provision allowing the Chairman of the Scientific Committee to continue this function during meetings of the Technical Committee or Commission except as an adviser to a Commissioner, and this has given rise to a problem which is described in the next paragraphs. The Committee agreed that it was essential that the Scientific Committee Chairman should be able to participate as required in meetings of the Commission and Technical Committee. It therefore recommends the insertion of a new paragraph J.8 in the Rules of Procedure which will read as follows:

22.5
Representation of the
Scientific
Committee
in Meetings
of the
Technical
Committee
and
Commission

"The Chairman of the Scientific Committee may attend meetings of the Commission and Technical Committee in anex-officio capacity without vote, at the invitation of the Chairman of the Commission or Technical Committee."

The USSR delegate expressed his reservation on the proposed wording of the proposal, because in his view it needed further analysis from a legal point of view.

Under the discussion of this item, some members suggested that the proposal under discussion could also be relevant to Chairman of other sub-committees, but the Finance and Administration Committee could not formally deal with this matter. Thank you Mr Chairman.

Chairman

Thank you Mr van Reenen, any comments on that? Yes, Australia has the floor.

Australia

I'm sorry Mr Chairman, it's just a small, perhaps drafting suggestion, I wondered if we added the respectively at the end of the text, just simply to make it clear that the Chairman of the Commission and the Chairman of the Technical Committee may invite the Chairman of the Scientific Committee to each of their Committees respectively. At present the wording could be misinterpreted.

Chairman

Thank you Commissioner of Australia, any other comments? Seychelles has the floor.

Seychelles

Mr Chairman, a question to the Chairman of the Administration and Finance Committee. Could it be clarified whether the reference to the Technical Committee in this suggested new paragraph would include automatically any sub-committees established by the Technical Committee? I don't know whether this was discussed in the drafting.

Chairman

Thank you Commissioner from Seychelles. Mr van Reenen please.

Chairman of Finance and Administration Committee

Thank you Mr Chairman. It is my interpretation of the text of the proposed recommended new paragraph that it is limited to the Technical Committee. Thank you Mr Chairman.

Chairman

Commissioner of Seychelles, is this answer enough for your worry?

Seychelles

Mr Chairman, thank you for that answer. We would be certainly in support of this new proposal. However, we would have hoped that it could apply to sub-committees of the Technical Committee also, unless other delegations see good reasons against that. It seems to us that it may on several occasions during the meeting be rather desirable that it be possible to call on the Chairman of the Scientific Committee in ad hoc sub-committees at least. Thank you.

Chairman

Thank you Commissioner of Seychelles. Commissioner of USSR please.

USSR

Thank you Mr Chairman. On behalf of the Soviet Commissioner I'd like to make a clarification of our stand on item 22.5 for all delegations present here for better understanding of our reservation. We still believe that this wording proposed by the United States delegation is for the analysis, from the legal point of view, and this proves the recent intervention by the distinguished representative of the Seychelles delegation. So, we think that this subject should be thoroughly considered once again during this next year, during the 37th session of the IWC where it might be solved definitely. Thank you Mr Chairman.

Chairman

Thank you Commissioner of the Soviet Union. Any other comments? Thank you, could I have for the clarification of the chair, it's quite clear the regulation, but who is paying for the invitation, is it already provided in the financial, if I may ask the Chairman of the Finance Committee.

Chairman of the Finance and Administration Committee

Thank you Mr Chairman, we did not give consideration to the financial aspects or the financial implications of this recommended new paragraph. Thank you Mr Chairman.

Chairman

Thank you. Coming from the Finance Committee this is my reason to ask you I don't know if it is proper or not. I mean you didn't consider that matter, the financial implications?

Chairman of the Finance and Administration Committee

We did not consider them, no.

Chairman

Thank you. So, we have in front of us a recommendation from the Finance Committee, I think with some explanation and some position taken for various Commissioners and a proposal to modify and to add a word 'respectively' after Committee. Should we approve then the recommendation as a whole? Inclusive of the proposal of the Seychelles. USSR has the floor.

USSR

Thank you Mr Chairman. We would like to propose not to recommend this insertion at this session, and to consider once again this question during the next session. Thank you Mr Chairman.

Chairman

Thank you Commissioner of the Soviet Union. You are just rejecting the addition from Australia or the recommendation as a whole? USSR has the floor.

USSR

Thank you Mr Chairman, we would like not to recommend as a whole this insertion.

Chairman

Thank you, Commissioner of Denmark and then Seychelles.

Denmark

Thank you Mr Chairman. I appreciate the concerns raised by the USSR, but I also very much like to see the Chairman of the Scientific Committee being with us next year as well in the Technical Committee as also in the plenary meetings. I wonder if the USSR might accept a solution whereby we would accept some kind of wording in the lines which are here, but only in respect to next year's Annual Meeting and that then at the next year's Annual Meeting this whole matter be reconsidered as requested by the USSR. Thank you Mr Chairman.

Chairman

Thank you Commissioner of Denmark. As far as I know, the Commissioner of the USSR was putting on the table a comment from them and a proposal, but I didn't take yet formally, then I appreciate your intervention Commissioner of Denmark. Any other comments? Seychelles, I am sorry, has the floor.

Seychelles

Mr Chairman, I just wanted to clarify that we were not making a formal proposal for any change in this wording, just expressing a comment, we would be quite happy with the wording as it now is Mr Chairman.

Chairman

Thank you, so we are moving back to the original recommendation without the addition of Australia's suggestion. Australia has the floor.

Australia

Mr Chairman, I wonder if the Commissioner for the Seychelles could indicate, I'm not very sure whether he was accepting the present words, with the word 'respectively' added at the end or without, whether he wanted not to include that word.

Chairman

Commissioner of Seychelles.

Seychelles

No problems with the Australian change, Mr Chairman.

Chairman

So, let's go a little bit more rigid and juridical. Australia has a formal proposal to modify the original proposal from the Finance Committee. Any seconder for that? Seychelles is seconding, and now we have the original proposal amended by Australia and seconded by Seychelles. USSR Commissioner is your comment a formal proposal, may I ask you?

USSR

Yes Mr Chairman.

Chairman

So, is there any seconder for this proposal from the Soviet Union? I do not see any seconder, if I may then convey to the Soviet Union Commissioner that the proposal is failing because it needed a seconder for this. Yes, Norway and then Soviet Union, Norway.

Norway

Mr Chairman, I'm not entirely clear what the Soviet proposal is, I may have been absent-minded and I should be grateful for a clarification. Thank you.

Chairman

Thank you Commissioner of Norway. As I understood, USSR is proposing not to accept this recommendation in the plenary, that in some way they are contesting the recommendation and asking to withdraw the recommendation from the plenary and not accept it.

Norway

Mr Chairman, I would think that this was either a request to the plenary not to consider this recommendation at this stage or, a request for a vote, and that this in any case would not require a seconder in order to be entertained by the committee. Thank you sir.

Chairman

Denmark has the floor.

Denmark

I would like to make a formal amendment to the recommendation here, being that this section applies only for the next Annual Meeting, and that the whole matter be reconsidered at that meeting. Thank you Mr Chairman.

Chairman

Thank you Commissioner of Denmark. So, we have the original proposal, an amendment from Australia, seconded, and we have a new proposal of amending from Denmark. Meantime, we did receive a comment, an intervention from USSR saying that they are against the recommendation, but they didn't ask for a vote. So, any seconder for the intervention and proposal of Denmark? Japan is seconding?

Japan

No, just a point for clarification, it has financial implications, so that if and when we approve this Danish proposal, or the original proposal, I should like to be grateful if the intent was to modify the budget as required, or does it mean without cost to the Commission? Thank you.

Chairman

Thank you. United States and then Norway.

United States

Thank you Mr Chairman. I would first like to second the proposal of my distinguished colleague from Denmark and then add comment with respect to the finances. In the past I believe the expenses involving the Chairman of the Scientific Committee's travel, per diem and so on has been picked up by the host organisation with which he is associated. If I'm incorrect on that, I would ask that the Chairman of the Scientific Committee correct that. But I believe that in the past, his expenses have been paid for by the organisation with which he is associated in his normal capacity.

Chairman

Thank you Commissioner of United States, if the Commissioner of Norway will allow me to clarify this matter first. Dr Tillman, would you be so kind as to intervene in this at this stage answering the US Commissioner please.

Chairman of the Scientific Committee

Well I can't speak for all Scientific Committee Chairmen, Mr Chairman; this Scientific Committee's Chairman's expenses are paid by the organisation for whom he works.

Chairman

So I move to the Commissioner of Norway to intervene now. Norway.

Norway

Thank you Mr Chairman. It seems to me that the issue that we are discussing now only arises when the Chairman of the Scientific Committee is not a representative of a Contracting Government to an Annual Meeting. That is I think a situation which will occur only very rarely. It has occurred now, but, we have seen cause to make provision for it; it may be that the Finance and Administration Committee in its drafting has not necessarily taken account of the underlying circumstances and that there is some imperfection in that drafting. I would therefore be prepared to go along with the proposal by the Commissioner for Denmark on the understanding that we will look carefully at how we draft any proposal to take care of this very occasional problem. Thank you.

Chairman

Thank you Commissioner for Norway, it is very helpful your intervention. Could I summarise if I may, my own understanding? Could we take a debate beginning to discuss and to approve now the original proposal, plus the additional proposal of Australia, plus the additional proposal of Denmark and taking into account that the USSR Commissioner is against this proposal and going along with that by consensus and taking into account the reservation of Soviet Union.

USSR

Mr Chairman, thank you. We believe that there is no consensus if there is a case of reservation. Consensus means that everybody present here is agreed with the proposal, without reservation of anyone. Thank you.

Chairman

Thank you Commissioner of USSR. Alternate, I am trying to be more flexible, you are right, then you are asking for a vote, because you didn't, this is my point. Please, Soviet Union has the floor.

USSR

Mr Chairman, may you clarify as well again the proposal made by the distinguished representative of Denmark please.

Chairman

Yes, of course, Commissioner of USSR. The original proposal was amended by Australia with the word 'respectively' at the very end of the phrase. Later on the Commissioner of Denmark and seconded was proposing that these, this clause, will apply only for the next year's meeting, and according to the interventions of the Norwegian Commissioner next year we will see it very carefully and with all the detail and with participation of all the remarks from the members who like to do that, a new approach to the matter; that means this insertion of this Rule of Procedure will be complete only for one year, and next year will be without use, and then we will deal again with this matter, it is just for the next year coming.

USSR

Thank you Mr Chairman. Maybe it would be better to express here a mutual understanding of all delegates, of all delegations, and not to make any insertion if the Rules of Procedure until the next session.

Chairman

I think it is a quite sensitive proposal because the meaning of it will be the same unless you prefer to go with the recommendation as a whole, but I think if the result will be the same and we can overtake this situation. Any comments against my personal feeling? Thank you, then we are not approving the recommendation, but the Commission itself by consensus decided to apply the decision of the Finance Committee in this particular point to this year ending at the end of the next year's Annual Meeting, taking into account that in accordance with many countries decision we will take this matter next year to decide formally on it. Thank you very much, then it is so decided.

So, we move to the next item, 22.6 I'm sorry, Mr van Reenen could you?

Chairman of Finance and Administration Committee

22.6
Access by
observers

Thank you Mr Chairman. Next item is plenary item 22.6 Access by Observers. Background information for this item is given in the annotations to the Provisional Agenda IWC/36/2. At present, meetings of Technical Committee sub-groups are not open to accredited observers. In 1982, the Commission agreed to establish the principle that only delegates should attend sub-committees of the Technical Committee, unless the sub-committees agreed otherwise unanimously. The United States have requested that a fresh look be taken at this matter and the US delegate proposed acceptance of the principle of allowing access by accredited observers to sub-committees and Working Groups of the Technical Committee excepting the Infractions sub-committee, provided that any resulting increased costs to the Commission be borne by such observers. You will find various comments on this proposal on this page.

The Committee, however, was unable to reach a consensus on the US proposal. The Commission may wish either to limit itself to taking note of this lack of consensus, or, alternatively, consider the matter. Thank you Mr Chairman.

Chairman

Thank you Mr van Reenen, any comments on that? USA please.

USA

Thank you Mr Chairman, I believe that the request of the United States has been satisfactorily completed. It was reviewed by a representative group of this organisation and in as much as consensus does not exist even within that group, we do not wish to push it further at this time. We feel that there is to the recommendation that we do recognise the reservations that certain members of the Commission have.

Chairman

Thank you Commissioner of United States of America. Any comments on this? St. Lucia.

St. Lucia

[Text missing] would like to make an intervention under item 22.6 Access by Observers. Next year's meeting in one significant way is an historic meeting, as it will be for the first time in the history of the IWC that the Commission is not meeting to establish commercial catch quotas, but on the contrary to implement the of commercial whaling. As such, next year's meeting will be great importance to represented here. Because of this we hope otherwise we shall request a vote. Our hope is that the Secretary be instructed by the Commission to accept the attendance as observers at the 37th Meeting of the IWC of the first twenty-five representatives observers at this meeting the financial contribution of 50 pounds emphasise only applies to the 37th meeting I also emphasise

*** Missing text ***

for access by the media representative as observer, would be those already clearly defined by the existing status of observers. We expect some delegations to invoke security to reject this proposal. We believe that one single regrettable incident several years ago does not justify such a move and that it indicates on the contrary the remarkable safety and security of these meetings. The example of the present meeting here in Argentina where no heavy security is apparent indicates that this international forum is essentially devoid of security problems. So, Mr Chairman, to repeat my proposal, it is that the Secretariat accept the attendance of observers at the 37th Meeting of the IWC of the first twenty-five representatives of the press who make such a request. Thank you.

Chairman

Thank you Alternate Commissioner of St. Lucia. If I took clearly your intervention I think that you are making a proposal, I mean, I would like to have that written but anyway I think it is quite clear repeated two or three times that I think everybody here has clear which is the idea, then, any seconder for this proposal? St. Vincent, you are seconding, thank you. Then after listening to the USA and the proposal of St. Lucia seconded, any other comments? USSR please has the floor.

USSR

Thank you Mr Chairman. Just a point of clarification, does this proposal mean that we are going to somehow change our Rules of Procedure?

Chairman

Well, thank you Commissioner of USSR. The point is I am thinking, is there any Rule of Procedure that could go against this proposal? In order to see if St. Lucia is proposing a proposal to modify the Rule of Procedure. Is any Commissioner could help me in that way, I do not remember any Rule of Procedures that could be affected by that. I think this is a mere recommendation to the Secretary, by the Commission, as an instruction to be saved for next year in the way that they are already stated. Unless there any clarification on that I do not see if there is any Rule of Procedure affected by that. Norway has the floor.

Norway

Mr Chairman, I believe there is a restriction in sub paragraph B of paragraph 2 of chapter 2 of the Rules of Procedure in that it places a requirement on a number of offices for an organisation in order to be represented by an observer at our meetings. We would certainly side step that requirement unless we had the International Herald Tribune as the first and only. Thank you sir.

Chairman

Yes, you are right, we are talking about the press now, Seychelles has the floor.

Seychelles

Mr Chairman, with Norway, we felt that Rule 2B would probably be applicable since the proposal is essentially that the Press, on this occasion, be treated as observers in a limited way and with all the restrictions that are applied to observers, that would be our understanding. It seems to me Mr Chairman, that however, the Rule of Procedure would not need amendment because a very considerable proportion of the Press who may be interested, it seems to us, would come under the heading of International Organisations, with offices in more than three countries. We have many Press organisations which would fall within that category. It might be considered discriminatory

against some organisations to apply the rule in that way, but then, we equally are discriminatory against Non-Governmental Organisations that don't have more than three offices. It seems Mr Chairman that we could cover this with an instruction to the Secretary to apply that Rule of Procedure next year in the way suggested by the St. Lucia delegation, and if that were agreed as we would hope with them by consensus Mr Chairman, we would certainly support that proposal. Thank you.

Chairman

Thank you, Commissioner of Denmark, St. Lucia and then Denmark.

St. Lucia

Thank you Mr Chairman. We are not proposing to change the Rules of Procedure, but we are proposing to take a one time one year decision to accept the Press because of the very special nature of that meeting. Thank you, we do not propose to change the Rules of Procedure.

Chairman

Thank you Commissioner for St. Lucia, Commissioner for Denmark.

Denmark

Thank you Mr Chairman, a point of clarification. I understand the St. Lucia proposal, so that, if it were adopted the Press would be allowed not only in the Plenary sessions, but also in the sessions of the Technical Committee and in sub-committees of the Technical Committee if the sub-committees invite them unanimously. I would like the Secretary to outline what is at present our rules for attendance of the Press, I think that we have been discussing in the past very much and very long about the Press. Thank you.

Chairman

Thank you Commissioner of Denmark. Dr Gambell has the floor.

Secretary

Mr Chairman, we do not have Rules of Procedure which govern the attendance of the Press at our meetings, but we do have established practices which the Commission has endorsed from time to time. The normal arrangements are that the Press have a sound relay of all plenary sessions and they also have physical access at the opening plenary session. The custom has been also that the Chairman of the Commission and the Vice Chairman and the Secretary attempt to hold a Press meeting following each day's session of the Technical Committee giving a briefing in very general terms, without specifying the details, of that day's activity. Thank you.

Chairman

Thank you Dr Gambell. St. Lucia has the floor.

St. Lucia

Thank you Mr Chairman, this is precisely the problem. I have received over the year numerous complaints by members of the press that they could not listen to the deliberations of the Technical Committee, except through second hand, through observers or members of the delegations. I also have received numerous complaints that they couldn't give the background detail that make for a good article without personally observing the deliberations. And secondly, as a matter of clarification, again I am not addressing the status of observer, I am not changing the Rules of Procedure, I'm making a proposal about access of the Press, and I am trying to define that access as giving them the same rights and duties as the observers.

Chairman

Thank you. Any other comments? So we have, sorry, Norway has the floor.

Norway

Mr Chairman, after having heard the explanations by the distinguished Alternate Commissioner for St. Lucia, I'm afraid I do not find myself in a position to accomodate him. I can assure him that I do not fear for my security, but I'm very concerned about the good order of our work and the unhampered progress of our deliberations. I feel that these would not be enhanced by admitting a new category of persons who would be distinguishable from those observers whom we already accommodate and accept in some way in which I fail to understand. It seems to me that there has been no pressure from the major newspapers to follow our work as closely as all that, and it seems to me that the specialized press, if that were the right description, do have access to information and will, in many cases, be in the position to employ accredited observers as stringers. Thank you.

Chairman

Thank you Commissioner of Norway. Then I intend to conclude this debate and I will give the floor to three more delegates if you feel you need it. Afterwards, I will take a proposal formally that St. Lucia is proposing to instruct the Secretary, Dr Gambell, that he must allow next year and just for that year the attendance of the Press, 25 I think. We will discuss that and we'll decide only that. Then three more participants, USSR and Japan, any other one? USA, then unless there are some right to reply, otherwise the debate will be closed. USSR then Japan then USA. Please, USSR has the floor.

USSR

Thank you Mr Chairman. Mr Chairman, we would like to associate our views fully with the views which were expressed by the distinguished Commissioner of Norway. We also think, Mr Chairman, that if we are in any case to decide the problem of access of Press to the meetings, either Plenary or of the Technical Committee, this should be reflected in the Rules of Procedure. Thank you Mr Chairman.

Chairman

Thank you Commissioner of USSR, Japan has the floor.

Japan

Thank you very much, I would like to support the view of the Norwegian delegation, as well as that of the USSR delegation. If we like to change the practice of the magnitude as it is being proposed by the Alternate delegate from St. Lucia, I think it has to be done by the amendment of the Rules of Procedure, which must be proposed sixty days in advance of the Annual Meeting, so that for this reason I am opposing that this be put to vote. Thank you.

Chairman

Thank you. Commissioner of the United States of America has the floor.

USA

Thank you Mr Chairman. I hope it is no surprise to any delegates here that the United States wholeheartedly supports the freedom of the press. We do recognise, however, that for logistic reasons, for reasons so adequately expressed by our colleague from Norway, that there must be some limitations. We will associate ourselves with the comments of the distinguished delegate from Norway. We would also point out, however, that although the meeting next year may appear to be one which has special historic significance, I think that we should all recognise that each year these meetings have special historic significance, and that the meeting next year which has apparently some special purpose in the minds of some of the colleagues here, could not take place without the history which has been developed over the past several years. For this reason, we believe that the existing practices as expressed by the Secretariat should be continued not only for next year, but for all the years ahead of us in this group. Thank you very much.

Chairman

Thank you Commissioner for United States. So, I heard Antigua asking for the floor. Thank you. Any other comments on that? Then we have a proposal, that means an instruction. I will ask then St. Lucia to repeat it and is seconded by St. Vincent and then, we will ask Dr Gambell to read it. But I thought as well that there are countries opposed to this proposal and the point perhaps, could be split. There are some delegations that feel that this is a modification of Rule of

Procedures. I have no right to decide on that but there were some comments on that. If I don't see any regulation of that I will pass directly to the St. Lucia proposal. Dr Gambell, please, could you read the proposal of St. Lucia.

Secretary

Mr Chairman, the proposal from St. Lucia, seconded by St. Vincent, is an instruction that the Secretariat will accept the attendance at the 37th Annual Meeting of the IWC, of the first 25 representatives of the press who make such a request, with the same rights and duties as the observers have at that meeting, including a financial contribution of £50.

Chairman

If I am right, I heard that the Japanese Commissioner asked for a vote on that. Is there any possibility of consensus, I do not think so. St. Lucia has the floor.

St. Lucia

Thank you Mr Chairman, our interpretation of the resolution suggested was not intended to be an amendment, or an attempt to change the Rules of Procedure, that would have required sixty days rule which we would follow very carefully. We were hoping that this suggestion could be adopted by consensus, should that not be possible, we feel that we do not have the support of a number of delegations and that it would be a matter of conflict and we don't want to raise that conflict, so, if there is a feeling that we should go to a vote, we would be happy to withdraw and regret sincerely that for this moment, on this occasion, our suggestion cannot be accepted. Thank you Mr Chairman.

Chairman

I think your cooperation looking for a consensus is very sensitive, particularly in a matter that many countries are very concerned about, and I appreciate your lucidity in taking into account that a vote in this matter, if I may say so personally, could be disrupted. Because as many delegations already stated they are in favour totally in the freedom of the press but it is not a problem, but it is more than a procedural matter. Personally, I'm taking into account that you withdraw the proposal, I will say I thought, but no-one thought in the same way, that it was a modification of the Rule of Procedures, because it was an International Organisation not included in the item B of article 2. I thought at some moment, to ask for an opinion on that, there would be a procedural matter before considering the St. Lucia proposal. Could I assume that the matter, for the time being, is concluded and over? Thank you very much. Thank you, then in this particular item, we take note of the text for the next meeting, and the proposal of St. Lucia withdrawn, later on we will take note of the comments of different delegates. If I may ask for that to the Secretary because I do consider that this is a very particular matter and that needs to be recollected for next year's meeting. Thank you.

So, item 22.6 is concluded. Then we pass to agenda item 22.7. Please Mr van Reenen.

Chairman of Finance and Administration Committee

Thank you Mr Chairman. Plenary agenda item 22.7 Rules of Procedure. Two possible amendments to the Rules of Procedure were suggested by the Secretary. The first was intended to reflect in the Rules of Procedure the agreement by the Commission at its 35th Annual Meeting to levy a registration fee on NGO's attending each Annual Meeting. One member reported some practical difficulties concerning payment of this fee, and you will find those comments in the second paragraph on this page. The Committee recommends that the Rules of Procedure be amended by adding the following text to the existing Rule B.2(b).

22.7
Rules of
Procedure

"The Commission shall levy a registration fee and determine rules of conduct, and may define other conditions for the attendance of such observers."

There is a second recommended amendment to the Rules of Procedure, to reflect the additional responsibility imposed on the Secretary for the receipt of statistical and other information in the International Whaling Statistics. The Committee recommends that the following text be inserted into the Rules of Procedure as a new rule F.2(e).

"receive, tabulate and publish notifications and other information required by the Convention in such form and manner as may be prescribed by the Commission."

The Committee also recommends the consequential renumbering of Rules F.2(e) and (f) to F.2(f) and (g) respectively. Thank you Mr Chairman.

Chairman

Thank you Mr van Reenen. Thank you again, any comment on this item 22.7? Soviet Union has the floor.

USSR

Thank you Mr Chairman. We would like to express our opinion concerning these three recommendations, two recommendations, sorry, while not opposing in principle the wording of these recommendations, but we would like to express our reservations with regard to these recommendations. Thank you Mr Chairman.

Chairman

Thank you Commissioner of the Soviet Union. Any other comments? So, we pass to approve the recommendations with the reservation of the USSR. Thank you, it is so decided.

We pass to the next item 22.8 please Mr van Reenen.

Chairman of Finance and Administration Committee

22.8
Suspension
of the
right to
vote
--

Thank you Mr Chairman. Plenary agenda item 22.8 Suspension of the Right to Vote. The Committee was informed by the Japanese delegate that this item had been included on the agenda in order to provide the opportunity for members to comment on this important issue. The Committee agreed that it currently had no specific proposal before it. It would require the direction of the Commission before undertaking substantive discussions on this matter. Mr Chairman, it is my understanding that you intend to appoint a small group to look into this matter. Thank you Mr Chairman.

Chairman

Thank you Mr van Reenen. Yes, certainly I will do and I could say that I could do now as the proper time, and in the terms that we were discussing yesterday. If you allow me, I thought a group of five members could be very helpful in the terms of reference we agreed in our previous meeting. I will propose then, taking into account the different positions and different geographic attitudes and even the capacity of different Commissioners and the would be capacities, could I propose that St. Lucia, Mexico, Norway, United States of America and Denmark could work on this precise item asking Denmark to chair this small group. I hope that they will take into account the decision we have already taken on this matter. I will appreciate if you will keep in touch with me in order that tomorrow, sometime in the afternoon, or not more than late evening, we will have some result or some idea to discuss. Is there any comment on that? Yes St. Lucia has the floor.

St. Lucia

Thank you Mr Chairman. I wish to express my gratitude for inviting the delegation of St. Lucia to form part of this group. I would like to request that as a result of the need to come up with some recommendations or suggestions that the agenda item 22.8 be left open until such times that some recommendations are put forward by that committee and St. Lucia reserves the right to make it's own comments with respect to what can be decided. Thank you Mr Chairman.

Chairman

Thank you. So, if there are no objections or any comments could we approve then first, that the small group could work, since now you consider it is proper; secondly, the terms of reference were already done yesterday; third, that the observation of St. Lucia means that we agree that point 22.8 we are keeping alive for the next consideration in the next session of this meeting in Buenos Aires. Thank you.

Then could we pass to the item 22.9, asking Mr van Reenen to intervene.

Chairman of Finance and Administration Committee

Thank you Mr Chairman. Plenary agenda item 22.9, Examination of Credentials. A tentative procedure in relation to this was agreed at the Commission's 35th Annual Meeting. The Committee recommends that the same procedure with respect to the examination of credentials be adopted at this Annual Meeting. Thank you Mr Chairman.

22.9
Examina-
tion of
 creden-
tials

Chairman

Thank you Mr van Reenen. Any comments on that? So, and considering the recommendation can we approve it? Thank you, it is so decided.

Could I ask Mr van Reenen to go to the item 23 please, and I think we can save in some minutes and finish. My intention is to finish at 8.30 and could you have my philosophy to help me with an intervention. Thank you very much indeed. Mr van Reenen has the floor.

Chairman of Finance and Administration Committee

Thank you Mr Chairman. Plenary agenda item 23, Date and Place of Annual Meetings 1985 and 1986. Discussion of possible venues and dates for the 1985 and 1986 Annual Meetings and recommendations regarding the 1985 Annual Meeting are recorded elsewhere in this report. The Committee recommends that the Secretary should be instructed to arrange the most appropriate dates and venues for the 1985 and 1986 Annual Meetings consistent with budget allocations. Thank you Mr Chairman.

Agenda 23
Date and
Place of
Annual
Meetings
1985 and
1986

Chairman

Thank you Mr van Reenen, any comments on that? I do not see any comments, then could we approve the item 23 and the recommendation coming from the Committee? Thank you, it is so decided and then item 23 of the agenda is completed.

Please, could I ask you Mr van Reenen to finish with Any Other Business.

Chairman of Finance and Administration Committee

Thank you Mr Chairman, the item Any Other Business of the agenda of the Finance and Administration Committee. There were three issues under this item. First issue, in light of the concerns over the current financial situation, several members drew the Committee's attention to the possible need for presentation of a supplementary budget during the next financial year, as provided for under Rule of Procedure D.3. In order to facilitate the actions required should a supplementary budget be required in the coming year, the Committee recommends that the Commission confirm that the Finance and Administration Committee continues in existence until a new committee is constituted by the Chairman in accordance with the Rules of Procedure.

Any
Other
Business

A second item, a question regarding the possibility of seeking partial funding by UNEP of the 7th IWC/IDCR Southern Hemisphere minke whale research cruise was referred to the Finance and Administration Committee by the Technical Committee. This question was discussed at

some length. Since the funds necessary for conducting the minke whale research cruise have already been allocated in the 1984/85 estimated budget, and in light of the possibly lengthy and complicated procedures required to secure agreement on an allocation of funds from UNEP, the Committee agreed to recommend that the Commission should not approach UNEP to seek funding of this year's research cruise. However, the Committee believes that the Commission should welcome any funds that may be available from UNEP for those IWC research projects other than the 1984/85 minke whale research cruise that have been identified and accorded priority by the Scientific Committee. In this regard, the Committee brings to the attention of the Commission the importance of developing a mechanism and a set of procedures whereby UNEP funding could be sought for IWC projects. At the invitation of the Committee, the observer from UNEP made a brief statement. In this he outlined the main features of the Global Plan of Action which this year had been endorsed by UNEP's governing council. The close involvement of the Commission's Scientific Committee with those sections of the Plan dealing with cetaceans was noted and some aspects of UNEP's policy regarding funding of proposals were outlined.

Finally, a third item which arose under agenda item Any Other Business, that was the issue as to whether or not research proposals submitted for IWC funding should include an allowance for overheads. The Committee recommends that this matter should be considered by the review panel proposed elsewhere in this report, should that panel be established, and it is my understanding Mr Chairman that this panel has been established. Thank you Mr Chairman.

Chairman

So, we have now the last part of the report, Any Other Business, page 12, any comments as a whole on this item, and this subject? I do not see any, then could we pass to the first recommendation on the same page: "The Committee recommends that the Commission confirm", and so on. I do not see any, then we approve it.

The second one, page 13, first phrase, "recommend that the Commission should not approach UNEP", and so on, any comments? So, we can approve it. So it is decided.

The third one, point three, "the Committee recommends that this matter should be considered by the review panel", and so on. Any comment on that? So, we approve the recommendation.

Thank you. In order to be clear and concerned with this item 22 we have only two pending matters. The first is suspension of vote, that we have already established a small group of work. This group must finish before our meeting ends, and I will say even before that in order to discuss this matter. The point is over the 22.8, I think, yes. This is still open to the decision of the small group to be conveyed to us and we will decide what we can do. And, the second point, it is a small review panel and it is quite linked with the very last recommendation we already did. It is my commitment to convey to you, after some discussion, that tomorrow morning I will ask this small group to meet in order to conduct its work, and this work again must be finished before we leave this Annual Meeting with time enough to discuss here as well. Any other comment on my last consideration? So, it is so decided and I think we approve the Finance Committee. Thank you, so far. USA

USA

Thank you Mr Chairman, I just take this opportunity to commend the Finance and Administration Committee for what I think is an excellent report dealing

Chairman

Point of order, point of order, I'm sorry. I'll do that, I was just doing formally.

USA

May I join you in making such a statement Mr Chairman, I think their task was extremely difficult and they did an excellent job.

Chairman

Thank you very much Commissioner for United States, I was just finishing the formalities, but I was really in my heart, and I thank you for giving me the vocabulary necessary to convey to Mr van Reenen your work and your team, but in particular your knowledge on this matter and your rapporteur and I think I am speaking in the name of everybody and thank you very much again for your wonderful work. Thank you.

So, I think for today, we have finished our work. Tomorrow morning if I interpretate it is Technical Committee working in dependant matters. So. Dr Lemche please.

Chairman of Technical Committee

Yes Mr Chairman, the Technical Committee will meet tomorrow at 9.30 dealing with first, the second part of the Infractions Committee Report which will be distributed during this evening in your pigeon holes, and then also, with the Peruvian question and finally with the outstanding items on the Technical Committee agenda including election of Chairman and Vice Chairman of the Technical Committee. May I also suggest that the small group of five designated by the Chairman with respect to the question to suspension of vote, that is St. Lucia, Mexico, Norway, USA and Denmark meet at 8.30 tomorrow morning in a room which will be designated by the Secretary. Thank you.

Chairman

Thank you. So, we have the schedule for tomorrow, 9 o'clock and, Australia has the floor.

Australia

Could I ask the Commissioners representing Non-whaling countries to meet in a room at 8.30 in the morning.

Chairman

Thank you. It is another question. Was 8.30 in the morning Professor Ovington asked to meet non-whaling countries. In this matter I'll receive and I personally felt that perhaps we can adjust that to the time schedule of the Technical or the plenary in some way I would like that politeness from any kind of group meeting during this time. Finally, if I may say in the programme of item 12 I allow myself to ask Professor Ovington again to help me with this small group of countries discussing with that. I think Professor Ovington will approach some of the Commissioners here in order to look for guidance and for orientation about the item 12 of the agenda. Thank you very much, I'm sorry, Dr Gambell please we used to finish with a formal decision of the plenary, and I will say that perhaps it could happen that someone make a proposal when we will be open again. Dr Gambell has the floor.

Secretary

Mr Chairman, the group of five can meet in Galleria tomorrow at 8.30. Please remember to leave your earpiece machines behind tonight. Thank you.

Chairman

Thank you. The plenary session is adjourned until tomorrow.

[Adjourn 8.30pm]

INTERNATIONAL WHALING COMMISSION
THIRTY FIFTH ANNUAL MEETING : VERBATIM RECORD

FOURTH PLENARY SESSION : THURSDAY 21 JUNE 1984
3.00pm

Chairman

[Missing text] ... vote, ask for the right to do that. We can have some informal discussion and I do personally consider it would be useful that we act as a plenary session now, then I open this session in order to solve this problem. Japan has the floor.

Japan

Thank you Mr Chairman. Before we proceed into the afternoon session, I have a point of order. With permission of our Commissioner, I would like to express on behalf of our delegation, a certain displeasure to one of the elements in the meeting room. That is to say, it is about the ECO's press release dated today, you will see on the back page apparently the official seal, copied official seal of the Japanese Embassy at St. James Court. To my knowledge, our government has no information at all from our embassy there that the official seal was stolen. So somehow it was recompiled

ECO

Chairman

I'm sorry, if I may interrupt you Commissioner of Japan I'm afraid it is not the proper time to do that and everybody thought about your, but it is not truly a point of order if you may consider in that way, because we are not discussing the matter in that way and secondly, because I open the session for other purposes. Anyway, we could do that later on during the plenary session this afternoon, but I am already aware that everybody already heard alright. I come to insist on that later on in the plenary session. Could I ask you that, yes please, Japan has the floor.

Japan

I will concur with you, I will do it later.

Chairman

Thank you very much Commissioner of Japan. So we have then, this question of this morning, concerning the intervention of the Commissioner of Uruguay. Dr Gambell reminds me that we need to speak nearer the microphone first and secondly that we only are registering the intervention in English, the official language, that means if you allow that the only record will be in English and then is not an official translation but the official translation will be only English. Thank you. Uruguay has the floor.

Uruguay

Uruguay
Right to
Vote

Thank you Mr Chairman. Uruguay wants to request to decide the right to vote of representatives of Uruguay shall not be suspended for this Annual Meeting. That's all Mr Chairman, thank you very much.

Chairman

Thank you, Commissioner of Uruguay is putting on the table the situation of its representation. Any comments on that? So, could I take the proposal of Uruguay as a formal proposal or, Norway has the floor.

Norway

Mr Chairman, I respectfully request that the question be put to a vote. Thank you sir.

Chairman

Thank you. Right, before that I will say I need a seconder for this proposal and I was looking for some Commissioner who felt that the proposal of Uruguay could be supported. Yes, Peru is seconding. Thank you, so we have in front of us a proposal from Uruguay and seconded by Peru, and the asking of the Norwegian Commissioner to put to a vote this proposal. Anyone like to intervene in favour or against? So I will decide to put this matter to vote and I will ask again the Commissioner for Uruguay to explain exactly what they should like to put to a vote. Then Dr Gambell should take the vote. Could Uruguay repeat the proposal slowly and right.

Uruguay

The proposal of Uruguay, do you want me to repeat? We request the Commission to decide that the right to vote of the representatives of Uruguay shall not be suspended for this Annual Meeting. That's the proposal.

Chairman

Thank you Commissioner of Uruguay. So, Dr Gambell could you take note of that and Norway recommends. So, sorry Japan has the floor, is this a matter concerning the vote because we are already in the mechanism of the vote now.

Japan

Yes, a point of clarification, I thought we might have explanation on the part of the Uruguayan Commissioner, with respect to financial obligations. Thank you.

Chairman

Thank you. Is Uruguay prepared to answer the question put forward by the Japanese Commissioner? Yes, Uruguay has the floor.

Uruguay

Uruguay thinks that all explanations were given this morning. That's all Mr Chairman.

Chairman

Thank you Commissioner of Uruguay. But are you meaning by that that you have already felt that your explanations were, addressing by that put to the Commissioners, and they are aware which is your procedures?

Uruguay

I repeat, I was saying that we consider that the explanation given to the debate this morning, to Commissioners, is quite enough to solve the question of the Japanese Commissioner.

Chairman

Meantime, we try to translate the Spanish, I

Uruguay

I'm sorry Mr Chairman, but I couldn't hear you, could you repeat me the saying?

Chairman

The Commissioner of Japan asked you if it were possible for the Uruguayan Commissioner to explain the motive, why you are asking for this proposal, and you said that you had already given the necessary explanation. Is it right?

Uruguay

I said I have already given the necessary explanation this morning. Is this alright?

Chairman

Thank you. On the same matter, St. Lucia. St. Lucia has the floor.

St. Lucia

Thank you Mr Chairman, the delegation of St. Lucia was satisfied with the explanations provided by the distinguished Commissioner from Uruguay at the private Commissioners' meeting this morning, and at the same time we wish to request clarification as to whether this vote that has been requested must have a simple majority or a three quarters majority. It was my understanding at the meeting of Commissioners that it was a matter of simple majority, if there is an area of misunderstanding then I would request that you could perhaps clarify for me. Thank you Mr Chairman.

Chairman

Thank you. I think there is in front of us, according to the majority interpretation of things, that we are dealing with a Rule of Procedure not really modifying it but just interpreting it and again these Rule of Procedures say that the Commission could decide otherwise, when they are talking about voting rights. Then, I think it is a simple majority could carry the proposal, but I am open to other comments at this point and I do agree that it is a question of voting, then I accept this debate, I sometimes feel that it is necessary. Any comments on that? Thank you, then could we go along with the interpretation that it can be necessary, a simple majority to carry on this proposal. Thank you. So, I will ask again Dr Gambell to explain the vote.

Secretary

Mr Chairman, the proposal before this plenary session is that from Uruguay, seconded by Peru, that Uruguay requests the Commission to decide that the right to vote of the representative of Uruguay shall not be suspended for this Annual Meeting.

Mr Chairman, could I just be clear what happens if you vote yes and if you vote no. If you vote yes, you agree with the proposal and if that is the majority Uruguay has the right to vote. If you vote no, you are against the proposal, and if that is the majority, Uruguay does not have a vote. So, effectively you are saying yes for Uruguay to vote, no for Uruguay to have no vote. Because there is a negative in the proposal, I think it is important to understand that interpretation. A simple majority will carry this proposal.

Chairman

Philippines has the floor.

Philippines

Mr Chairman, is this the proper time to deal with an explanation of our vote? Mr Chairman, the Philippines will be voting on the basis that there should be no discrimination on the application of the Rules of Procedure and on the understanding that the decision to be taken here should not serve as a precedent for other meetings. Thank you.

Chairman

Thank you Commissioner of Philippines, Commissioner of France, then Commissioner of St. Lucia, then Commissioner of United Kingdom.

France

Thank you Mr Chairman. My delegation would also like to give some explanation about its vote. I sincerely, very much agree that the delegations are now obliged to vote on a question which to me looks very similar to the one on which we have already obtained a consensus. Under these circumstances, my delegation will abstain. Thank you.

Chairman

Thank you. U.K. has the floor.

United Kingdom

Thank you Mr Chairman, I would like to give an explanation of vote. Due to all the circumstances, including the very severe financial problems facing the International Whaling Commission as a result of the outstanding arrears of contributions and the absence of a fuller or unconditional assurance from Uruguay regarding the settlement of their outstanding debt to the organisation, I do not consider that a decision on the lines proposed would be appropriate. Thank you.

Chairman

Thank you Commissioner of United Kingdom. Commissioner of St. Lucia.

St. Lucia

Thank you Mr Chairman. There is a point that I would first require some clarification from the Secretary, the question is have the credentials presented by the distinguished representative of Uruguay been accepted by the Commission to reflect that everything is in order, and that he has in fact complied with all the rules and regulations applying to credentials?

Chairman

Thank you.

Secretary

Mr Chairman, the credentials provided for the delegation from Uruguay conform to the requirements laid down by this Commission, and, I as the Secretary in scrutinizing these credentials, have had no reason to raise any question with the Chairman of the Commission which is the normal procedure if there is a case of doubt. Thank you.

Chairman

Thank you. St. Lucia has the floor.

St. Lucia

Thank you Mr Secretary and Mr Chairman. In view of the fact that the credentials are in order, the delegation of St. Lucia has received the assurances of the Government of Uruguay of its intention to pay at the right time, as soon as possible, I think was the wording; and his verbal assurances and representation of his government are quite satisfactory to the delegation of St. Lucia. Therefore, we will support the vote and vote yes. Thank you.

Chairman

Thank you Commission of St. Lucia, Commissioner of Norway.

Norway

Thank you Mr Chairman. With great respect for the distinguished Commissioner for Uruguay and the government which he represents, my delegation must vote against the proposal, because we believe that the Commission will be ill-advised to accommodate the request on the basis of the present consideration, and on information supplied privately. Thank you sir.

Chairman

Thank you Commissioner for Norway. Commissioner of Belize.

Belize

Thank you Mr Chairman. My delegation is satisfied that the Commissioner of Uruguay has given us a satisfactory explanation and his intentions are acceptable to the Government of Belize and so we intend to support the request.

Chairman

Thank you Commissioner of Belize. Any other intervention? Germany, Federal Republic of.

Federal Republic of Germany

I want to associate myself with the remarks given by the Commissioner of the UK. Thank you.

Chairman

Thank you Commissioner of Germany. Any other comments, India has the floor.

India

Thank you Mr Chairman. I thought I should explain the way I am going to vote. My country feels or rather believes, that each member country should fulfill its financial obligations. However, in this particular case, since Peru has been allowed it, it's only logical and equitable that Uruguay is too. Thank you.

Chairman

Thank you Commissioner of India. Any other intervention? Yes, Netherlands has the floor.

Netherlands

Thank you Mr Chairman. The Netherlands delegation associates itself with the point of view of the Commissioner of the United Kingdom and is going consequently to abstain. Thank you Mr Chairman.

Chairman

Thank you, any other interventions, Sweden has the floor.

Sweden

Thank you Mr Chairman. I did not realise that you were calling on me. My delegation, for the reasons stated by the United Kingdom and the Netherlands, is going to abstain Mr Chairman. Thank you.

Chairman

Thank you, United Kingdom has the floor.

United Kingdom

I am very sorry Mr Chairman, to have to ask to explain my vote a second time, because I didn't explain it clearly enough the first time. I intend to vote against the proposal.

Chairman

Thank you, I did understand that, this is the reason I was taking the other interventions as a matter of explanation, but not in particular about the vote itself but just about your explanation. Thank you. Sweden has the floor.

Sweden

Thank you Mr Chairman. I am sorry I couldn't but Mr Chairman I think that this issue should not have been put to the vote as in fact the financial situation of this organisation and really it would cause us to set a precedent ...

Chairman

I'm sorry, truly sorry indeed Commissioner for Sweden, but I am not entitled to authorise to open the matter again, just explanation of the vote.

Sweden

I'm going to abstain Mr Chairman.

Chairman

Thank you very much indeed. Point of order asked by St. Lucia.

St. Lucia

Thank you Mr Chairman, the point of order is, that I want to register my sincere regrets to the procedure that is being followed now and that this has become a matter that is causing laughter around the table, around the room. It is a matter that is starting to become almost as a joke. This is, however, an extremely serious matter we're dealing with, a matter of denying.....

Chairman

I'm sorry, approving a vote for a government.

St. Lucia

Thank you Mr Chairman, and I think this matter should not be treated lightly. And I protest that.

Chairman

Thank you, thank you Commissioner of St. Lucia, I think we should proceed to the vote.

Secretary

Mr Chairman, I will now call the roll on the proposal of Uruguay.

The roll starts at Iceland . Iceland no.

Chairman

Point of order from Soviet Union please.

USSR

Thank you very much Mr Chairman. Mr Chairman, as I understand, there were no votes yet as a plenary meeting, so, I cannot quite understand why we should start from Iceland.

Chairman

Thank you, I would say that this is the normal way in this Commission to take Technical Committee and plenary session as a whole in order to be fair because, we used to change in the past a different way from one to the other plenary or Technical Committee, then it is a very usual and very long tradition to keep this over. Thank you. So, could you proceed.

Secretary

Mr Chairman, I will continue with the roll.

India yes, Japan no, Kenya abstain, Republic of Korea abstain, Mexico yes, Monaco abstain, Netherlands abstain, New Zealand yes, Norway no, Oman abstain, Peru yes, Philippines yes, St. Lucia yes, St. Vincent yes, Senegal yes, Seychelles yes, South Africa abstain, Spain abstain, Sweden abstain, Switzerland abstain, USSR no, UK no, USA abstain, Antigua yes, Argentina yes, Australia yes, Belize yes, Brazil absent, Chile yes, People's Republic of China yes, Denmark yes, Denmark abstain, Egypt absent, Finland abstain, France abstain, Federal Republic of Germany no.

Mr Chairman, there were 15 votes in favour, 6 against, with 13 abstentions, and so that vote is adopted.

Can I seek instruction from you Mr Chairman whether all of the sanctions are lifted for this meeting, or just this one specific concerning the vote.

Chairman

Thank you, I think according with the text of the proposal I can't go farther than that unless asking just for the right of the vote. Thank you.

If I may give an explanation of the last question of Dr Gambell, because, according to Rule of Procedure, the lack of finance implies not only the lack of a vote, but as well, the lack of documentation. This is why he was asking me that, thank you.

So, I feel that it is quite proper for me to adjourn the plenary meeting and we will pass to Technical Committee to end the work, but again may I beg you that we are in the practically the last 24 hours, then I will beg you everybody to carry on with some bit haste. Thank you.

[Adjourn 3.35pm]

INTERNATIONAL WHALING COMMISSION
THIRTY SIXTH ANNUAL MEETING : VERBATIM RECORD

FIFTH PLENARY SESSION : THURSDAY 21 JUNE 1984
5.30pm

Chairman

Technical
Committee
Report

Ladies and Gentlemen, may I open the plenary session, and we will consider the Technical Committee Report, it is in the document IWC/36/5, the first part of the report. Could you have this document in front of you, and if it is so, I will ask Dr Lemche as the Chairman of the Technical Committee to introduce this report. Please Dr Lemche.

Chairman of Technical Committee

Thank you Mr Chairman, I refer you to the Draft Report of The Technical Committee IWC/36/5 the first part, where we, in point 1 adopted our agenda, dealt with various procedural matters you will see under point 1. Under point 2 appointment of committees, we made a decision about sub-committees and working groups as you will see outlined there, after that we went over,

Chairman

So, I would prefer if you started with item number 6, taking account that everybody is agreeing on the previous paragraph, under items 1 and 2, adoption of agenda and appointment of committees. If we agree on that we pass then directly to the item 6. The first page of the document. Everybody agree on that? Thank you, so it is decided.

Chairman of Technical Committee

Agenda 6
Compre-
hensive
Assess-
ment of
Whale
Stocks

Thank you Mr Chairman. The Technical Committee then considered the plenary item 6 Comprehensive Assessment of Whale Stocks,

6.1 Report of the Joint Working Group.

Japan presented the report of the joint working group which is chaired prior to the Annual Meeting, with the terms of reference you will see in points A, B and C at the bottom of page 1 of our report. The only material presented to the working group was the report of the deliberations of the Scientific Committee on the issue of Comprehensive Assessment. Discussion focussed on issues raised in the report of the Scientific Committee and the light of that discussion, various suggestions were made regarding the tasks of this working group and of the Scientific Committee.

Agreement was reached upon future work for the Scientific Committee and for members of this working group in relation to management issues.

Various suggestions were made as to ways to proceed, and after a discussion the working group agreed to three proposals little 1, little 2, little 3, you will see on the bottom of page 2.

Under 6.2 Action Arising, Japan moved and the USSR and the USA seconded the adoption of the report of the Joint Working group, and this was agreed by the Technical Committee.

Although the working group had not dealt with the future role of the Scientific Committee, in formulating management recommendations, the Technical Committee noted, after a question for clarification, that it followed from the Schedule, that management advice was a normal part of the review of stocks.

Mr Chairman, I think that was our consideration of item 6. I think there is no recommendations from the Technical Committee, but I think that the plenary should take note of what is said in point 6.2, thank you.

Chairman

Thank you Dr Lemche. So, we have under consideration, item 6 of the plenary agenda. Then, I ask you, any comments on the first part, that means item 6.1 Report of the Joint Working Group? Any comments on that? Thank you, we support in the way it is already written.

Going to point 6.2 Action Arising, any comment on that? Thank you. If I may, may diversion, I think we are seconding, as a whole the Commission, the Report of the Technical Committee. Because here is some action arising, and the Commission is seconding a proposal from the Technical Committee, it is a matter of formality, but it would be useful to keep that in mind. Thank you, so it is decided as a whole for the Report of the Technical Committee. Thank you.

So, we move to the item number 7 then, Revision of Present Management Procedure, page number 3 of the report. Please Dr Lemche.

Chairman of Technical Committee

Mr Chairman, Revision of Present Management Procedures. In point 7.1, Proposals for revised procedures developed through consultation between interested governments.

Under this point, Norway indicated that it believes there is a need to continue consideration of this subject. It indicated that no formal meeting had taken place and suggested that the Technical Committee should recommend further endorsement and continuation of discussions, and this suggestion was agreed by the Technical Committee.

We dealt also, Mr Chairman, under plenary item 7 with the point 12.2 the Seychelles Proposal.

The Seychelles had introduced its proposal for consideration of general principles for classification of stocks and setting catch limits for commercial whaling. The rationale behind it, is outlined below, in the following paragraphs Mr Chairman, this matter was also considered by the Scientific Committee and the Chairman, oh, sorry, at least the Chairman of the Scientific Committee indicated that, in principle, the Seychelles proposal tended to formalize present practices, required to manage unclassified stocks. The Scientific Committee also agreed that the concept of replacement yields was a reasonable basis in such cases.

Agenda 7
Revision
of
Present
Manage-
ment
Procedure

7.1
Proposals
for revised
procedures

12.2
Consider-
ation of
general
principles

However, the Scientific Committee noted certain problems in two specific areas, defining which stocks should be classified and establishing appropriate safety factors. Whilst agreeing that in principle, it was valid to apply a safety factor, there was no agreement in the Scientific Committee on its precise value.

We then in the Technical Committee agreed to discuss the general concept of the Seychelles proposal and the result was that the, a wording was adopted by the Technical Committee and this wording you will see in the last and second last paragraph of this section, just above plenary item 8 on page 4.

Mr Chairman, the Technical Committee recommendations with respect to plenary item 7 is to endorse the agreement of the Technical Committee mentioned under point 7.1 and to agree to the wording of the two last paragraphs in this section. Thank you Mr Chairman.

Chairman

Thank you. So we are dealing now with item number 7, first point is 7.1, Proposals, any comment on that? Thank you, then we will accept that report of the Technical Committee on this matter.

Considering the 12.2 points, Seychelles proposal, any comments on the text? And on the wording? Thank you, Soviet Union has the floor.

USSR

Thank you very much Mr Chairman. Mr Chairman, when this item was considered at the Technical Committee the Soviet delegation expressed its reservation, and we will be very glad if we could see that reservation in the record. Thank you very much.

Chairman

Thank you Commissioner of USSR. So, that will be done in the way that you have asked, and the Soviet Union reservation will be in the record. Any other comments on the text? Thank you, it is approved.

Then, moving to the suggestion and recommendation and the agreement and clause on agreement from the Technical Committee on this point, that means page 4 second and third paragraph. We can approve that? Thank you, it is so decided. Dr Lemche, and with that we finish with the item number 7. Thank you, it is so decided.

We pass then to item number 8, Dr Lemche.

Chairman of Technical Committee

Thank you Mr Chairman, plenary item 8, there was first 8.1, consideration of the intention of Convention and Schedule provisions, and relevant current national regulatory measures. No material was presented on this item.

Under point 8.2, Report of the Scientific Committee on possible advantages of a dual regulatory system. The Chairman of the Scientific Committee reported that this matter might best be considered in the context of the comprehensive assessment of stocks currently being planned.

The Technical Committee agreed to support this view of the Scientific Committee, and this is our recommendation Mr Chairman.

Chairman

Thank you Dr Lemche. So, we are dealing with item number 8. Any comments on the proposal of the Technical Committee as a whole? I do not see any, then, any comments on the wording? Thank you, it is so decided and then we accept in that way item number 8. It is so decided. Please Dr Lemche could you move to the item number 9, The Indian Ocean Sanctuary.

Agenda 9
Indian
Ocean
Sanctuary

Chairman of Technical Committee

Thank you Mr Chairman, under this item, the Chairman of the Scientific Committee reported that in view of the Commission's decision that any review meeting on the Indian Ocean Sanctuary should be preceded by a scientific meeting, the Scientific Committee asked that the Commission should inform it when it wishes that meeting to be held, in order that preparations can be made.

The Seychelles recalled its invitation of last year and proposed that this scientific meeting should be held in 1986, immediately before the Annual Meeting of the Commission.

The Scientific Review Meeting could be held early in 1986. The Seychelles is still prepared to host the latter meeting but suggested that it should be consulted among the Indian Ocean states which are members of the IWC.

The Technical Committee agreed to this proposal, and that Mr Chairman, is our recommendation. Thank you.

Chairman

Thank you Dr Lemche. Any comments then on the item number 9, Indian Ocean Sanctuary? Thank you, then we could accept the wording and the text of this item as it was proposed. Thank you, it is so decided.

We should move to the item 11, it seems according to Dr Gambell explanation that we have more nearly ready of item number 10 to deal with, its pending some very few formalities of which, that means could we move to the item 11, and having pending the item number 10. Thank you it is so decided. Dr Lemche please, could you deal with item number 11.

Chairman of Technical Committee

Agenda 11
Commission's
Competence
to Set
Catch
Limits
For Baird's
Beaked
whale

Thank you Mr Chairman, item 11, The Commission's competence to set catch limits for Baird's Beaked whale in the North Pacific. Australia noted the verbatim record of the 1946 Conference where it dealt with the list of names included in the Annex to the Final Report. It still believes that this gives no ground for suggesting a limitation of the Commission's competence in this area.

Several countries expressed similar views. Various other countries took the view that only species named in the Annex should be regulated by the IWC.

The Technical Committee agreed by consensus to defer further discussions until next year, noting the preference of St. Lucia to settle the matter now.

So Mr Chairman, our recommendation is to defer further discussions until next year. Thank you Mr Chairman.

Chairman

Thank you. Any comments on the text of this item number 11? Thank you, then we will adopt it and as well could we adopt the decision and the agreement of the Technical Committee, noting the preference of St. Lucia. Thank you, it is so decided.

We should then move to the next point. May I ask if you could allow me defer the item 12 and 13 and going to the item 14 in order to have more element to discuss the others. Thank you, it is so decided and we move to the item 14, Small Cetaceans, please Dr Lemche.

Agenda 14
Small
Cetaceans

Chairman of Technical Committee

14.1.1
Proposals
for
renaming
sub-
committee

Thank you Mr Chairman. Small Cetaceans, 14.1.1, proposal for renaming the sub-committee and agenda item.

After a thorough review the Scientific Committee strongly recommended that the sub-committee retains its name as the Sub-Committee on Small Cetaceans and this was agreed by the Technical Committee.

14.1.2
Review
of
specified
fisheries
and
stocks

Under point 14.1.2, Review of specified fisheries and stocks, the Scientific Committee provided advice on a number of stocks, which you will see on the following pages, Mr Chairman, on Hector's dolphin, Heaviside's dolphin, Commerson's dolphin and on Black Sea dolphins and porpoises.

All the advice given by the Scientific Committee with respect to these species was noted by the Technical Committee. Mexico expressed its reservation over making this advice to the Commission on species which are not listed in the Convention.

Brazil, Chile, France, Japan and Peru made similar reservations and Argentina indicated its position on the Commission's competence to regulate small cetaceans, but said it is prepared to provide information of a scientific nature.

Sweden believes it is important to have these scientific studies.

The Netherlands expressed some concern over the large catch of Dall's porpoise off Japan, while Japan recalled that research is undertaken and reported to IWC. Japan is ready to take any necessary action.

Mr Chairman, under this agenda item, we have one recommendation with respect to 14.1.1, and I think that the plenary should take note of the advice given by the Scientific Committee in respect to the four species mentioned on pages 6 and 7. Thank you Mr Chairman.

Chairman

Thank you, it seems there are some species missing in the report, I hope not in the sea, but in, second, Dr Gambell, I'm sorry, Soviet Union has the floor and then Japan.

USSR

Thank you very much Mr Chairman. Mr Chairman, the Soviet delegation would like to express its reservation on the advice of the Commission concerning small cetaceans, concerning those species which are not listed in the Schedule. Thank you very much.

Chairman

Thank you Commissioner of USSR. Japan has the floor.

Japan

Thank you very much, I would like to offer a small editorial change to the last sentence of item 14, for the Black Sea dolphins and porpoises. It says, it is ready to take necessary action. It should be amended to read, it is ready to take necessary actions upon the findings of such studies. Thank you.

Chairman

Thank you, it was already done according to the explanation of Dr Gambell and we are taking note and registering the position of the USSR on this subject. Thank you. Mexico has the floor.

Mexico

Thank you Mr Chairman. The delegation of Mexico would like to insert a phrase in the paragraph ...

Chairman

Could you go ahead, Commissioner for Mexico.

Mexico

Thank you Mr Chairman. My delegation would like to insert a phrase in the paragraph declaring, the reservation of Mexico has been expressed. We would like to insert the following phrase:

"While recognising the general scientific value of the information requested, and then conclude, Mexico expressed"

Thank you Mr Chairman.

Chairman

Thank you Commissioner of Mexico. Any other comments? Yes, the Secretary has the floor.

Secretary

Mr Chairman, I apologise that we have lost one species out of this report which was discussed in the Technical Committee, between numbers 2 and 3, Heaviside's Dolphin and Commerson's Dolphin, there should be added the Chilean Black Dolphin, which the Technical Committee noted the advice which was given by the Scientific Committee reported on page 49 of the Scientific Committee Report.

Chairman

Thank you Dr Gambell. Any comments on that? Brazil has the floor.

Brazil

Thank you Mr Chairman. Could I just ask the Secretary to repeat Mexico's addition, because we are associated with that, if it's possible to repeat Mexico please.

Chairman

Mexico has the floor please.

Mexico

Well Mr Chairman, I will repeat the phrase I proposed to be inserted in the paragraph. While recognising the general scientific value of the information requested, Mexico expressed, and more important, it is expressed in the report. Thank you.

Chairman

Thank you Commissioner of Brazil, and Mexico. Any other comments as a whole with the text? So, we will move and interpret more carefully in this item, asking you item 14, point 1.1. Any comments on that proposal for renaming? Thank you, it is so adopted.

14.1.2, Review, any comments on that? Thank you, number 1 Hector's dolphin, any comments on that? Thank you.

2, Heaviside's dolphin, any comments on that? Thank you.

3, Commerson's dolphin, any comments on that? Thank you.

Black Sea dolphin and porpoise, point 4, any comments on that, besides that we already heard? Thank you. Yes, I'm sorry, Philippines has the floor.

Philippines

Thank you Mr Chairman. The Philippines would like to associate itself with the comments of Mexico on this point. Thank you Mr Chairman.

Chairman

It will be recorded from Commissioner of Philippines. So, any other comments? Taking into account the intervention of Dr Gambell with the other species, any other comments? So, could consider item 14 finished and approved. Thank you very much, it is so decided.

We move then, Dr Lemche, to item 15, International Decade. Could you help us.

Chairman of Technical Committee

Thank you Mr Chairman, item 15, International Decade of Cetacean Research.

First, 15.1, the Scientific Committee reviewed the results of studies carried out last year. It was noted that the Decade ends this year. In the light of problems met in dealing with research proposals submitted, the Scientific Committee developed a procedure for assessing such proposals.

The Technical Committee agreed to this procedure.

Missing text dealing with item 15 IDCR and
item 16 Non-consumptive utilisation conference
recommendations, including reference to part 2
of the Technical Committee Report, page 17.

Secretary

Mr Chairman, could I say that I have been requested to announce that the contribution of St. Vincent and the Grenadines has now been received by the Secretariat. For information.

Agenda 15
Inter-
national
Decade of
Cetacean
Research

Agenda 16
Considera-
tion of
the
recommenda-
tions from
the
Conference
on the Non-
Consumptive
Utilisation
of Cetacean
Resources

USA

Mr Chairman, we also bring to the attention of the plenary that at the top of page 17 there are two terms of reference mentioned in the report. I, the US, present the fact that there is a third term of reference that was left out, namely, to identify the financial implications of any actions. We would suggest that third term of reference be inserted at that point in the report.

Chairman

Thank you Commissioner of the United States. Any comments on that? So, it is so decided that there was a mistake, thank you. Any other comments on this item? So, we accept the text and we approved. Yes, Mexico has the floor.

Mexico

Thank you Mr Chairman. My delegation would like to record that during the debates of this Working Group, we expressed a statement which is included in the report and we would like to see the same remark, wording, included in this part of the Technical Committee Report in page 18 after the first paragraph. Then it will be inserted the following wording:

"In the application of the conclusions and recommendations reached in this Working Group, national programmes and legislation should be taken into account respecting the rights of member states in the areas under their sovereignty."

Chairman

Thank you. Any comments on that? Thank you, so, it is so decided. Thank you, any other comments on this item as a whole? Thank you, it is so approved.

So, back to the first part of the draft report, page 9, item 17, Adoption of the Report of the Scientific Committee. Dr Lemche please.

Chairman of Technical Committee

Thank you Mr Chairman. Item 17 Adoption of the Report of the Scientific Committee.

The Technical Committee adopted the Report of the Scientific Committee and noted in this connection a number of points, which you will see outlined on page 9 and on page 10 and, I think our recommendation to the plenary Mr Chairman with respect to these points, is that we should agree to them or just note them as appropriate. Thank you Mr Chairman.

Chairman

Thank you Dr Lemche. Any comments on that? Could we take then as a whole the item 17, approving the different paragraphs? Yes, Norway has the floor.

Norway

Mr Chairman, I've no opposition to our proceeding in the way you have suggested, but would again, as I have done on earlier occasions, express the view that the Scientific Committee does not fulfill our expectations when they present recommendations which are ambiguous on management issues. I would again stress the desirability of obtaining from the Scientific Committee, unified recommendations on management questions. I'm sure that this is a difficult thing to obtain, but I would not let this item on our agenda pass without again underlining it. Thank you.

Chairman

Thank you Commissioner of Norway. Would you like that your comment be registered?

Norway

Mr Chairman, as we are now adopting the Report of the Scientific Committee, I would, but, proceeding along the Report of the Technical Committee, I would be quite content to let my statement be recorded in the verbatim of the plenary. Thank you.

Chairman

Thank you. USSR, and Japan then.

USSR

Thank you very much Mr Chairman. Mr Chairman, we would like to associate ourselves with the views expressed by the distinguished Commissioner of Norway. Thank you.

Chairman

Thank you Commissioner of USSR. Commissioner of Japan please.

Japan

The Japanese delegation also wishes to associate itself with the views expressed by the distinguished Norwegian Commissioner. Thank you.

Chairman

Thank you Commissioner of Japan. Any other comments? Thank you. Then the original intervention on item 17? So, could we approve the Report of the Scientific Committee? Thank you, it is so decided.

Then we will move to the item 18 Humane Killing.

Chairman of Technical Committee

Agenda 18
Humane
Killing

Thank you Mr Chairman. Plenary item 18, Humane Killing. You will see on page 10, item 18.1 the Report of the Technical Committee Working Group. The Group met under the terms of reference agreed last year and it was agreed that the group would continue to review available papers and evaluate the results of experimental programmes on alternatives to the cold grenade harpoon for killing minke whales. The group should also include humane killing in aboriginal subsistence whaling as well as review the programme of work in Iceland which it has supported under humane killing of the larger whale species.

There were four items dealt with in the Working Group Mr Chairman. First, the experimental programmes on alternatives to the cold grenade harpoon for killing minke whales, which you will see at the top of page 11.

Norway reported on the development of an improved detonating grenade harpoon. The Working Group noted its favourable impression of the Norwegian programme, whose results look promising. It was also noted that Norway no longer allows the use of the cold harpoon, and that the new grenade harpoon is in use from the beginning of the 1984 season. The results in 1984 will be monitored so that further modifications may be made if needed.

A Brazilian report on the same matter showed that experiments were not very successful and the Working Group suggested that the Brazilian company should be advised of the successful reports made by Japan and Norway.

Japan gave a detailed account of its experimental programmes, both in the Antarctic and the coastal fisheries. While trying to develop more sensitive fuses, safety devices are needed and these are still being developed. The Working Group noted that Japan no longer uses cold grenade harpoons.

The USSR gave a report on its experience using 90mm harpoons which still require further studies. The Soviet experts again drew the attention of the Working Group to their principle attitude towards the humane killing issue. You will see the Soviet point of view outlined in the fourth paragraph of page 11.

A representative of the United states expressed the alternative view that it is appropriate for the IWC to consider humane killing and equipment used, based on various articles in the Convention which were considered when the bans on use of the cold harpoon were passed.

The next item under the Working Group was the Programme in Iceland on Larger Species. And, there was presented a report on the project sponsored in part by the IWC, conducted with full cooperation by the Icelandic whaling operation, and, a short summary of this report you will see at the bottom of page 11.

The next item was Aboriginal Subsistence Whaling. The Working Group recommends, as no information was available directly, that the Secretary again writes to the governments concerned to solicit documentation of information from aboriginal whaling operations on those aspects covered within the terms of reference of the Working Group.

The last item in the Working Group Report was little d, Other Matters and you will see those other matters under numbers 1, 2, 3 and 4 on page 12.

Mr Chairman, the Technical Committee adopted the Report of the Working Group and accepted the recommendations outlined in the Working Group Report and these are consequently our recommendations to the plenary.

Thank you Mr Chairman.

Chairman

Thank you Dr Lemche. So, dealing with item 18, page 10, 18.1 new page, any comments? Thank you, it is approved then.

Sub paragraph (a), Experimental Programmes on Alternatives, and so on, any comments on that? So, we approve this paragraph (a) as a whole. I'm sorry, USSR has the floor.

USSR

Thank you Mr Chairman. Mr Chairman, if we look at the paragraph in the middle of page 11, which says "The USSR gave a report" etc. Mr Chairman, we would like to delete the last phrase of that paragraph, starting "However etc". Thank you Mr Chairman.

Chairman

Thank you. Any comments on that? So, we accept the proposal of USSR, then, the three lines starting "However" will be deleted. Thank you. So, with this modification, could we approve then as a whole paragraph (a)? Thank you, it is so decided.

Paragraph (b), Programme in Iceland on Larger Species. Any comments on the paragraph as a whole? Thank you, it is so approved.

Paragraph (c), Aboriginal Subsistence Whaling. Any comments? Thank you, it is approved.

Paragraph (d), Other Matters, 1, 2, 3 and 4. Yes, United Kingdom has the floor.

United Kingdom

Thank you Mr Chairman. I'm not sure whether this constitutes a comment on the item d, Other Matters, or possibly a comment on the subsequent sentence at the end of this item, but it does seem to me that on looking back at the report of the Technical Committee Working Group on Humane Killing, in document IWC/36/17 on page 11 of that document there are two paragraphs reporting what seems to me as a layman on these matters, a somewhat interesting and possibly important discussion on the issue of the measurement on the time of death. And there is indeed, a specific recommendation about the practical field measurements or the

procedure to be adopted in field measurement, and it seems to me that recommendation, which is in the second paragraph on page 11 of IWC/36/17, does deserve to be reflected in the report of the Technical Committee, since the Technical Committee did, I believe, accept the recommendation and I wonder whether it would be possible to insert some appropriate wording to that effect.

Chairman

Thank you, Norway has the floor.

Norway

Thank you Mr Chairman. I think the distinguished Commissioner for the United Kingdom has indeed spotted an editorial shortcoming in the report of the Technical Committee. It is the understanding of my delegation that the paragraph in question in the Working Group's report does in fact ratify existing practices. We think it is a useful thing if this is confirmed, and we would support the suggestion of the distinguished Commissioner of the United Kingdom. Thank you sir.

Chairman

Thank you Commissioner of Norway. Any other comments on this particular point? So, we can decide in that way and to register the comment of United Kingdom, supported by Norway. Thank you, Dr Gambell will take note. So, could we deal with the last paragraph, saying in the item 18, in adopting this report, the Technical Committee accepted these recommendations. Thank you, any other comments on this item? I do not see any, then we approved the item, and we move to the next one, item 19.

Chairman of Technical Committee

Thank you Mr Chairman, item 19, Register of Whaling Vessels.

The Secretary presented the Fifth Edition of the International Register of Whaling Vessels.

Norway believed that a new edition should be as complete as possible, and the United States and Australia said that it would be very important to have an updated version next year. The Technical Committee agreed that corrections should be supplied to the Secretariat by January 31 1985, and that changes of use or condition should be notified.

Peru commented that it only has two vessels operating and the Secretary stressed that the Register is based on international shipping lists which should also be amended as appropriate.

So Mr Chairman, here we have two recommendations, one in each of the last two paragraphs on page 12. Thank you Mr Chairman.

Agenda 19
Register
of Whaling
Vessels

Chairman

Thank you Dr Lemche. So, shall we approve item 19. Any comment on that? Thank you it is, sorry United Kingdom has the floor.

United Kingdom

I'm sorry Mr Chairman, I didn't mean to interrupt what you were saying, I've just observed some photographers at the far end of the hall and I wondered what they were doing.

Chairman

[Brief request in Spanish for photographers to remove themselves]

Thank you, I'm sorry about that. So, could we approve then item 19? Thank you, it is so decided. We move then to the item 20, Amendment of the Schedule.

Chairman of Technical Committee

Thank you Mr Chairman. Item 20, at the top of page 13.

At last year's Annual Meeting the Commission designated the Secretary to receive the statistics up to now administered by the Bureau of International Whaling Statistics in Sandefjord, Norway. This change renders consequential amendment of the Schedule necessary, where in paragraphs 26(a) and (b) the wording "Bureau of International Whaling Statistics" need to be replaced by "Secretary to the International Whaling Commission." The Technical Committee recommends these changes Mr Chairman.

Agenda 20
Amendment
of the
Schedule

Chairman

Thank you Dr Lemche. Any comments on item 20, on the whale statistics bureau? Thank you, any comments on the decision to recommend changes? Well I recall then we are approving an amendment to the Schedule, thank you. So, it is approved.

We can't approve the Report of the Technical Committee yet, and if I may, I will remind you that the item pending is item 10, on infractions, and there is some part of its report lacking still now. Item 12 on catch limits, item 13 aboriginal subsistence, item 21 then adoption, of course, of the report and the item 22 we have pending. In the point 22.8, we have a small group established; could we accept for that the Report of Finance and Administration Committee, that means item 24, but taking into account that it is open only for the results of this small group that we already established. That means we consider the work of the small group and discuss later on its results, but beside that, we can approve all the report of the Finance and Administration Committee. Any comments on that or any additional suggestions? So, we can do the following, approve the item 22, Finance and Administration as a whole, having the reservation from the Commission that we are waiting for some result of the group established for the point 22.8. It will be the only point remaining. Yes, Norway has the floor.

Norway

Mr Chairman, if my memory serves, we have also pending the nomination of a small group to review the sub-committees of the Scientific Committee, I believe that is in the process of being set up. Thank you.

Chairman

Thank you, I have put it down here. I didn't see, twice, in effect was that a working group, a review panel, I'm sorry, when if I may follow the same philosophy, we can separate the results of these two groups and when we receive later on from both of them, I will open again this item. I think it would be useful if we finish with Finance and Administration and we will take separately later on the results of these two particular working groups in this matter, one voting rights, and the other a review of the Scientific Committee sub-committees, and so on. Is it agreed? Thank you, then we close the item 22, but pending these two remaining important small committees, small groups. Thank you very much, and we will close then the item 22. It is so decided.

Agenda 24 Adoption of Report of F & A Committee

Could we do the same with the report of the 24 item, the 23rd we have already discussed earlier. That means we can adopt the Report of the Finance and Administration Committee as a whole, but pending of course this small groups work. Thank you very much, then we adopted the Report with the clarification that I have already made. Thank you.

Agenda 25 Co-operation with other Organisations

So, we will move to the point item 25. I hope you have got the document IWC/36/11, Cooperation with other Organisations. Then we will deal with item 25, with this paper. And, I will ask the Secretary to introduce this matter. Any comments? Thank you very much. Dr Gambell please.

Secretary

Mr Chairman, the document IWC/36/11 contains the reports from observers and other contacts we have with various other organisations. Document A is from the observer who attended the second meeting of CCAMLR. There is a second part which contains the letter from the Secretary of CCAMLR to the IWC confirming the decision of that other Commission not to formalize working arrangements with other International Organisations, but to continue to develop them through communication between the Secretariats. That second part also expresses interest in an ecosystem approach to management which we have discussed within the Scientific Committee in particular.

Section B is from the Observer who attended the 71st ICES meeting.

Section C, the IWC observer at the FAO Committee on Fisheries. That concerns largely the preparations for the FAO/UNEP Draft Global Plan of Action for the conservation, management and utilisation of marine mammals.

Section D is the report of the observer at the 41st Meeting of IATTC.

Section E, the report of the observer from the 1984 Meeting of ICCAT.

Section F records that we were represented at the 7th Regular Session of ICSEAF, while Section G deals in more detail with the FAO/UNEP Plan of Action on marine mammals, but that subject has also been addressed in an earlier part of our agenda. So, this is a compilation of our contacts with these other Inter-Governmental Organisations. Thank you Mr Chairman.

Chairman

Thank you Dr Gambell. Then, we have in front of us the document Cooperation with Other Organisations. I will deal with each of the reports, then I will ask you to make comments, if any, otherwise we will consider we are approving them and taking into account for our records.

First report is the observer to the second meeting of the CCAMLR. Any comment on that? Thank you, it will be approved and incorporated in our records.

Second one, is the Statutory Meeting of the International Council for the Exploration of the Sea. Any comments? I do not see any, then we could approve it. It is so decided.

C, the report of the observer to the 15th Meeting of the FAO Committee on Fisheries. Any comments on that? Thank you, it is so approved.

D, 41st Meeting of the Inter-American Tropical Tuna Commission. Any comments on that? Thank you, it's approved.

E, concerning the ICCAT Meeting. Any comments? Thank you, so, it is approved.

F, is the Regular Session of ICSEAF. Any comments? So, it is approved.

The last one is Ad Hoc Planning and Coordinating Consultation of the Draft FAO/UNEP. Any comments on that? I do not see any, then, we approve it.

Any other comment on item 25 as a whole? I do not see any, then we approve and we finish with the item 25, Cooperation with Other Organisations. Thank you, it is so decided.

We should move then to the item 26, 35th Annual Report, paper IWC/36/12. Before we put to consideration this item, I would like to give the floor to Dr Gambell in order to explain that besides this paper 12 there are usually some tables to be added. Dr Gambell please.

Agenda 26
35th Annual
Report

Secretary

Mr Chairman, as is usual with this document, the Secretariat presents the Report in draft form, and we ask you to approve the text. The tables represent the catches by Member States, tables 1 and 2. But, unfortunately, we have not got full information from Mr Vangstein in the Bureau of International Whaling Statistics this year, and so we have been unable to complete the tables in time for this meeting. Also, table 3 is a summary of infractions and again, we have not had the time to produce that table which will be developed from the

infractions meeting, the meeting of the infractions sub-committee which has just finished its work. So, we would ask that you look at the text and we will put the tabular material in, in the published version, as soon as we have that and can complete the tables of catches and the infractions records. Thank you.

Chairman

Thank you Dr Gambell, any comments on that? Thank you, then we move to the document 12. If I do not see any comments I will approve the document as it is, with the comment of Dr Gambell that tables will be added later on. Thank you, it is so decided.....

otherwise decided but Dr Gambell needs to make some arrangements, and perhaps for us it would be useful, yes, sorry, New Zealand has the floor.

New Zealand

Thank you Mr Chairman. You referred a short time ago to the fact that the Technical Committee when considering the Report of the Finance and Administration Committee, approved a recommendation that a small panel be established to consider the future operations of the Scientific Committee including those related to small cetaceans. You've asked me to convene this panel, and the delegations of Argentina, Mexico, St. Lucia and France have I believe, agreed to be represented on it. Could I ask those delegations, together with the Chairman of the Scientific Committee, to meet me here during this short recess to decide on a time for our meeting. Thank you.

Chairman

Thank Mr Stewart, Thank you Commissioner for New Zealand.

Could I remind you again, our pending work please; item 10 infractions, 12 catch limits and 13 aboriginal. Under 3, it seems there are some additional papers to be added and some modification on the wording. Then I will say that we can wait not more than half an hour, one hour. Then we must have the work of these two small groups, working group on voting rights and working group on reviewing the Scientific Committee that already was chosen, was convening. I will decide that items 27, 28 and 29. According to my recollection, they are all the matters pending in this Commission. Any comments on that? I maintain, if I may, think that will be workable, to work today and interpret longer perhaps, if you will allow me, in order to defer to tomorrow a chance the necessary matter that we can't agree today. Even if we can make some advances in some of the items it would be very useful if we have to split the item itself in different stages, it will be useful to meet tomorrow knowing that we will have no problem with the end of this Annual Meeting. Any comments as a whole or would you like to have a short period of time to think on that? Could we meet again in 20 minutes, I am open to any suggestions. I'm sorry, it seems that the end of the Technical Committee Report will be ready in less than one hour. Do you think we can have this short time to make a recess and later on at 8 o'clock to meet or do you prefer to go on with some

particular matter and then we can adjourn from 8 to 10 or something like that and resume in the evening? You can have a short time until a quarter past seven now as a recess and we can come back here with a clear idea whether we are sure with what we are dealing. It will serve the purpose? Yes, Denmark has the floor.

Denmark

Thank you Mr Chairman, I would like the small group on voting rights consisting of St. Lucia, Mexico, Norway, United States and Denmark to meet with me immediately when you break this meeting. Thank you Mr Chairman.

Chairman

I think it will be useful then if we allow these two groups to work now, in one hour, and we will meet at 8 o'clock. At 8 o'clock we can decide accordingly the problems of this small group, and according with the problems we will meet as soon as possible, or we can meet after dinner. Perhaps the last idea will be more profitable and we will have to return tonight, and at that time to deal with some of the matters pending. So, I think it is wise the suggestion of Dr Gambell, would you prefer that we meet directly at 10 o'clock here? Or, would you prefer some 15 minutes to discuss the matter and then we can decide at a quarter past seven. Philippines has the floor.

Philippines

It is preferable Mr Chairman, to meet at 10 o'clock.

Chairman

Thank you. Could be one way, the other is that perhaps you would like to exchange ideas with each other, I would be is the reason why I ask. Perhaps the quarter past just as a whole to the Commission will be the our next session, or could we approve directly 10 o'clock. I think it would be wise if you wait for 15 minutes now that the delegation has exchanged idea and then we will meet here quarter past seven, the meeting is just for saying the necessary, but we will meet at a quarter past seven again. Thank you, the plenary is adjourned.

[Short break]

Chairman

We open again the plenary meeting, and according to some of the comments I didn't see, it looks like we could adjourn until 10 o'clock tonight, 10 pm. will be quite suitable for eveybody. But, because I didn't exchange the idea with all of you, I would like to submit this short reaction I had about that. We think it would be proper to adjourn now until 10 o'clock, and at that time, we will discuss the pending items. That, in particular, we are forseeing the discussion of item 10 and item 13, in order to speed up tonight the work, having put down that the item 12 could be as well discussed but in principle could for tomorrow.

Concerning item 22, I hope, I think the group on the voting rights is working, and we could expect perhaps, tonight, to have some preparation, otherwise, it will be tomorrow morning. Under the astute guidelines that the governments there will decide half an hour. The other is the review panel, but, I complete, very informally, if I may use that this group, was, at the very beginning composed for various countries. I thought at that moment that New Zealand, France, St. Lucia, Argentina and Norway could be quite proper to ask them to collaborate. Later on there were some changes, then I thought again that the cooperation of other countries could be very useful in that way, I ask as well the Japanese delegation to participate in that. I hope the Commissioner of Japan could designate someone from their delegation to help this small panel. If I may say in this context, that this panel, it was an exchange of ideas coming from the chair, that according with the time with that, this 24 hour, less than that, it was just useful, some general proposal on this matter and to work with the idea, I mean from now to next year's meeting, on the very more careful and deep down proposal and words.

Then, summarising this last point, I will say that the mentioned countries should again meet Mr Stewart of New Zealand and a Japanese delegate, who is now joined with the small group. Then you will have New Zealand convening it, France, Argentina, St. Lucia, Japan and Mexico planning to make this evening, perhaps, a very informal and very broad proposal for our work next year on this important matter. I had already suggested as well that Dr Tillman could be helping this group, because the speed of it, of him, could be very useful. So, if I can ask Mr Stewart then, if he can take 15 minutes or more according to the business, he will receive the other delegate I already mentioned, and I hope it is clear that I repeat again France, Argentina, St. Lucia, Mexico and Japan could approach him in order to have some clear idea about that. If you accept my guidance, not to go too much deep down in this matter, because we don't have too much time for that.

It would be useful that we make at first almost clear, the other one then I will ask Dr Lemche, that tomorrow morning, he inform us about the decisions of this working group on voting rights, then we will come tonight, if you are following my suggestions, to discuss the items 10 and 13 and perhaps, if you like as well, deal with item 12. But, in principle, I would like to convene Infractions subject, and I will deal with the subject that is printed up to now. Then, if you are agreeing after seeing the opening plenary tonight, we will adjourn until 10 o'clock. Any comments? Netherlands has the floor.

Netherlands

Mr Chairman, would you allow me to make an announcement?

Chairman

Yes.

Netherlands

Thank you very much, the announcement is the following, that Commissioners of non-whaling countries will meet at 9 o'clock in the Florida room. Thank you very much.

Chairman

Thank you. Then, the announcement, to meet non-whaling countries from 9 o'clock until 10 tonight. Thank you, any other comments? So, it is so decided and we will meet again at 10 o'clock tonight for the plenary session and please, follow the schedule I already referred. Thank you very much indeed and enjoy your working dinners.

[Adjourn 7.45pm]

INTERNATIONAL WHALING COMMISSION
THIRTY SIXTH ANNUAL MEETING: VERBATIM RECORD

SIXTH PLENARY SESSION: THURSDAY 21 JUNE 1984

10.30pm

Chairman

(Tape unreadable) I think we or try to start some item of plenary. Among these was item 10. Infractions Report Before going to this subject, I think today I was interrupted and I think that I was in some way right. The Japanese Commissioner a comment on one particular point about the publication. I do not know if the Commissioner of Japan would like to refer to that, or perhaps, we could ask the Secretariat to explain what has been the reaction in the about this subject. Again, if I may, I could ask Dr Gambell to let us know what was the situation in this particular intervention of the Japanese delegation. Secretary please.

Secretary

ECO Mr Chairman, you recall that the Japanese delegation spoke about a matter in the ECO magazine. The Chairman of the Commission has been given a note in the following terms;

"Mr Chairman, the owners of ECO wish to apologise to the Commission and the delegation of Japan for reproducing the embassy seal of Japan in our newsletter. We did this without thinking, and realise now, that it is a breach of protocol and good manners. Would you please convey our sincere apologies."

It is signed by the editors, Gerry Emery and Peter Davidson.

Chairman

Thank you Dr Gambell. I think this answer, as well as the intervention that originated this one should be recorded in our plenary session. Thank you. Any other comments on that? Thank you.

So, we have in front of us item number 10. I intend to go on with infractions, and then try to get other points. I will emphasize again, I will try today, tonight, to have some form of discussion solve it. Could I then ask Dr Lemche We have here item. Dr Gambell please.

[Missing text]

Quite, I hope you have now, anyway, is the other plenary session, but we are not convening again as after this one.

Dr Lemche, could you be so kind as to introduce us with the item number 10, Infractions Reports from International Observers.

Chairman of Technical Committee

Yes, thank you Mr Chairman. The Technical Committee deliberations with respect to item 10 is found in part two of the draft report of the Technical Committee and in part 3 of the draft report of the Technical Committee. You will have found part 3 in your pigeon holes here recently during the last break of our meeting. It is a little bit confusing this for me to see where the different items are. The report strengthens the fact that we did, in the Technical Committee, first consider the first report of the Infractions sub-committee, and these considerations are dealt with in part 2. Subsequently we had to recall that meeting during this week, in the Infractions sub-committee, and these outstanding matters are dealt with in part 3, but they do relate, the outstanding matters, to something in part 2. I will try to guide you through this jungle, but I will also try to be more brief in reading out all these matters. If it is, it could be accepted, to the Commission, Mr Chairman, I think these matters have been dealt with very slowly, as well, in the sub-committee, the infractions sub-committee, and also in the Technical Committee. So, if you start in part 2, with point 10.1 Report of Technical Committee Infractions sub-committee.

Agenda 10
Infractions
and Reports
from Inter-
national
observers

You will note that in point 10.1.1, dealing with infractions reports from Contracting Governments, that there was a question of the western north Pacific stock of Bryde's whales. Secondly, no infractions were reported from the Antarctic season 1983/84 and, thirdly, there was a question about humpback whales in Greenland.

I thought, following this sequence, you have to turn to part 3, and look upon page 3 number 5, where there is the question of the start of the Peruvian whaling season in 1983.

Next, we are going to point 10.1.2, and we go now back to part 2, Reports from International Observers. You will see what has been discussed there.

Other matters, the first one, A, Surveillance of whaling operations, dealt with a question of whaling operations in the Philippines. In connection with this section A, I refer you to part 3, number 2, where this question was further examined. Going back again to the main document of this agenda item, which is part 2, the next was B, Check list of information required or requested. The next was point C, Percentage of catches taken for local consumption. The next was D, Review of progress on recommendations of 1983. The first number under D, number 1, you will note there is a square bracket saying pending. That means if you turn to part 3, and look under number 1 of page 1 of part 3.

The next number, we are now back in part 2, under page 2 number 2, the question of lost whales in aboriginal subsistence fisheries.

We turn the page then and are now in page 3 in part 2. There was a question of sei whales in Greenland waters.

Number 4 needs no comments, I think.

Number 5 is blank. Here, I ask you to go to, turn to part 3, number 3, which you will find on the top of page 2 of part 3.

Turning back again, Mr Chairman, to part 2, page 3 number 6, there was a question of fin whale catches in Faroese waters.

Number 7 and 8 and 9, I think I do not need to comment upon.

In number 10, the infractions noted that the traditional practice for nominating membership of the infractions committee has been exercised by the Chairman of the Technical Committee, although this procedure has in no way restricted participation in the work of the sub-committee by any member government. The Chairman of the Technical Committee explained that it has been his practice to select a core group of members to balance whaling and non-whaling members, regional groupings and to ensure some rotation of membership.

The sub-committee thought it appropriate to review these procedures. They noted that circumstances had changed since these practices originally evolved in that the sub-committee now meets in the week prior to the main meeting of the Technical Committee. There were some thoughts in the Infractions sub-committee that there might be some value in having an intersessional Chairman.

The remainder of this discussion, you will find in part 3, number 4, where you will see that the present practices of the Secretariat is to inform relevant Member Governments of the requests and recommendations of the Infractions sub-committee adopted by the Technical Committee and also to write to relevant Member Governments requesting the information required for the Infractions sub-committee to fulfill its functions.

The sub-committee, the Infractions sub-committee, endorsed these procedures and the Secretariat also agreed to circulate a provisional agenda to the Commission in advance of the sub-committee meeting. This will enable Member Governments to notify the Secretariat of any additional proposed items for discussion. The Secretariat can then inform relevant Member Governments and request that they attend the sub-committee and provide it with information necessary to facilitate its work.

This action, which I have just outlined, was recommended by the Technical Committee.

Mr Chairman, I admit, it was a bit difficult to go through the various points. I think, however, since we have discussed them, as I said before, thoroughly two times earlier, I would just as a whole recommend to you in plenary session, that all recommendations under item 10 be adopted by the plenary and I would especially point to the last recommendation, being part 3, on the bottom of page 2, where the Technical Committee discussed how we could, in the best way, facilitate the future works of the Infractions sub-committee. Thank you Mr Chairman.

Chairman

Thank you very much Dr Lemche. Could I assume that everybody understood the explanation on Infractions as a whole, item 10? Any comment as a whole? Thank you, then I assume again that the Commission seconded this proposal from the Technical Committee. Thank you, so, I would, if you will allow me [tape unreadable] then I will try to get part 2 of the agenda of the Technical Committee and the report, second part provisional agenda, item 10

Technical Committee Infractions sub-committee. We have then 10.1.1, Infractions reports from Contracting Governments. Any comment on that? Do we adopt the text, with the suggestion and comment made on this particular item, sub-item? Thank you, it is so decided.

Then we will move, on the same page, to 10.1.2, Reports from International Observers. Any comment on that? Any comment on the text, shall we approve the wording and the suggestion of the sub-committee? Thank you, it is so decided.

Then we move to other matters, page 2.

Number A. Surveillance of whaling operations. Any comments on item A? The other one, the sub-committee urges that information, and so on. Any comment on the text or the wording? Thank you, then we will approve, and so it is decided.

Lastly to sub-paragraph B, Check list of information required or requested. Any comment on that? Thank you, it is so decided.

C. Percentage of catches taken for local consumption. Any comment on the text, any comment on the wording? And the decision, I do not see any so it is approved.

D. Review of progress on recommendations of 1983. Any comments on point 1? Thank you, it is approved. Point 2, bottom of the page? Thank you, it's approved. Number 3 on page 3. Any comments? So, it is approved. Number 4. Any comments? It is approved. We come to the blank one, number 5, then we have to remember 6. Any comments on number 6, page 3 in the second part of the draft report? I do not see any comments, then we approve, sub-paragraph 6. Number 7, at the bottom of the page. Any comments on that? So, It is approved. Number 8, page 4, any comments on that? It is approved. I'm missing a section, number 9, any comments on that? It is approved. Number 10, wait for the second part of the report. Yes, USSR has the floor.

USSR

Thank you Mr Chairman. Mr Chairman, would you please look at the last phrase on page, the sub-committee recognised that there may be some value in having an intersessional Chairman. There's a point or two of confusion Mr Chairman, could I ask what will be the duties of the intersessional chairman? Thank you.

Chairman

Thank you Commissioner of the USSR. May I ask Dr Lemche to explain as to the meaning of the words "the sub-committee recognised that there may be some value of having an intersessional chairman". Please Dr Lemche.

Chairman of Technical Committee

Yes, thank you very much Mr Chairman, I certainly understand the question raised by the delegation of the USSR. This again is due to these two sequences this year of the infractions sub-committee's deliberations. What is reflected at the bottom of page 4, in part 2 was a first thought, a first thinking in the Infractions sub-committee. However, as you will see when you continue this specific point, which is, in part 3 on page 2, number 4 in the bottom of the page, the Infractions sub-committee did not recommend to have an intersessional chairman. The sub-committee noted the present procedures of the Secretariat, which were endorsed, which are written out here, and also some additional procedures which appear on the bottom of page 2, and that was the end of the deliberations of the Infractions sub-committee which were accepted by the Technical Committee. So, there is no recommendation from the Technical Committee on an intersessional chairman on this sub-committee. Thank you.

Chairman

Thank you, Dr Lemche. Is there any comment from the Soviet delegate? Yes, USSR has the floor.

USSR

Thank you Mr Chairman. Mr Chairman, as we understand then, as it is not the recommendation of the Technical Committee, we would like that the report of the Commission would reflect our view that the Soviet delegation does not see any particular value in having the intersessional chairman. Thank you Mr Chairman.

Chairman

Thank you Commissioner of USSR. Any comments on that? Dr Lemche?

Chairman of Technical Committee

Mr Chairman, maybe this could be solved in an easier and more understandable way if the Technical Committee would agree with me, that we would strike out this sentence, which now appears in part 2, on the bottom of page 4 saying that the sub-committee recognised that there may be some value in having an intersessional chairman. If the Technical Committee agree with me that this would be struck out, I think the Soviet Union would not need to enter a reservation. Thank you Mr Chairman.

Chairman

Any comment on that? Soviet Union, then Japan. Thank you. Any comment on that? Thank you, then we will delete the paragraph of page 4, part 2, starting "The sub-committee" and ending "Chairman". Thank you, any other comments on this sub-paragraph 10? Thank you, then it is approved.

Then we pass to the third part of the Report of the Technical Committee, and will follow to the item 10, page 1, starting with plenary agenda item 10, additional items, and so on. We move then to the first paragraph, number 1, Infractions report from Chile. Any comments on that? I do not see any, then we approve paragraph 1.

Paragraph 2, West north Pacific Bryde's whale. Any comments on point 2, west north Pacific Bryde's whale? Yes, Dr Lemche.

Chairman of Technical Committee

Thank you Mr Chairman. I think there is a sentence missing on the bottom of this page, saying that the Technical Committee recommended those recommendations from the Infractions sub-committee. That should be included in the Technical Committee recommendations Mr Chairman. Thank you.

Chairman

Then we will take note of that. And before having your control, this item 2, Dr Gambell like to make a comment, with an additional word.

Secretary

Mr Chairman, in this item number 2, in the third paragraph, there should be an extra sentence at the end. The paragraph which is discussing the flensing barge, the new sentence is;

"The Philippine representative gave his assurance that the barge is permanently moored."

Thank you Mr Chairman.

Chairman

Thank you Dr Gambell. Then we will add the thoughts coming from Dr Lemche, adding the phrase that the Technical Committee recommended, and the second one was the intervention of Dr Gambell. Do we approve point 2? Thank you, we approve it.

Point 3, St Vincent whaling. We have on this point. Any comments on that? Then it is decided to approve it.

We move then to number 4. The infractions sub-committee at page 2, ... at the bottom, a recommendation by the Technical Committee. Any comments on that? Thank you, it is approved, point 4 as well.

Moving through the part 3. Point number 5, start of Peruvian whaling season in 1983. It is endorsed and adopted. Any comments on that? Commissioner of Peru has the floor.

Peru

Mr Chairman, my Commissioner wants to add to third paragraph of number 5, page 3. Peru commented on, the inflexibility, or the lack of flexibility of the Schedule to deal with cases of a climatological kind. Thank you.

Chairman

Thank you Commissioner of Peru. Any other comments on that? May I ask then Dr Gambell to take note of that and is correct. Dr Gambell.

Secretary

Yes Mr Chairman, we will just pick up the wording from the Infractions sub-committee report, on the bottom of page 4 of IWC/36/8, which is precisely the point that our Peruvian colleagues have emphasised.

Chairman

Thank you. With that addition can we approve point 5? Thank you, it is so decided. I think that way we are, item 10 is finished. Any more comments on item 10? Could we then approve it? So, I don't see any other comments on item 10, so we decided to approve it, it is approved. Thank you, so it is decided. Finished with item 10, we can move to item 12, or otherwise 13. May I remind you we have two small groups, on voting rights and the small panel reviewing the Scientific Committee. Any particular comment on all this schedule we have in front of us? Should we move then to item 13? Thank you, so, it is decided. Item 13, could I ask then Dr Lemche.

Chairman of Technical Committee

Thank you Mr Chairman. Again, here, I am certain that it appears in two different parts of our Technical Committee Report, part 2 and part 3. Maybe it is the easiest way, first to deal with what the Scientific Committee had to say with respect to this agenda item and, these comments you will find in part 3, starting with page 4. Where, the first item is 13.3.2., the Eastern Pacific stock of gray whales.

Chairman

Thank you, we have 13.2, page 15, in part 2.

Chairman of Technical Committee

Thank you Mr Chairman, I am perfectly happy to deal with it in the sequence you want, of course, and then we will start with 13.2, which appears in part 2 on page 15.

13.2 The Report of the Technical Committee Aboriginal Subsistence Whaling Sub-Committee. The Chairman of this sub-committee, Professor Ovington, presented the report of the sub-committee, which had met prior to the Annual Meeting. Detailed technical information was presented by Denmark, United States and the USSR in response to guidelines developed last year.

13.2
Report of
the TC
Aboriginal
Subsistence
Whaling
Sub-
committee

Last year Denmark noted that the current catch level of minke whales and the catch limits of 10 humpbacks and 6 fin whales at present were satisfactory in meeting the nutritional and subsistence needs of the Greenlanders with respect to these species. I think these last words should be included, with respect to these species. In the opinion of Denmark, the documentation presented supports this point of view.

The United States noted that the affected stock of bowhead whales is currently under a block quota and that the conclusion reached in the 1983 United States submission to this sub-committee as to the nature and the magnitude of needs for the bowhead whale is unchanged, that means 35 strikes, based on a need to land 26 bowheads.

The USSR emphasised the long tradition of whaling from the Chukchi Peninsula. The papers submitted include tables giving data on the variety of foodstuffs consumed by the aboriginal population in the Chukot region.

The sub-committee made a series of proposals which are shown in Appendix A, Mr Chairman. Appendix A appears on page 19 of this part 2 of our report. And these proposals were accepted by the Technical Committee.

The sub-committee requested a review of its membership and Chairman.

Antigua and Barbuda requested full membership of the sub-committee and this was agreed, and the USSR proposed that Professor Ovington should continue as Chairman, with thanks for his past services. This was supported by a number of countries and agreed by the Technical Committee.

The report of the sub-committee was then adopted.

Mr Chairman, do you want me to go on with this action arising?

13.3
Action
arising

Chairman

[Tape unreadable].

Chairman of Technical Committee

Thank you. The first item here was 13.3.1, the Bering sea stock of Bowhead whales, where the Scientific Committee noted the latest catch statistics and welcomed efforts to reduce the struck and lost rate.

13.3.1
Bering
Sea
bowhead
whales

Some concern was expressed over the high proportion of sexually mature whales which were landed.

You will see on page 16 Mr Chairman, some further considerations by the Scientific Committee with respect to this stock. Going down to the fourth paragraph, to, The Scientific Committee agreed that last year's population estimate is appropriate, at about 19 to 20% of the unexploited level, and the Scientific Committee therefore found that the stock should be classified as Protection Stock.

The Scientific Committee also recommended that the total two year strike limit of 43 should not be increased and that catches should be directed towards smaller, immature animals, that means less than 13 metres. Steps should be continued to decrease struck and loss rate further.

This advice from the Scientific Committee was noted by the Technical Committee Mr Chairman. So, with respect to this stock, the Technical Committee has made no recommendations.

Chairman

Thank you Dr Lemche. There is only one error, you can see in page 16, that instead of saying 20, you must say 28. So, could we then analyse page 15, item 13.2. Report of the Technical Committee Aboriginal Subsistence Whaling Sub-Committee. Any comments on that? So, could we agree on the text and the wording, and approve it? We assume that all these items I think, are seconded by the Commission. Thank you. So, item 13.2 point referring to the Technical Committee Aboriginal Subsistence Whaling Sub-Committee is approved. Thank you.

Going to 13.3 and 13.3.1, any comments on action arising, Bering Sea stock of bowhead whales? Any comments on that? Yes, Mexico has the floor.

Mexico

Thank you Mr Chairman, my delegation would like to make two comments on this particular point and I would like to see them introduced in the report.

First of all, I would like remind that Mexico proposed last year the inclusion of, proposed the cessation of non-commercial whaling on protected species, and in the case of the bowhead whale, this is a protected species.

I would also like to mention that on page 43 of the Scientific Report, it isn't saying that in view of the absence of any estimate of the current net recruitment rate, the Committee did not feel confident in predicting the likely effects of catches from this stock. [tape unreadable].

Then, Mr Chairman I would like to state these two points thank you.

Chairman

Thank you Commissioner for Mexico. That will be done, any other comments? So, could we approve point 13.3 and 13.3.1. The wording and the decision included in this sub-paragraph. I do not see any comments so, it is approved.

Dr Lemche, could we pass to the part 3, I think, following the item 13. Page 4.

Chairman of Technical Committee

Thank you Mr Chairman. In

Chairman

I'm sorry, excuse me, but even I approve it because it is included in the wording of the previous paragraph that we were talking about, I think it would be healthy to allow there approval of page 19, the Appendix A. It was already mentioned, but if any Commissioner would like to make a comment, otherwise we will approve it. So, I do not see any comment, then it is approved, the item with sub-paragraph included, Appendix A, page 19, part 2. Please Dr Lemche, could we then move to part 3, I'm sorry.

Chairman of Technical Committee

Thank you very much Mr Chairman. In part 3 of our report, on page 4, appears the Eastern Pacific stock of gray whales. Number 13.3.2. The Scientific Committee made no new assessment for the species. The sex of all animals landed was recorded this year and it was noted that 123 of the 168 animals were females. It is difficult to correct this imbalance, therefore photographs of the dorsal area of landed catches should be obtained for comparison with other areas.

13.3.2
Eastern
Pacific
gray
whales

In view of the importance of obtaining evidence of rates of recovery and gross and net recruitment values, the United States is requested to provide estimates of current population size. A similar request is also made to Mexico.

The Technical Committee noted these comments. This wording here, in fact, I think we did recommend accordingly.

I could add Mr Chairman, with respect to the item Action Arising, with respect to this species, that the Technical Committee agreed to a pagination of the present system that we did in adopting the whole of page 48 in the Scientific Committee Report. Thank you Mr Chairman.

Chairman

Thank you Dr Lemche, then, UK has the floor.

United Kingdom

Thank you Mr Chairman. I have just a little uncertainty to the relationship between the two halves of the second sentence of the first paragraph of this passage. One half refers to an imbalance of the sexes which it is difficult to correct.

Chairman

I'm sorry, Dr Gambell made some sign, but could you explain that to your, that he made, Dr Gambell.

Secretary

Mr Chairman, I merely copied the Scientific Committee Report on this point. It would be better to have a new wording which has a full stop after the word imbalance. It is difficult to correct this imbalance. And a new sentence: The Scientific Committee also recommended that photographs of the dorsal area of landed catches should be obtained for comparison with the breeding areas.

So, it is a new sentence. The Scientific Committee also recommended that photographs of the dorsal area of landed catches should be obtained for comparison with the breeding areas. They really are two quite different subjects that have got mixed in that sentence.

Chairman

Thank you Dr Gambell. So, any other comments on point 13.3.2, Eastern Pacific stock of gray whales? Yes, USSR has the floor.

USSR

Thank you Mr Chairman. Mr Chairman, as it was just pointed out by the Chairman of the Technical Committee, we went on with our usual practice, and endorsed the whole of the report of the Scientific Committee including the page where the recommendation concerning 179 gray whales is placed. But we don't see this recommendation here in this report Mr Chairman.

Chairman

Thank you USSR. Dr Gambell please.

Secretary

Mr Chairman, I think in order to make the record quite clear, the final sentence in this section should be extended to include that comment. So, it will read, The Technical Committee noted these comments and recommended continuation of the present catch limit of 179.

Chairman

Thank you Dr Gambell. Any comments on that? So, Mexico has the floor.

Mexico

Thank you Mr Chairman. I would like to make a brief comment on the second paragraph of this point. We and welcome the recommendation regarding the Eastern Pacific stock of gray whales, because our country has been involved in whale research and conservation for five consecutive years including a national programme and legislation to ensure its conservation beyond its jurisdictional waters. I would like this legislative review included in the report. Thank you.

Chairman

Thank you Commissioner of Mexico, that will be done. Any other comments? So, the item, sub-item is approved, with this remarks from Dr Gambell and Dr Lemche adding the wording and the remarks are noted from Mexico. I do not see any other comments, then it is approved.

So, we pass to the next sub-paragraph 13.3.3.

Chairman of Technical Committee

Mr Chairman, the next paragraph, 13.3.3, deals with the Scientific Committee recommendation in respect to Western North Atlantic Humpback Whales. Evidence from humpback songs which might help with stock identity were reviewed, but no conclusion could be drawn. Recommendations for future research were made by the Scientific Committee.

13.3.3
Western
North
Atlantic
humpback
whales

Updated fluke photograph data indicate three distinct feeding aggregations, but mixing on breeding grounds in the Antilles.

Analysis of photographic data result in an estimate of 212 to 308 for the West Greenland feeding aggregations. Last year's total stock estimate of 5,773 was retained and the Scientific Committee repeated its recommendation of last year that the stock should be unclassified with a zero catch limit.

The Scientific Committee recommended that no catch should be permitted from the West Greenland feeding aggregation.

Going on to the Scientific Committee advice on the West Greenland stock of fin whales, it was said by the Scientific Committee that results of a sighting survey were reviewed but no population estimates could be made. Other sighting information available did not indicate a recent alteration in stock level. The Scientific Committee had insufficient information to provide advice on classification or a catch limit.

Mr Chairman, these paragraphs were the Scientific Committee recommendation with respect to the West Greenland humpback whales and fin whales and I think the subsequent part of page 5 and the top of, I'm sorry, subsequent part of page 5 is a matter of action arising with respect to these two stocks. Do you want me to continue?

Chairman

No, we can stop here, and discuss this first part. We will deal with 13.3.3, Western North Atlantic humpback whales. The last two paragraphs in page 4, at the bottom. Any comments on that? We can approve the wording and text? Thank you, it is so decided.

Moving to page 5, I would like any comments on the first paragraph and the second one. Any comments on that? Then we will approve it. Thank you it is so decided.

13.3.4
Other
stocks

The next paragraph, on item 13.3.4, Other stocks, West Greenland stock of fin whales. The first paragraph, any comments on that? So, we can approve it. It is decided.

Then we move to the following part.

Chairman of Technical Committee

Thank you Mr Chairman, I think there is missing a heading, saying something like action arising, I take it the Secretary will correct it. Subsequently, this deals with the proposed actions with respect to these two stocks.

West
Greenland
humpback
and fin
whales

Denmark asks^{ed} that the populations of humpback and fin whales harvested from Greenland should be considered together. It put forward a proposal which took note of the advice from the Aboriginal Subsistence Whaling sub-committee that the population harvested should be considered together, and, recognition by Denmark that catch limits of 10 humpbacks and 6 fin whales were satisfactory in meeting the nutritional and subsistence needs of Greenlanders with respect to these species. It recognised the need for caution for catches from the West Greenland aggregation and proposed a reduction of catch from this stock, to be substituted by fin whales. The latest proposal incorporates a safety system in addition to national steps being taken by Denmark to prevent the catch limit being exceeded. The Danish proposal, which you will see at the bottom of page 5, Mr Chairman, was seconded by the Netherlands and the United States and adopted by consensus. I don't think, Mr Chairman, I have to read out the whole proposal, it is spelled out on the bottom of page 5. This, Mr Chairman, is the Technical Committee recommendation with respect to these two stocks. Thank you.

Chairman

Thank you Dr Lemche, then we have in front of us an explanation, being the first paragraph. A proposal incorporating a safety system, the second and a proposal explaining that one. Any comments on that? So, I don't see any, then we could approve. Sorry, the Netherlands has the floor.

Netherlands

After having consulted, Mr Chairman, the Commissioner of Denmark, my delegation wants to propose an amendment with respect to the proposal mentioned under this item. The amendment is as follows;

To insert, in the proposed sentence to be added to paragraph 13.3.1, the clause, "as a result of infractions", between the words "exceeded" and "in 1985 or 1986". So, an insertion of the words, "as a result of infractions". In our opinion, this insertion is desirable in order to avoid any possible misunderstanding. Thank you Mr Chairman.

Chairman

Denmark has the floor.

Denmark

I am concerned that we can accept this amendment from the Netherlands, I think also Netherlands said that this will avoid any misunderstanding. Thank you Mr Chairman.

Chairman

Then we have the amendment to a proposal originated by the Technical Committee. So I do not see any objection to that, Denmark has accepted. So, could we, yes United Kingdom please.

United Kingdom

Thank you Mr Chairman, I am just trying to think about this proposal, which seems to me in a sense to add a qualification or limitation on the effect of this safety system and, I wonder whether, in fact, it does not in some sense weaken the system rather than strengthen it, but I hesitate on this, I would be interested to know if any other Commissioners feel the same thing.

Chairman

Thank you Commissioner for United Kingdom, Commissioner of Norway and then Denmark.

Norway

Mr Chairman, I understand the concern of the distinguished Commissioner of the United Kingdom. Under the proposed amendment what would happen to catches taken by locally authorised scientific permits? Thank you sir.

Chairman

Thank you Commissioner of Norway, Commissioner of Denmark.

Denmark

Thank you Mr Chairman, I appreciate the intervention from the distinguished Commissioner of Norway. I think the rules with respect to scientific permits are quite clear, we have, went through them earlier, but I think I can state that it is not the intention of Denmark to issue scientific permits with respect of Humpback whales off West Greenland. I hope this statement would satisfy the question from the Commissioner of Norway. Having the floor Mr Chairman, I might turn to the question from the United Kingdom Commissioner. My answer is that, in legal terms, there's no difference whatsoever between the text appearing in the Technical Committee Report and the amendment suggested by the Netherlands and supported by my delegation. The Netherlands amendment is only for clarification. The reason being that when you look at number 1 of those three numbers 1, 2, 3, where it inserts in the Schedule that there is a number "8 humpbacks". Then it is quite clear that any excess of those 8 would constitute an infraction. It goes without saying. It does not legally, it is not legally necessary to spell it out, but to avoid misunderstandings, as the Commissioner for the Netherlands said, it might be suitable to just remind people about the situation when a quota is exceeded. Thank you.

Chairman

Thank you Commissioner of Denmark, I think the Commissioner of Norway was satisfied by your explanation. I pass the floor to the United Kingdom please.

United Kingdom

Thank you Mr Chairman. We did spend some considerable time discussing the original suggestion which lay behind, rather than which was approved by the Technical Committee. If it is the case that the proposed wording makes no legal difference, I would much rather stick with the wording as agreed by the Technical Committee than to approve a new text which we have not had a good deal of time to consider. Thank you.

Chairman

Thank you Commissioner of United Kingdom, Commissioner of Denmark.

Denmark

Well Mr Chairman, I could go along with either of these two suggestions, so, I am in your hands Mr Chairman, what is the easiest way out of all this. Thank you.

Chairman

Commissioner from Netherlands.

Netherlands

Thank you Mr Chairman. My intention was to clarify in the text that the exceeding of a catch limit as proposed here, is not a legal thing. So, I wanted to see that clarified. But, if there is opposition against it well the interpretation of the Commission is very clear, I can live with the text as it was. Thank you Mr Chairman.

Chairman

Thank you Commissioner of Netherlands. We can leave as it was then. I do not see. [Text missing] satisfied that it seems the United Kingdom was in some way emphasising that he prefers the original wording, then if you don't have strong feeling, we could leave the original text. But I need that you withdraw the proposal and your amendment in the formal way.

Netherlands

I'm inclined, Mr Chairman, to withdraw the proposal, and this I do so. Thank you very much.

Chairman

Thank you very much Commissioner of Netherlands, Commissioner of Seychelles.

Seychelles

Mr Chairman, on paragraph 2 of this proposal there was a change of wording in the last clause which was read out in the Technical Committee and I thought had been accepted by the Danish delegation. It was a form of wording, perhaps editorial in nature, certainly with no intention to change the substance which was suggested by the United Kingdom and the Seychelles delegations. It was that to replace the long phrase that starts in the third line from "the catch in 1986 or 1987" through to the end, by a simpler formula saying, "the excess shall be deducted from the catch limit in the following year." This is from my memory, since I gave our piece of paper to the Commissioner of Denmark after the Technical Committee meeting had adjourned, and we had thought that it had been agreed that this would be incorporated. I wonder if the Commissioner for Denmark would care to comment on this.

Chairman

Commissioner of Denmark please.

Denmark

Thank you Mr Chairman, well, first speaking as the Chairman of the Technical Committee, the wording here was the wording which was accepted by the Technical Committee. It is quite correct that the Commissioner for Seychelles subsequently came to our delegation with

this wording, and, speaking now as the Danish Commissioner, I agree with the Seychelles that the wording is a better one and the meaning is exactly the same, it is an easier way to say the same thing, so I could perfectly go along with the Seychelles suggestion. Thank you.

Chairman

Thank you. Then could we modify, yes, Commissioner of Seychelles.

Seychelles

Shall I read the wording again Mr Chairman? Mr Chairman, the phrase after the last comma in that sentence, the phrase that begins "the catch in 1986 or 1987" through to the end of that paragraph, would be replaced by "the excess shall be deducted from the catch limit in the following year."

Chairman

Thank you Commissioner of Seychelles. Is there any comment on that? We have to make then a formality, asking for a seconder, or we agree on that. I do not see any objections, then could we accept this modification? Thank you, any other comments as a whole on this point? I do not see any, then it is so decided. Please Dr Lemche, we finish with this sub-paragraph, and we move to West Greenland minke whales.

Chairman of Technical Committee

Thank you Mr Chairman, on page 6, the West Greenland minke whales.

The Scientific Committee reviewed the available sightings and CPUE data. Updated CPUE values for one Norwegian vessel were analysed and similar results to last year were obtained. The Scientific Committee had insufficient information to recommend a classification for this stock. While noting it was more probable than not that the stock had declined, the Scientific Committee agreed that it had no information to recommend a change in the present block quota.

Denmark noted the Scientific Committee's advice and considered that there should be no change in the block quota and no change was recommended by the Technical Committee. Thank you Mr Chairman.

Chairman

Thank you Dr Lemche. So, we have in front of us this paragraph, West Greenland minke whales. Any comment on that? I do not see any, then we approve it. So it is decided. We move then to the next paragraph, The St. Lucia question.

West
Greenland
minke
whales

Chairman of Technical Committee

Thank you Mr Chairman. The St. Lucia question has to be put in our report in some suitable place and I am quite sure it is right here. St. Lucia, in response to a statement in 1982 by FAO which suggests that the present commercial catches were within the productive capacity of exploited stocks, asked if there is satisfactory scientific evidence to establish that catches of whales are within the productivity capacity of the stock.

[12.1]
The St.
Lucia
question

Chairman

Dr Gambell said to me that this is not really in this part. Could St. Lucia help us, saying if this is item 13 or 12, this question?

St. Lucia

Thank you Mr Chairman. If the Chairman of the Technical Committee and the Chairman of the Commission cannot help in this one, I find myself at a loss.

Chairman

Both Chairmen have more worry about the Commission as a whole than about the question of St. Lucia.

St. Lucia

Well, I would propose then that it be included where it is, in the absence of any other guidance that would indicate a more appropriate place.

Chairman

Thank you. We can follow on here, and if the Secretary decides later on that it would be appropriate in another place, we can put it.

St. Lucia

Thank you.

Chairman

Accepted, thank you Commissioner of St. Lucia. Dr Lemche, may we follow with this question, and the Secretary will place it later on in the appropriate place.

Chairman of Technical Committee

Thank you Mr Chairman. I think that this appeared in the Scientific Committee Report, and maybe, maybe it should be under the heading of Adoption of the Scientific Committee Report. Anyway, the St. Lucia question was a question expressed in this first paragraph. The Scientific Committee interpreted the word "indefinite" to mean a long but finite period. There were different interpretations within the Committee, the Scientific Committee, as to whether in the question catches are to be kept constant, or are assumed to be changed in response to new information. Following the first interpretation, some members believed that there is little or no satisfactory evidence that most populations could indefinitely sustain levels of catch, as in the recent past, and remain within the productive capacity of the stock. They reached this conclusion because for most stocks, there is little agreement on initial and current population size or estimates of recruitment rates or natural mortality rates. Nor is there unambiguous evidence that populations have varied their recruitment rates in response to exploitation. Accepting the second interpretation of the question, many members of the Scientific Committee believed that catch levels, not necessarily at a constant rate, could be kept within the productive limits of a species, given an understanding of population trends and if proper procedures were in place for changing the catch levels as needed.

The Scientific Committee had general agreement that only for the Eastern North Pacific stock of gray whales was there satisfactory scientific evidence that a substantial catch over a relatively long period was within its productive capacity.

After reviewing the comments of the Scientific Committee, St. Lucia concluded that there is no satisfactory evidence available, except for Eastern North Pacific stock of gray whales.

The Seychelles supported St. Lucia's conclusions.

Japan stated it regards the question as almost meaningless, but understood that catches could be kept within the productive limits of a species if a proper management strategy was implemented.

This was a resume of the Scientific Committee point of view of this question and of the Technical Committee discussion of the question. Thank you Mr Chairman.

Chairman

Thank you Dr Lemche, Commissioner of St. Lucia please.

St. Lucia

Thank you Mr Chairman. Our delegation feels that the Technical Committee report does not adequately reflect the discussion, or the conclusions at which we arrived. Therefore, I would propose to add the text that I will read, and then provide the Secretariat for inclusion, should it be appropriate. At this point, since it will be our wish to leave a record for the plenary to include an addition, then I will also read and then present to the Secretary. What St. Lucia would like to add, is the following;

"St. Lucia also concluded, that on the basis of such a review, the 1982 FAO statement which had been referred to by three governments in lodging objections to the cessation of commercial whaling, should be considered to be scientifically groundless. St. Lucia pointed out that USSR was not one of those objecting governments."

The addition, for the record and the plenary, is the following;

"St. Lucia expressed its desire to include for the record and the plenary, that the 1984 opening statement of the delegation of Japan, document IWC/36/OS again referred to the FAO statement as scientifically and unequivocally justified. Furthermore, the Japanese statement deplores that there had been no scientific justification for a cessation of whaling as indicated by the FAO statement mentioned above."

Thank you Mr Chairman.

Chairman

Thank you Commissioner of St. Lucia. Then we have added to this subparagraph the statement of St. Lucia, and I give the floor to the Commissioner of Japan.

Japan

Thank you Mr Chairman. I think I have to make as well a rebuttal on this. Whether this is rather, now rather late, and if it leads to any productive discussions, but I think I have to make sure that our viewpoint is included in the report. I like to offer the corrections on what has become, in here, first. Japan stated, it says, the present wording says;

"Japan stated it regards the question of St. Lucia as almost", next I insert, "scientifically" meaningless.

Then, that before the two last lines "referred to view of many scientist in the report of the Scientific Committee, that catches could be kept, catch levels not necessarily at a constant rate could be kept within the productive limit of the species if a proper management strategy was implemented". Then a new sentence added, "We also noted that this view was not contested in the debate on this question at the Scientific Committee."

Then I have to include, in the plenary sessions a record that therefore, the Japanese delegation is convinced that the FAO statement is scientifically valid, and the reason for the Government of Japan lodging an objection is also scientifically just and valid. Thank you.

Chairman

If I may, thank you, comment on that. I think the only way we are to deal with that is receiving the report of the Technical Committee, with the asking of the Commissioner of St. Lucia to add some wording, and I think it is fair to accept as well an inclusion from the Japanese delegation. But I do not see if you are prepared to make a debate on

that. Then unless you feel we need again to exchange ideas on the matter, I will say that the record will take note of the addition of St. Lucia, that is he has a right, because he is just saying that St. Lucia also commented. And, as well the intervention of the Commissioner of Japan. Unless you move to open the debate, I will like to close this matter now. Thank you very much, yes, Norway has the floor.

Norway

Mr Chairman, I entirely agree with your proposal for dealing with the matter at hand, however, as we also have a verbatim record of these proceedings, I must be allowed to state that insofar as I have been able to ascertain, the number of governments making any reference to the statement by the FAO observer, is only two. Thank you.

Chairman

Thank you Commissioner of Norway. Peru has the floor.

Peru

Peru supports the proposal of Norway. Thank you.

Chairman

You will take note of that. So, I don't see any comments on that, then we finish with this matter and could consider the item 13 concluded, unless there are any objections. I do not see any, then item 13 is approved. Just in passing, we have on the same page, 7, just a small wording about initial agenda for next meeting and work programme. Dr Gambell likes that you take note of that. If there are no comments on that, we can approve it. Dr Gambell would like to make some comments on that. Thank you.

Secretary

Mr Chairman, I think that we should add the humane killing working group to those other two groups.

Chairman

Thank you. Any other comments on that? Commissioner of Norway.

Norway

Mr Chairman, I hesitate to disagree with the former and very effective chairman of the humane killing working group, but I do not believe that the group considered that it should specifically maintain its functions. Thank you.

Chairman

Thank you Commissioner of Norway, I was very worried about intervention of the Secretary not as the chairman, not because he is not a splendid chairman, but because he is the Secretary. He needs to be quite a little bit far from this kind of committee and sub-committee and I will appreciate it next year, if you can find in another way. Thank you.

So, there are no comment to do, then we have only the item 12 and those remaining of the two small working groups. The night is very young, and coffee is outside. I would now, if I may, offer you a coffee break or a final coffee. Which is your wishes? We can go ahead with the point in item 12 that you would consider that not to much contested, then we can make a break of 15 minutes for coffee, come back here discuss a very controversial point of the item 12, and then go out and have to have supper and go to see or do you prefer the final coffee? I think we can gain time if we advance after the coffee break coming back here, and having some hours on item 12. I look everybody, everybody looks very awake, yes? Professor Ovington.

Australia

I wonder Mr Chairman, it has been suggested that it might be useful if we could have a meeting of all Commissioners, before discussing item 12.

Chairman

You mean private Commissioners meeting?

Australia

Yes, all Commissioners.

Chairman

Yes, of course, I am always prepared to do that. But, however, I am a bit reluctant to make people stay here if you are not sure, I will have some more time. I would like to go to 1 a.m. if you allow me, I would like to have the private, I mean, tomorrow is the last day, we could finish in the morning and you would have the afternoon free. United States has the floor.

United States

Thank you Mr Chairman. Might I suggest that in accordance with the request of the distinguished delegate from Australia, that we do convene a meeting, a private meeting of the Commissioners, and do not attempt to follow that with an official plenary meeting this evening. We believe that there are sufficient points which should be discussed informally and that it might be best that we all are bright eyed and bushy tailed in the morning, to take up these sessions in plenary. This would free our colleagues who are not directly involved with the discussion in the private meeting, and they can be going to have dinner at this time. Thank you.

Chairman

Thank you Commissioner of United States. St. Lucia has the floor.

St. Lucia

Thank you Mr Chairman, St. Lucia fully supports the proposal by the United States. Thank you Mr Chairman.

Chairman

One remaining point, if you foresee too much trouble in private Commissioners meeting. If you don't, I will convene tomorrow at 10 o'clock. If you do, it will be 9. 30? 9.30 then. Dr Gambell is reluctant to say 9.30, because he thinks 10 o'clock, but 9.30 in fact would be a time to start. So, the plenary meeting is adjourned until tomorrow at 9.30 sharp. We have in 20 minutes, 15 minutes a private Commissioners meeting in Florida, and I wish that every other one enjoy the night. Thank you.

[Adjourn 12.15am]

INTERNATIONAL WHALING COMMISSION
THIRTY-SIXTH ANNUAL MEETING : VERBATIM RECORD

SEVENTH PLENARY SESSION : FRIDAY 22 JUNE 1984
11.45am

Chairman

Good morning ladies and gentlemen, we start now with the remaining points of the agenda. Now, if I may remind you, yesterday we agreed and decided that the only remaining points are, item 12 and the reports from the two working groups, one of them concerning voting rights, the other one is the new planning of committees and sub-committees. Both of them are in charge of Dr Lemche and Mr Stewart respectively and we hope in the morning, we will decide the report of the second one and early afternoon from the first one. Beside that, I have still item 27, 28 and 29. And, I do not see any other matters, everything look, I remind again that at 6 o'clock we have to finish, it is the deadline really, we don't have facilities after that time. Then, I will consider to open this plenary, as I am doing now, not to adjourn unless we need to go for some deliberation, I mean, with that, if we have the lunchtime break, it will be a very short one. We are starting now. I will ask Dr Lemche to introduce the item 12, and, if I don't see any comments on that, I will proceed in that way. Thank you, Dr Lemche please.

Chairman of Technical Committee

Thank you, thank you Mr Chairman. Plenary item 12 you will find in our Technical Committee Report, part 2, on the top of page 5. The first was the Report of the Scientific Committee.

Agenda 12
Whale
Stocks
and
Catch
Limits

The Chairman of the Scientific Committee reported on discussions to determine the inter-specific relationship between the maximum size of whales and their natural mortality rates. There was no consensus on the existence of the practical application of the inter-specific relationship.

12.1
Report
of the
Scientific
Committee

Next, Mr Chairman, the next paragraph I think I would like to check with the Secretary. I think the next paragraph about the St. Lucia question should be struck out and replaced by what we have in part 3 on page 6. The last paragraph at the bottom, and the first paragraph on the top of page 7. And you went through that already yesterday. I see an affirmative nodding from the Secretary.

The Scientific Committee had not assessed all stocks and it provided a summary of recent advice and assessments, if any, it has made in the past.

The Technical Committee agreed that all these stocks should remain classified and with the catch limits as previously determined.

These are the stocks on page 48 in the Scientific Committee Report.

Thank you Mr Chairman, that is our recommendation.

Chairman

Thank you, if I may again, I will assume that with your agreement, all the proposals coming from the Technical Committee are seconded by the Commission itself. It would be useful at this stage to agree on that, in order to avoid the formality going on and going on and this we sometimes find at question time. If you agree, it is so decided that the Report of the Technical Committee is seconded by the Commission as a whole. Thank you very much and I will take that for all the items here. So, discussing the 12.1, any comments on that? I remind you, that Dr Lemche said, that the St. Lucia question is in here but we already decided yesterday to approve it as a text, that means this is a formality to decide it here. Any other comments on 12.1 point? Thank you, it is so decided and approved, the text and recommendation. Please Dr Lemche.

Chairman of Technical Committee

12.3
Action
Arising

Thank you Mr Chairman, the first stock here in the paper appears under 12.3.1, Sperm whales in the Western North Pacific stock.

12.3.1
Sperm
whales
Western
North
Pacific

The Scientific Committee examined the progress and the work considered essential for providing interim advice on catch limits.

Although data coding had been completed, validation of the two length-specific estimation techniques had not been completed. This was a result of cuts in the computing budget imposed by the Commission last year.

The Scientific Committee expressed deep disapproval that the budget cuts had prevented its work from being fully implemented. Various attempts were made to overcome the resulting problems, but it was agreed eventually that neither assessment technique could be used at the meeting.

The material and methods available, used in the past, were reviewed and there was considerable discussion concerning estimates of initial and current stock abundance, including recent whale sighting data.

However, it was agreed that these estimates are the subject of substantial uncertainty and consequently it was agreed that there was no information on which to base the recommendations on classification or catch limits for this stock.

Responding to the request of the Japanese Commissioner made last year, the Scientific Committee agreed that, if continued for a short period, possibly up to five years, catches in line with the current catch limit of 400 would have only a small effect on the stock in the short term. The Committee was unable to agree on what long term effect on the stock of such catches might be. The Scientific Committee also did not agree on the effect of current catches continuing for a longer period.

Japan had some comments which you will see in the third paragraph of page 6, Mr Chairman, and proposed a catch limit for 1984 and 1985 seasons of 400 whales each year with the usual by-catch provisions. This was seconded by the USSR, Peru and Chile.

The Seychelles commented on the Scientific Committee's discussions and the uncertainty in stock estimates, and Antigua and Barbuda commented on the unknown effects on taking a catch of male sperm whales.

Before turning to a vote it was clarified that Japan's proposal was an amendment to footnote 2 of table 3 in the Schedule.

St. Lucia and the Seychelles explained their votes on the basis that they believed that catches permitted during 1982 and 1983 were part of a phasing out of this fishery.

Japan challenged these statements since it was not understood that this fishery should be phased out from 1981. Following an adjournment, during which the voting position of Peru was established, the vote on this proposal was completed and received 7 in favour, 23 against with 5 abstentions.

The Technical Committee, therefore, made no recommendations but noted the research recommendations of the Scientific Committee.

Mr Chairman, as you will see, this was a result of our deliberations, there were no recommendations made with respect to this stock. Thank you.

Chairman

Thank you Dr Lemche, then we have in front of us, item 12.3.1, Sperm whales. Any comments? United Kingdom and then Japan.

United Kingdom

Thank you Mr Chairman, I intervene to point out that there does seem to be a rather unnecessary difference in wording in the third paragraph of this item, between the proposed report of the Technical Committee and the actual wording of the report of the Scientific Committee. The text before us says The Scientific Committee expresses deep disapproval, the text of the Scientific Committee Report, IWC/36/4, on page 20, says that committee members expressed deep disappointment. I think it would be more appropriate to use the word disappointment. Thank you.

Chairman

Thank you, it will be done, in effect it is an error. Commissioner of Japan.

Japan

Thank you very much Mr Chairman. A summary of the Japanese statement there, does not necessarily reflect what I stated at the Technical Committee. I stated in the Technical Committee that the Japanese delegation finds it very regrettable that the Scientific Committee could not carry out necessary assessment work because preparatory work imposed on the Secretariat with respect to validation of the two models was not not carried out for reasons stated in the report. I also reviewed the history of assessment in recent years, but I mention that the Scientific Committee unanimously agreed that continuation of the

present catch of 400 whales up to five years possibly, would have only a small effect for the short term. For reasons, for this reason and others, it proposed, so on and so on. So, I would like to have this reflected, the statement reflected to this effect, and I'll submit in writing what I stated at the moment, for inclusion in the report of the plenary session. Thank you.

Chairman

Thank you Commissioner of Japan, it will be done. Any other comments on this point? Thank you, then we approved the item 12.3.1, as it is, with modification from UK concerning the word disapproval, disappointment, and we take the remarks of the Commissioner of Japan. Any other comment? Thank you, it is so decided. Please Dr Lemche, could you go ahead.

Chairman of Technical Committee

12.3.2
Minke
whales
Southern
Hemisphere

Thank you Mr Chairman. Turning to page 7, minke whales, the first stock was the Southern Hemisphere stocks.

The Chairman of the Scientific Committee reported a diminutive form of the minke whale was now being recognised, and more data are needed on this animal.

The Scientific Committee discussed various items with respect to assessment of these stocks, as you will see in the second and third paragraph of page 7, and concluded that sightings estimates provide the basis for advice, although no account has been taken of whales inside the pack ice, or north of the surveyed area, or the avoidance behaviour of minke whales, which would all tend to give higher stock sizes.

Taking into account the unbalanced catches by sex, the Scientific Committee recommends catch limits in two proposals, based on a net recruitment rate of 2% with a 10% safety reduction for Area II, and a net recruitment rate of 3.5%. These proportions gave suggested catch limits of 3,887 and 7,394 respectively.

The Scientific Committee had insufficient information to recommend classification of stocks.

Japan referred to its sponsorship of the six IDCR cruises. It emphasised the high pregnancy rate of this species and noted that stock estimates had varied year to year due to changing assumptions employed. Japan believes stocks are close to initial levels.

Japan proposed catch limits totalling 7,394 divided between the Areas as indicated in, there is a misspelling Mr Chairman, it should read, as indicated in one of the Scientific Committee proposals.

This was seconded by USSR, which spoke in support of maintaining catches around current levels.

France, in continuing its concern over the status of these stocks, supported the most cautious advice from the Scientific Committee and proposed catch limits of 3,887 divided by Areas as recommended in the other of the Scientific Committee proposals.

This was seconded by Australia and a number of other countries.

Seychelles emphasised the consensus on the sightings estimates given this year and believed that a similar proportion of the estimated stock size should be used to set the catch limit. Seychelles believes that the stocks surveyed in early years have all declined, and Area II may be below the MSY level.

Australia, the Netherlands, New Zealand, Sweden and St. Lucia all expressed similar views, while Norway, in explaining its vote, emphasised its concern to take decisions which will be carried through.

The amendment for a total catch of 3,887 divided into the six Areas shown below this section was then adopted with 21 for, 8 against and 4 abstentions.

The Technical Committee noted the research recommendations of the Scientific Committee.

Mr Chairman, the Technical Committee recommendation is then, a total catch of 3,887 divided between the Areas as you see on page 8, and also, that the plenary take note of the recommendation of the Scientific Committee. Thank you.

Chairman

Thank you Dr Lemche, then we have in front of us, this item 12.3.2, minke whales. Any comments? We have a recommendation from the Technical Committee. If I do not see any comment on that, yes Japan has the floor.

Japan

Thank you very much. The reference to my statement in the Technical Committee is given at the bottom of page 7, again it's, I have a few more areas which I should like to improve, and I like to make a formal submission later on in writing. I stated a few things like the regretted failure of the Scientific Committee to reach a unanimous agreement and also, I stated, a few scientific points, all to be written in short sentences. My statement to be inserted will not be very long, so that with the permission of the Chairman, I would like to submit it later in writing.

Chairman

Thank you Commissioner of Japan. A point of clarification to myself, are you intending to put to the plenary this writing, or are you asking just to read to the Secretary to be inserted?

Japan

Thank you sir, the latter would be satisfactory to us. Thank you.

Chairman

What I would like to emphasise, to the Japanese Commissioner, is that perhaps other delegations would not agree with your suggestion because perhaps they would need to know what kind of wording you are preparing. This is the reason I ask you if you could submit your statement, even if it is short, to the plenary in order to see that if the plenary could agree with the lines of your intervention.

Japan

Thank you very much. Time is running short, so I wanted to save a few minutes for my purpose. But what I am going to suggest is exactly what I stated in the Technical Committee. If I refer to an element, I would like to touch upon, we, my statement would be indicated, would indicate that even the lowest recommendation, the recommendation with the lowest figure has an element of agreement with others, in that, the scientist, those scientists who propose the lowest figures recognise the consequence of the computations that the current stocks are very close to their initial population levels. And we also commented on the 2% figure which is very technical, we consider 2% is too low because the pregnancy rate is very high. So, this is just about, we like to include nothing more than what I stated at the Technical Committee. Thank you sir.

Chairman

Thank you very much. Then, I take note of your comments and I give the floor to the Commissioner of Seychelles.

Seychelles

Mr Chairman, I find myself in some difficulty procedurally, especially if a comment is to be made, I understand, to the plenary about what was said in the Technical Committee, and if that is an interpretation as I understood, of the scientific proposals for the low number from the Scientific Committee, I think we would wish to see that in writing Mr Chairman, and have an opportunity to comment upon it if necessary. But, Mr Chairman, I asked for the floor originally to ask whether it is at this point in order for me to propose an amendment to the proposal of the Technical Committee. If so, I would like to do so.

Chairman

Thank you. To deal with your first comment, I think it is proper that the Japanese Commissioner has to submit to the plenary, the wording

***** Missing text *****

Chairman of Technical Committee

of the Technical Committee, and that we have no opportunity in the Technical Committee to approve this report. We agreed, as usual, that we, during the plenary, would have possibility to make corrections, and, I think in light of earlier years' practice, corrections of the kind that Japan has made, namely, that they would like to specify what they themselves have said in the Technical Committee would be quite appropriate, and could be given to the Secretariat to be included in the Technical Committee Report, final version. Thank you Mr Chairman.

Chairman

Thank you, this is precisely the point, this is the reason why I authorise Japan's Commissioner to do that, but I feel as well, that it need tomorrow to be incorporated. Thank you. Then we can move back to the Commissioner for the Seychelles.

Seychelles

Thank you Mr Chairman. We would wish to propose an amendment to the Technical Committee's proposal. The amendment contains two elements, Mr Chairman.

The first is, that we have examined the question of the safety limits, safety factor applied in Area II in the Scientific Committee's proposal. It is true that the calculations made in the Scientific Committee did indicate that the stock in Area II was substantially depleted and possibly near to protection level and that therefore, the scientists proposing this particular series of numbers felt that a safety factor in Area II would be appropriate. However, it is equally true that the stocks in other Areas are substantially depleted according to those calculations, and particularly in the Areas with which Seychelle's is concerned, Areas III and IV, in the Indian Ocean. We feel, therefore, on reflection Mr Chairman, that it is perhaps not reasonable to apply a safety factor in one of those Areas and not in the others.

In supporting the original proposal in the Scientific, in the Technical Committee Mr Chairman, we did so with much apprehension, because, as I have explained in the Technical Committee, the particular form of calculation of replacement yields is very high numbers for the depleted stocks and lower numbers for the less depleted stocks. It is therefore of some considerable concern to our delegation that that proposal would give very high catch limits in the Indian Ocean sectors. However, we felt and hoped that there could be more chance of some consensus if we went along with those proposals, and we did so.

So, we do not at this point, Mr Chairman propose any re-distribution of those numbers. However, as I say, we would suggest that the safety factor of 10% that was applied in the Scientific Committee's recommendation and endorsed by the Technical Committee for Area II should be removed. That would make the Area II figure not 481, but 534. That change would make the total, not 3887, but 3940. So, the first part of our amendment Mr Chairman, or the first element of our amendment would be that the total is 3940, with the adjustment I've indicated in Area II.

The second element of our proposal Mr Chairman, is, a way of seeking to ameliorate the operational difficulties that would be met by the pelagic fleets in attempting to adjust their operation to such a substantial reduction in the catch, in the total catch that may be available to them.

Mr Chairman, on the initiative of the pelagic whaling countries in the past, this Commission has adopted a procedure of so called allowances between Areas. In recent years, as the scientists have warned a little about more about the consequences of the application of the allowance system, we have reduced the allowance from, I think, the first one was 11% and then it went down to 10% and then, it has been 5% in recent years. We feel that an increase in the allowances for Areas would be justified to facilitate operational adjustments, and we would propose that a 10% allowance be placed against each of the numbers in each of the Areas, while maintaining the total at 3940. The resulting figures Mr Chairman, are:

In Area I 515;	In Area IV 1130;
In Area II 587;	In Area V 693; and
In Area III 1165;	In Area VI 244.

With a note as usual in the table of the Schedule, to the effect that the total catch may not exceed 3940. Thank you Mr Chairman.

Chairman

Thank you Commissioner of Seychelles. Then, we are summarising the proposal, with these two amendments to the proposal of the Technical Committee. Yes please.

Seychelles

I'm proposing, Mr Chairman, as a single amendment containing those two elements.

Chairman

Yes, I mean, yes, two items in the same amendment. Any seconder for that? St. Lucia has done, then I give the floor to the Commissioner of Japan.

Japan

Thank you very much. I've been, we've been annoyed with the remarks made by the alternate Commissioner from Seychelles on many earlier interventions. He expands and he changes substance of what he discussed at the Scientific Committee. He likes to make use of the word "depleted" so often, without scientific rigidity. I found here, as I have, I'm not speaking here of the quality of the paper submitted to the Scientific Committee, because this is not the place for scientific discussions, but I have to mention even in his calculations, out of 6 Areas in the Antarctic, stocks are all classified Initial Management Stock, that means, which is very close to the initial population level. And Area II is also classified as Sustained Management Stock. But, I have to make strong rebuttal on what he said,

and these things should be discussed as a Scientific Committee, and if he really is convinced these are the status of the stocks, then why didn't he propose that they should be classified either IMS or SMS? With respect to you, his proposal, I have to mention that this is totally unacceptable to us, we don't see any scientific justifications for his proposal. I tell you that I am an expert on scientific population dynamics too. And we are confident that science is on our side, and we prove that as data actually right with a mode of confidence. In his proposal, he made mention of safety adjustment, factor adjustment, a question of a 10% allowance to ease the operation of the pelagic fleet. Whilst the pelagic fleet very often operates in the area of the main whaling areas, so that, it is only very natural for anything to have such adjustment, 10% or whatever its allowance. And, any catch taken in each Area would be accounted in the calculation for a, the population next year, the effect would be therefore offset by setting the catch which would take into account the catch in the previous year. Also, I would like to mention that, even if Area II is increased to 580 something, this is applicable to only 10% allowance, should it be applicable only to pelagic fleet, and he assumes that pelagic fleet will be coming to the Area II but, we might, of course, if that is necessary, but the 10% allowance in the purpose of the proposal, should be applicable only to pelagic fleet. I do not wish to take more of your time, but please consider very carefully, that your support for this proposal, the consequences of this support on this proposal before voting. You have the vote, we don't have the vote, this is the reason why I have to ask your very careful consideration on this issue when you vote. Thank you sir.

Chairman

Thank you Commissioner of Japan. I would ask you as a whole to the Commission, if we could refrain in the following debate, entering in scientific consideration, I think that already the Scientific Committee Report, we have already the Technical Committee Report, and now the plenary and we do foresee this situation as a political decision, of course on the basis of scientific or other background. But, if you could, I would appreciate it if all Commissioners to refrain from make comment, but allow us to go to the scientific reasons. Thank you very much Commissioner of Japan, then I give the floor to Commissioner of Seychelles.

Seychelles

Mr Chairman, I assure you I have no intention of entering a scientific debate. I regret that the proposals from the Scientific Committee have been referred to as my proposals, they were the proposals of a group in the Scientific Committee, that is their status. The proposal from the Seychelles now, does nothing which is not described in great detail in the Scientific Committee Report. Mr Chairman, however, on the question of allowances, there seems to be some misunderstanding. The Commission, in setting Area allowances, has always applied those allowances to all Areas. If we look at the Schedule now we see that for example, in Area II, in the current season, the catch limit is shown as 630, that is 600 as adopted last year plus a 5% allowance, and the same for every Area. So, I would like to insist, Mr Chairman, that my proposal for a 10% allowance instead of a 5% allowance for Area to Area is in complete accord with what the Commission has done each year for the last seven years. Thank you Mr Chairman.

Chairman

Thank you Commissioner for Seychelles. Commissioner of Japan.

Japan

Thank you sir, it's very short, I said, I didn't say 10% allowance should not be applied to Area II, I said that 10% allowance would be applicable only to pelagic fisheries. Thank you.

Chairman

Thank you Commissioner of Japan. Everything will be recorded. Then we have a formal proposal from Seychelles, seconded by St. Lucia, and I will consider to close the debate and proceed to check on that. Thank you, could I consider that there are Commissioners against this proposal? Commissioner of Japan.

Japan

Sorry, I'm not quite clear on what you as Chairman have stated.

Chairman

I'm sorry, I was saying Commissioner of Japan, that we have a formal proposal which is seconded, and I, if I don't see any Commissioners against or asking for a vote, I will adopt it. Japan has the floor.

Japan

I'll ask for a vote.

Chairman

Thank you Commissioner of Japan. Then I will ask Dr Gambell to proceed, any other comments? Thank you, sorry, yes Peru has the floor.

Peru

Thank you Mr Chairman. I just wonder if this is the time for the clarification of vote?

Chairman

You mean, your explanation of your vote, yes, it is the right time to do that, and how about Finland, is it the same query? Thank you, United Kingdom, France. So, I will give you the floor in that way, first, Finland.

Finland

Thank you Mr Chairman. My instructions for this meeting are to follow the proposals made by the Scientific Committee. In this case, it is a sad situation Mr Chairman, we don't have any firm proposal of the Scientific Committee, in fact, there are two proposals, and there's an old Finnish slogan, that before you talk, you should listen to both sides. In this meeting, we haven't been able to listen to both sides, and therefore, I have difficulties. Although the net recruitment, which has been proposed in various locations, that some groups would be higher, no, not higher, but lower than the proposals for the quota for next year. I could agree with a compromise because, bearing in mind we are not exploiting on a sustained yield basis because we are in a moratorium period. Therefore, I will vote against the proposal of the Technical Committee.

Chairman

Thank you, Commissioner of Finland. If I put back to you all to make just a clear and short statement about the interpretation of the vote, but naturally, go to other matters to decide that. Thank you, first Commissioner of United Kingdom then, I'm sorry, Brazil was first.

Brazil

Mr Chairman, I want here to express, in the first place, our recognition, for this amendment suggested by the distinguished representative of Seychelles. Indeed, at first view, it would comply to our request to maintain more or less our catch limit of last year, and that is our main desire in this forum. Since we accepted it, the terms of the moratorium, we will stop whaling for five years from 1986 on, we foresee a sizeable increase of the schools of whales in our ..., but unfortunately, we can't not vote accept that amendment, because it will not signify that we reach that catch limit for us in Brazil, because we have a traditional agreement of a division between the three whaling countries of South Atlantic. We will divide, between ourselves, the total catch allowance and in this case, since our traditional percentage is of about only 11%, for the total number being of about 4,000 units, we would not have much more than 400 units for our catching limits and that is clearly insufficient for us, we need the 600 catch limits so that

Chairman

I'm sorry, I can't allow to go farther than just explanation of your vote, I'm sorry, but if you could refrain to make other comments.

Brazil

Just that you see that we can't vote yes for this proposal.

Chairman

Thank you. Commissioner of United Kingdom.

United Kingdom

Thank you Mr Chairman, I will try to be as brief as I can but, I do want my explanation of my vote to be very clearly understood. I will therefore, have to be very careful in what I say. The proposal which we are considering is based on the recommendation from the Technical Committee, which itself reflects one of the figures put forward by the Scientific Committee in their report. The United Kingdom supported the vote for this proposal in the Technical Committee. I nonetheless believe, on the basis of the discussion in the Scientific Committee and the sub-committee on this stock, that an alternative figure would not necessarily threaten this stock. In view of the statement made by the distinguished Commissioner from Japan, and in view of the danger that a proposal which is not sufficiently strongly supported within this Commission, will damage the effectiveness of the regulatory system composed under the Convention, I would prefer to see whether, from the former informal discussions an alternative proposal might emerge which could command much greater support. So, on this vote, at this stage, the United Kingdom delegation will abstain. But, I do want to make very clear, that, if no such alternative commanding significantly larger support, and indicating a greater likelihood of the effective application emerges, I will find it possible to support the proposal, this proposal. Thank you Mr Chairman.

Chairman

Thank you, I will repeat again, if I may, that the explanation of vote must be very clear, short and very precise and not be in the matter of appealing on the contrary explanation of other hypothesis. Thank you, Commissioner of France.

France

Thank you Mr Chairman, I will try to be very brief. On behalf of my delegation, I will recall our very deep concern on the status of this particular stock. We would be very much willing to see our proposal accepted as it stands. Especially, Mr Chairman, due to the large approval which it received from a large amount of countries who found that our proposal was scientifically based. However, we are also interested by the explanation given by the item of Commissioner for Seychelles and it seems to us that this proposal has good scientific ground and therefore, we support it. Thank you Mr Chairman.

Chairman

Thank you Commissioner of France, Commissioner of Sweden.

Sweden

Thank you Mr Chairman. We support the proposal of the various groups for this stock, we believe that this stock is severely threatened and the low quota is estimated on the solid scientific basis. We think there is only one possibility to safeguard it, and that is to keep the catch at the lowest possible limit. Thank you.

Chairman

Thank you Commissioner of Sweden, then, I will ask Dr Ray Gambell to proceed to the vote. Philippines has the floor.

Philippines

Thank you Mr Chairman. The Philippines will be voting against this proposal because it believes that a higher alternative figure should be set for this stock, in accordance with the scientific evidence presented. Thank you Mr Chairman.

Chairman

Thank you Commissioner of Philippines. Then I will pass the duty to Dr Gambell.

Secretary

Mr Chairman, this is an amendment proposed by Seychelles, seconded by St. Lucia, an amendment of the Technical Committee recommendation for the Southern Hemisphere 1984/85 pelagic season and 1985 coastal season for minke whales. The figures represent an amendment to the Schedule and are as follows;

Area I	515	Area IV	1130
Area III	1165	Area V	693
Area II	587	Area VI	244

The total catch is not to exceed 3940.

This is an amendment to the Schedule and requires a three quarters majority of those voting to amend the Schedule.

*** Missing text ***

This is the amendment from Seychelles and St. Lucia and a three quarters majority of those voting is required to amend the Schedule.

The roll starts at India yes, Japan no, Kenya yes, Republic of Korea abstain, Mexico yes, Monaco yes, Netherlands yes, New Zealand yes, ...

***** Remainder of this vote appears to be missing *****

[20 in favour, 9 against, 7 abstentions,
therefore no three quarters majority]

[Missing text. Technical Committee proposal also failed: 20 in favour, 9 against and 7 abstentions. New Seychelles proposal totalling 4,224 was adopted: 22 in favour, 7 against and 7 abstentions. Reservations made by USSR, Japan and Brazil.]

[USSR proposes break for lunch]

Japan

Japanese delegation second it.

Chairman

Thank you. Well, I think it is proper to accept suggestion like that, if I do not see any comments, I will call at quarter to two, and that will be the lunchtime. I'm sorry, but we have some matters on the item, but I don't like to be pushed by time. Thank you, then if there are no other comments, we adjourn, I'm sorry, I'm sorry, sorry, Australia has the floor.

Australia

I would ask that the non-whaling Commissioners meet in the Florida room immediately after the end of this meeting sir.

Chairman

Thank you. So, we come back at a quarter to two and sharply at 2 o'clock I will start definitely the afternoon meeting at 2 o'clock sharp, that means that a quarter of time to decide to be sharp to go in advance. Thank you very much. The meeting is adjourned.

[Adjourn 1.10pm]

INTERNATIONAL WHALING COMMISSION
THIRTY-SIXTH ANNUAL MEETING : VERBATIM RECORD

EIGHTH PLENARY SESSION : FRIDAY 22 JUNE 1984
2.10pm

Chairman

I open the plenary session adjourned this morning and then I will ask Dr Lemche to introduce the next item. We are dealing with North Atlantic North Eastern stock, page 8, and I will ask then Dr Lemche to explain these points. Please Dr Lemche.

12.3.2
Minke
whales
(contd)

Chairman of Technical Committee

Yes, Mr Chairman. Thank you very much, the minke whale stocks of the North Eastern Atlantic, you will find them on page 8 of the second part of the Technical Committee Report.

North
Atlantic,
North
Eastern
stock

First, it is pointed out that an error in calculation last year was corrected, and two series of CPUE data were used to assess replacement yields. Mark-recapture data allowing for shedding gave a total stock estimate of 44,000 to 60,000, which probably spans the likely range.

There is insufficient information to recommend classification of the stock, but the catch limit would be the replacement yield in the range 300 to 747.

Norway recognised the improved assessment now available and proposed that the catch limit should be 708 with a 10% safety factor, giving 637. This was seconded by Japan.

Australia commented on the uncertainty in the estimates and wished to take a cautious but reasonable approach by proposing a figure of 300, at the lower end of the range. The Australian views were supported by various other countries and the Seychelles indicated that it does not think a safety factor needs to be applied at this lower end of the range.

The Australian amendment of 300 was put to the vote and adopted with 18 in favour and 6 against with 10 abstentions.

So this, Mr Chairman, is our recommendation from the Technical Committee. Thank you.

Chairman

Thank you Dr Lemche. We have now then, in front of us, a new decision of the Technical Committee, adopted by vote, concerning the North Eastern stock. Any comments on that? Yes, German Federal Republic.

Federal Republic of Germany

Thank you Mr Chairman. I want to make a proposal about this stock, we had thought that the scientists think that quota in the range of 300 to 747 might be allowable, and I think that we would be on the safe side by proposing a quota of 525. Thank you Mr Chairman.

Chairman

Thank you Commissioner for Germany, Federal Republic of. Any seconder for that, in fact, it is an amendment of a proposal coming from the Technical Committee. USA, is seconding the proposal. Any comments on this amendment to the former proposal of the Technical Committee? United States is seconding, and Norway as well, thank you. I'm sorry you have the floor.

Norway

Thank you Mr Chairman. The position of Norway as given in the Report of the Technical Committee is entirely precise, but leaves out the argument used in the Committee in favour of that position. I will only at this stage recall that we consider that the computation we have suggested as the one which has the best possible basis if you proceed on the underlying scientific data. Mr Chairman, it is obvious from the voting in the Technical Committee that the Norwegian proposal was one which the majority of the committee did not wish to entertain. At this stage, having heard the proposal recently put forward, my delegation can only say that we have no other figure to suggest and that we do not feel that the suggested amendment to the Technical Committee recommendation is acceptable. We will therefore vote against the amendment. Mr Chairman, the proceedings just before recess for lunch have caused me great distress and some concern for the future. Distress because a vote was preferred at a time when I for one would have thought that continued negotiation would have been fruitful, and concern for the future because my delegation continues to feel that the Commission should seek to establish realistic and effective quotas which will in fact be implemented. I have nothing more to say at this stage Mr Chairman, thank you.

Chairman

Thank you Commissioner of Norway. Commissioner of Sweden please.

Sweden

Thank you Mr Chairman. My delegation voted for the lowest quota for this minke stock in the Technical Committee, we believe that this minke stock is severely threatened, it is a species that has to be considered as much as the minkes in the Southern Hemisphere. My delegation feels that a catch quota of 525 is not acceptable Mr Chairman. We will vote against this, we think that the lesser, about 300 can be acceptable to Sweden. Thank you Mr Chairman.

Chairman

Thank you Commissioner for Sweden. Any other comments? Thank you, I wouldn't like to share the comments of the Norwegian Commissioner without saying something, I think I do share as well some severity in our decisions some time. I think that as an International body, we really need to take care of all the positions, and if the right of vote is full, applied to this Commission, I think it is one of tradition, and in this Commission as well, try to get some consensus and I think you can always consider in this kind of attitude. Thank you. Any other comments on those items particularly? Thank you, then we have a proposal made by Germany and seconded by United States, we heard the comments of Norway against, and he is asking first for a vote, then we are voting an amendment to the original proposal of the Technical Committee, any other comments? Thank you, I ask then Dr Gambell the duty to introduce this matter for vote.

Secretary

Mr Chairman, the amendment before this plenary session is an amendment to the Schedule for the North Atlantic, north eastern stock of minke whales for the 1985 season. The amendment proposed by the Federal Republic of Germany and seconded by the USA for a catch limit of 525, North East Atlantic minke 525. A three quarters majority is necessary in order to amend the Schedule.

Chairman

Any comments? Then we move to the vote, please Dr Gambell.

Secretary

The roll starts at: Republic of Korea abstain, Mexico yes, Monaco abstain, Netherlands abstain, Netherlands yes, New Zealand abstain, Norway no, Oman yes, Peru no, Philippines abstain, St. Lucia abstain, St. Vincent abstain, Senegal abstain, Seychelles abstain, South Africa yes, Spain abstain, Sweden no, Switzerland yes, USSR no, UK abstain, USA yes, Uruguay absent, Antigua abstain, Argentina abstain, Australia yes, Belize abstain, Brazil no, Chile abstain, People's Republic of China absent, Denmark abstain, Egypt yes, Finland yes, France abstain, Federal Republic of Germany yes, Iceland no, India abstain, Japan no, Kenya yes.

Mr Chairman, there were 11 votes in favour, 7 against and 17 abstentions, so there was not a three quarters majority.

Chairman

Thank you, Dr Gambell, then we move back to the original proposal from the Technical Committee. According with our rule, it can be adopted or it can be decided to move to a vote. Any comments on that? I do not see any, that means we are approving.

Norway

I would like a vote on that sir.

Chairman

Commissioner of Norway is asking for a vote, then I will ask Dr Gambell to put the Technical Committee proposal to a vote.

Secretary

Mr Chairman, the recommendation from the Technical Committee for this North East Atlantic minke whale stock for the 1985 season is a catch limit of 300, 300.

The roll starts at Mexico yes, Monaco yes, Netherlands abstain, New Zealand yes, Norway no, Oman abstain, Peru no, Philippines abstain, St. Lucia abstain, St. Vincent yes, Senegal yes, Seychelles yes, South Africa abstain, Spain abstain, Sweden yes, Switzerland abstain, USSR no, UK abstain, USA yes, Uruguay absent, Antigua yes, Argentina yes, Australia yes, Belize abstain, Brazil no, Chile abstain, People's Republic of China abstain, Denmark abstain, Egypt yes, Finland no, France yes, Federal Republic of Germany abstain, Iceland no, India yes, Japan no, Kenya yes, Republic of Korea abstain.

Mr Chairman, there were 15 votes in favour, 7 against with 14 abstentions so, this also failed to receive the three quarters majority necessary.

Chairman

Thank you, Commissioner of Norway please.

Norway

Mr Chairman, my delegation sees no objection to retaining the present figure of the Schedule, that is to say, the figure of 635. Thank you sir.

Chairman

Thank you Commissioner of Norway. Any comments on that? Seychelles has the floor.

Seychelles

Mr Chairman, simply a question Mr Chairman, about this procedure. Is it normal that a number that is in table 1 remains unchanged if there is no other vote. I'm a little uncertain what the implications of the proposal are Mr Chairman.

Chairman

Yes, I think that there will be no quota, otherwise, because of no decision from the Commission. And I think Norway is just commented the attitude of the Norwegian authorities and the Norwegian Commissioner, no more than that, I think is coming from the intervention of the Commissioner of Norway. Yes, I think Norway wasn't doing a formal proposal, yes Norway has the floor.

Norway

Mr Chairman, my delegation does not feel that it is in the Commission's interest to allow situations where the Commission does not set a quota, but leaves a stock to national management. I am not certain about the exact precedent and I understand the reasons for the question of the distinguished Alternate Commissioner for the Seychelles, but I do not feel that this situation has arisen before, namely that it is requested specifically that the current figure in the table, which does form part of the Schedule, should remain. In most cases in our practice, where we have not achieved agreement on any figure, the interested party has not made that request before. I would suggest that it is a sensible way for the Commission to deal with the issue at hand if it determines that the figure currently in the Schedule, although it is in the table, should remain unchanged as long as there was no proposal to the contrary. Thank you sir.

Chairman

I think would like Dr Gambell to explain what we are discussing, but I think that we need a formal proposal to cover the item.

Secretary

Mr Chairman, it has always been my understanding that the numbers in the tables are specifically linked to the season of the table unless it is a block quota. So that, the interpretation, I believe, this Commission has employed before is that the numbers and the season are related. And, since the present figure of 635 corresponds with the 1984 season, when we write 1985 in the table, there is no number associated with that at the moment.

Chairman

Even if I could say, I do believe that is a problem as well with this stock. The Norwegian Commissioner took the floor saying that even if there is no quota in the Schedule, the Government would respect the decision, but because precisely, we didn't have ... Norway has the floor.

Norway

Mr Chairman, that precedent has been described precisely and correctly, but, at that time, I do not recall requesting the retention of the previous figure in the total. If you wish me to place a proposal before the Commission which seems to me to be a procedural proposal, it is to retain the figure in the table under the catch limit headline for minke whales at the 1,2,3,4, sixth line from the bottom, to be retained unchanged. Thank you sir.

Chairman

Then I think that if I received some seconder for that, I can consider in order that this otherwise there won't be any quota, it could be in this matter, taking into account the intervention of the Norwegian Commissioner. USSR is seconding? Thank you, so I think this unusual situation, then we can accept this by consensus and insert again the figure for 1984. Thank you, so, Norway has the floor.

Norway

Mr Chairman, I only wish to thank the Commission for its consideration. Thank you.

Chairman

Thank you. From me then the Commissioners receive this thanks. Any other comments on this particular item? Thank you, Dr Lemche it is so decided. Dr Lemche please.

Chairman of Technical Committee

North
Atlantic,
Central
stock

Thank you Mr Chairman, the next stock you will find on page 9, on part 2, of our Technical Committee agenda dealing with the Central stock of minke whales in the North Atlantic.

Updated CPUE data were available. The longest time series from East Greenland waters implied that it is near the MSY level, with an average catch of 344. Similar but not significant trends are shown by other series.

The Scientific Committee was unable to recommend a classification, but recommended, in order to arrest the decline, a catch limit considerably below the ten year's average of 302 whales, which means 151 which is half the average.

Iceland stated its belief that the stock is relatively little affected by catching from Iceland. Last year the Committee made a cautious reduction and the present proportion is arbitrary and unacceptable. Iceland proposed a ten year average but with a 10% safety factor, that is, 272 with the stock unclassified. This was seconded by Japan.

Antigua wished to support the Scientific Committee's recommendation and proposed an amendment for 151, which was seconded by Oman and St. Lucia.

Before the vote, Norway recalled its support for decisions based on Scientific Committee advice, when it was clear and unambiguous, but believed a 50% safety factor was not based on any agreed management guideline.

The amendment of 151, unclassified, was then adopted with 22 in favour, 7 against with 5 abstentions.

So, Mr Chairman, the Technical Committee recommendation with respect to this stock is the number 151 and classified as unclassified, if I may say so. Thank you Mr Chairman.

Chairman

Thank you Dr Lemche. We have a proposal then from the Technical Committee. Any comments on that? Thank you, yes, Iceland has the floor.

Iceland

Thank you Mr Chairman, we have an amendment proposal to the figure recommended by the Technical Committee, our figure is 242. I don't consider it necessary to go into details of our reasoning but this figure is based upon a ten year average catch of 302 with 20% reduction. Thank you.

Chairman

Would you be so kind, Commissioner of Iceland, to repeat the number.

Iceland

The number is 242.

Chairman

Thank you Commissioner of Iceland. Any seconder for this amendment?

[Text missing - seconded by Norway, Peru and Seychelles]

Sweden

Mr Chairman, I am sorry to have to interrupt, but I, my delegation wishes to make a reservation on this as it concerns us. We believe that this stock cannot take a higher catch than 151, and that this amendment does increase the threat to this species. Thank you.

Chairman

Thank you, your reservation will be recorded. Sweden, I'm sorry Switzerland.

Switzerland

Yes, we make the same reservation.

Chairman

Thank you. So, it is so decided to approve by consensus with these reservations on this stock and concerning the amendment put forward by Iceland and seconded by three Commissioners. Yes, Soviet Union has the floor.

USSR

Thank you Mr Chairman. Mr Chairman, I think we already had such a situation here at this meeting and we agreed that no consensus can be adopted if there are any reservations. Thank you.

Chairman

Thank you Commissioner of Soviet Union. You could be right, but, in the context of IWC, we used to accept a consensus, with reservations, that means we are not getting a vote or we are not getting a strong position against. That was discussed a couple of years ago and last year that we try to distinguish between unanimity and consensus, and then in this particular case we are taking note of the consensus as a whole, but two reservations, and this reservation, I'm not saying they are against, but just making statement about the decision that we have taken. Is it for you quite clear, my explanation? Thank you very much. Sweden has the floor.

Sweden

Thank you Mr Chairman, I'm sorry to disturb you, but, when we voted before we arrived to the Central stock, when we voted on the North Eastern minke's, Mr Chairman, my delegation was under the, we believed that we were going to vote on the Nordic proposal of last year's catch figures supported by the USSR, and we wish to recall that we believed that that stock cannot take a higher catch than 300 Mr Chairman. We would like to have that put in the report. Thank you.

Chairman

Thank you, it is already done, thank you. So, I do not see any other comments, then I move as I said before, approved by consensus, with two reservations. Thank you, so it is decided. New item please Dr Lemche.

Chairman of Technical Committee

Thank you Mr Chairman. The minke whale stock is found on page 10 of the second part of our draft report. North Pacific, and first the Okhotsk Sea-West Pacific stock.

North
Pacific,
Okhotsk
Sea -
West
Pacific
stock

Research vessel sightings gave an estimate of 13,520. Two CPUE estimates indicate an average downward trend of 3.6% per year, although this is not significant.

Many members believed there was insufficient information to classify the stock, although a minority view was expressed.

The Scientific Committee recommended a catch limit not more than 332, the average catch for 1974/1983. Some Scientific Committee members believed there should be a 10% safety factor, which would mean a number of 299.

Japan proposed that the stock should be provisionally classified as Sustained Management Stock, with a catch limit of 332. This was seconded by the USSR and Iceland.

The Seychelles noted that the catch limit should not be more than 332 and proposed that a normal safety factor should be applied. It proposed an amendment for the stock to be unclassified with a catch limit of 299.

This was seconded by Antigua and adopted with 23 votes for with 6 against and 5 abstentions. So, this Mr Chairman, is our recommendation from the Technical Committee, that this stock should be unclassified, with a catch limit of 299. Thank you Mr Chairman.

Chairman

Thank you Dr Lemche, we have on the table then, a proposal from the Technical Committee. Any comments on that? Yes, Japan has the floor.

Japan

Thank you Mr Chairman, we would like to propose an amendment for the recommendation from the Technical Committee, which would be 320, classification unclassified. The Scientific Committee recommended a catch limit not more than 332, so that I hope this could be accepted by this Commission by consensus.

Chairman

Thank you Commissioner of Japan, any seconder for this amendment? Iceland is seconding, Seychelles and United States. Thank you. Could I presume then that we are approving this item by consensus, with the figure of 320. Thank you, it is so decided.

Before going to the next point, I would ask you that we are having coffee break at 3.30 then perhaps we can make an effort to finish with report on item 12, then I will ask Dr Lemche to speed up some of the comments during the text of the Technical Committee Report. Thank you very much, Dr Lemche please.

Chairman of Technical Committee

Thank you Mr Chairman, I will certainly try to speed up as you suggested, and, may I announce that during coffee break, right at the beginning, I would like to meet with the small group dealing with voting rights. I would like them to meet with me immediately so that we can resolve this matter in our group and make a report to your plenary session Mr Chairman. Thank you.

Chairman

Thank you, could we go on with the report of the Technical Committee please, now.

Chairman of Technical Committee

Well, yes I could Mr Chairman, of course. The next stock is on the bottom of page 10 of part 2 of our report, Sea of Japan-Yellow Sea-East China stock.

Sea of
Japan -
Yellow
Sea -
East
China Sea,

Last year the majority of the Scientific Committee recommended Protection Stock with a zero catch limit.

Mr Chairman, I appreciated your suggestion to speed up my procedures, it was my intention to read out all the paragraph in the sections which I think are relevant, but I think it could go without saying that people would read the statements from positions from different countries. The whole thing ended with the last paragraph which unfortunately there is misspellings in the last paragraph. I would like to read out a new version, a correct version of the last paragraph in this item.

The last paragraph reads now,

"The proposal that the stock", and so on, it should read;

"A revised proposal by St. Lucia seconded by Antigua that the stock should be Protection Stock with a zero catch limit with", and now delete the two next words, no footnote, and read "with the deletion of the words, "and 1985" in footnote 2, was then adopted by 19 votes to 7 with 5 abstentions."

I'm sorry Mr Chairman for this misspelling, it was in the last minute we recognised the correct thing here. Thank you Mr Chairman.

Chairman

Thank you Dr Lemche, any comments on the proposal of the Technical Committee? Netherlands has the floor.

Netherlands

Mr Chairman, in view of the decisions that have been made in the past, I would propose that the Schedule formula remained unchanged.

Chairman

Thank you, it is a formal proposal, any seconder for that? St. Lucia, Seychelles, Oman, Antigua and Barbuda and United States, thank you. So, any comments on that, could I assume we having that by consensus? Thank you, so, by consensus we approve the proposal of Netherlands concerning this point? Thank you, it is so decided. Dr Lemche, could you go to the next point please.

Chairman of Technical Committee

Thank you Mr Chairman, the next stocks are Fin whale stocks in the North Atlantic, and first we have the Spain-Portugal-British Isles stock.

You will see on the bottom of page 11 what the Scientific Committee had to say about this stock, in very short terms of course. The Scientific Committee recognised uncertainty over the effect of completing the present block quota. The Technical Committee agreed to make no recommendation.

So here Mr Chairman, we have no recommendation with respect to the present arrangement. Thank you.

Chairman

Thank you there are no recommendations from the Technical Committee, I assume that no-one feels, thank you, then we take note of this item and we pass to the next one. It is so decided.

Chairman of Technical Committee

Thank you Mr Chairman. The fin whale stock is the East Greenland-Iceland stock.

The Scientific Committee studies are very shortly described in the first paragraph. The Scientific Committee recommended that the range of replacement yield 143 to 180 be considered for a basis for setting catch limits and some members of the Scientific Committee thought a 10% safety factor should be applied.

Iceland recalled that this is a restricted fishery from a single land station with stable catches over the past 30 years. Iceland believed that the approach of the Scientific Committee was extremely cautious and proposed classification as Sustained Management Stock with a catch limit of 175. This was seconded.

Monaco noted that there is no clear evidence and proposed, seconded by France and United Kingdom, that the stock should be unclassified, with a catch limit of 143. The Seychelles explained its support for this position.

Norway emphasized the difficulties when the Scientific Committee's advice is inconclusive and believes that management aspects should also be considered. Norway proposed, as an amendment, that the present classification as Sustained Management Stock and catch limit of 167 should be retained. This was seconded by the USSR.

12.3.3
Fin whales
North
Atlantic
Spain -
Portugal -
British
Isles stock

East
Greenland -
Iceland
stock

There were some explanation of votes, the Norwegian amendment failed to pass and the original proposal, that the stock be unclassified with a catch limit of 143 was then adopted by the Technical Committee by 19 votes to 6 with 6 abstentions. So, Mr Chairman, the recommendation from the Technical Committee is that this stock should be unclassified with a catch limit of 143. Thank you Mr Chairman.

Chairman

Thank you Dr Lemche. Iceland has the floor.

Iceland

Thank you Mr Chairman, we have an amendment proposal to insert the figure of 161 as the catch level for the 1985 season and a classification of SMS. Thank you.

Chairman

Thank you Commissioner of Iceland, any seconder for this amendment? Australia, United States thank you, could I assume that, could we take it by consensus? Thank you, Sweden, you have the floor.

Sweden

Thank you Mr Chairman, my delegation would favour the number of 143 as decided in the Technical Committee. However Mr Chairman, if there is rule for a consensus, we will not ask for a vote, we want to give you our reservation on this point. Thank you.

Chairman

Thank you, we have a reservation then from Sweden, and, we are having a consensus on this item. Thank you, I do not see any other comments, then it is so decided the consensus on this proposal, the amendment proposal from Iceland. Thank you, it is so decided. Next item please Dr Lemche.

Chairman of Technical Committee

12.3.4
Sei
whales
North
Atlantic
West
Greenland

Thank you Mr Chairman, the stock item is on page 13, 12.3.4 Sei whales. First in the North Atlantic. There was first the question of West Greenland waters, in response to a request for information on the Infractions sub-committee last year, the Scientific Committee concluded that the sei whale is an irregular straggler in West Greenland waters. Can I go on?

Chairman

Yes please.

Chairman of Technical Committee

Thank you, the next stock is the Iceland- Denmark Strait stock.

The Scientific Committee believes that there is little chance of obtaining a reliable series of abundance of this stock given the incidental nature of the operation which is near the northern limits of the stock distribution. The Scientific Committee agreed that there was no scientific basis to offer advice on classification or a catch limit for this stock.

Seychelles recalled that the present long block quota was not based on scientific evidence and it noted that the Scientific Committee has often found significant declines in these situations after some time. The Seychelles believed that a zero catch limit should be established in this case. It therefore proposed, seconded by France and various other countries, that the stock should be unclassified with a zero catch limit.

Iceland appreciated the concern expressed but would prefer to maintain the block quota for 1985. On being put to the vote, the proposal was adopted by 15 votes to 6 with 11 abstentions.

Chairman

Thank you.

Chairman of Technical Committee

Thank you Mr Chairman.

Chairman

So, we have in front of us this new item, 12.3.4 Sei whales, Iceland-Denmark Strait stock. Any comments on that? We have the proposal from the Technical Committee. Iceland please, you have the floor.

Iceland

Thank you Mr Chairman, we propose an amendment, in that way that the, I'm sorry, that the block quota should remain as it is at present in the Schedule. Thank you.

Chairman

Thank you, it is a formal amendment from Iceland, any seconder? United States, Seychelles. Seychelles seconding?

Seychelles

I'd like to make a comment Mr Chairman.

Chairman

Well, it's a comment. Yes, then United States and Australia seconding and Commissioner of Seychelles has the floor.

Seychelles

Mr Chairman, we would support this proposal but I wonder if the Commissioner from Iceland will accept a small amendment to his proposal, to the effect that this is inserted in the table as a Protection Stock after the expiry of the quota? Thank you Mr Chairman.

Chairman

Thank you, any comment from Iceland? Yes, Iceland has the floor.

Iceland

Mr Chairman, we can approve, but it should be inserted as an unclassified stock. Thank you.

Chairman

So, I think you are insisting on your original amendment, then it is only Australia, United States and Australia who are seconding. Could I assume that we have a consensus on that? Thank you, it is so decided. We will pass then to the next item. I think the following items in this part 2 are all without any controversial aspects. Could we, having this part 2, we move then to the part 3. In the part 2, I do not see any other items to resolve perhaps, a careful and separate Yes, Japan has the floor.

Japan

Mr Chairman, I have a point of clarification. Are we next moving down to Bryde's whales, on the bottom of page 13?

Chairman

Yes, the next one is 12.3.5 Bryde's whales.

Japan

Thank you, in which case there is a typographical error.

Chairman

Yes.

Japan

Instead of 37, 357 was that.

Chairman

You are right.

Could we ask Dr Lemche to introduce Western stock and later on go to the South Hemisphere stock, Bottlenose whales, Protected species till the end of page 14. Thank you.

Chairman of Technical Committee

Yes, thank you Mr Chairman. With respect to the North Pacific Western stock of Bryde's whales, you will see our report at the bottom of page 13. The Scientific Committee remarks in the beginning of that section, and agreed projection procedure resulted in the recommendation from the Scientific Committee that this stock should be classified as Initial Management Stock, with a catch limit of 357, 357. This was agreed by the Technical Committee and this is our recommendation Mr Chairman.

12.3.5
Bryde's
whales
North
Pacific
western
stock

[Text missing. This proposal adopted by consensus.]

Chairman

[Text missing] first, then we are dealing with this particular item first. Philippines has the floor.

Philippines [Inaudible]

Secretary

Just wave where you are, so we can see you.

Philippines

Mr Chairman, in connection with this stock, I wish to explain the policy of the Philippines on whaling and to refer to the opening statement of my delegation. As a maritime country, with a population of close to fifty millions, the Philippines Mr Chairman, naturally looks to the sea as one of the important resources of satisfying the economic needs of its growing population. Evidently, the Philippines has a great stake in the proper utilisation, management and conservation of marine resources. During the last two decades, the Philippines developed important programmes for the rational utilisation and conservation of its aquatic resources. These included the exploitation and farming of the marine seaweed Eucheuma, for industrial uses, the technique of rearing fish in fishpens in our lakes, and prawn hatchery and cultivation. Other notable programmes were the transplantation and promotion of tilapia as a new freshwater fish for Philippine domestic consumption and the development of the Philippine tuna industry which has been export oriented. The Philippines is now

looking at the whale not only as a source of much needed foreign exchange but also as a potential source of protein for its large population. For these reasons, the Philippines is engaged in a whaling operations for the western stock of Bryde's whales in the North Pacific, last year and this year. The revenues from whaling will help the Philippines to fund scientific research and enable it to meet its financial obligations to this Commission.

The Technical Committee, Mr Chairman, has recommended that the catch limit for this stock be reduced drastically from 536 to 357 whales. This has made it even more imperative for my delegation to register its position that the sharing arrangements should recognise the principle of equality between sovereign nations in the utilisation of these resources. In this particular instance, this principle requires even greater validity in keeping the principle recognised by the international community and organisations, such as UNCTAD and GATT, that the developed countries should accord special and preferential treatment to developing countries because of their economic, financial and development needs. The acceptance of this principle of equality will also avoid a situation where two or more countries are unable to reach a sharing arrangement. Thank you Mr Chairman.

Chairman

Thank you Commissioner of Philippines. Any other comments on this point? I do not see any, then we take note of the report of the Technical Committee as well as the statement from the Philippines Commissioner, could Dr Lemche move, and it is so decided about this item. Page 14.

Chairman of Technical Committee

12.3.6
Bottlenose
whales
Baird's
beaked
whale

Thank you Mr Chairman. On the rest of page 14 is I think something which the Technical Committee just noted and which we would recommend to the plenary just to note. Item 12.3.6 Bottlenose whales, first Baird's beaked whale.

The Technical Committee noted that catch and effort data from Japan were recalculated, but the Scientific Committee believes they are too coarse to determine whether or not the series masks a trend. These data should continue to be collected. I think Mr Chairman, we should just take note of this notation from the Technical Committee.

12.3.7
Protected
species
West
Norway -
Faroe
Islands
fin
whales

Next one is 12.3.7 Protected species, West Norway, Faroe Islands fin whales.

The Technical Committee noted that information had been received on fin whales taken under special permit issued by the Faroese Island Government. Also here, I think, the plenary should just take note of what was noted by the Technical Committee.

Antarctic
blue whales

The next one is the Antarctic Blue whales.

An estimate of the blue whales in the Antarctic south of 60°S from IDCR minke whale cruises was 1,011. After discussion of the estimate the Scientific Committee recommended that Japan's sighting data should be re-analysed and earlier information examined. This internal Scientific Committee recommendation was noted by the Technical Committee and also I think Mr Chairman, your plenary session should just take note of that. Thank you.

Chairman

Thank you very much Dr Lemche. Then we have finished with the part 2 concerning this item 12. At the very beginning, Southern Hemisphere, South African inshore stock, we have an amendment to the Schedule. There between brackets. Any comments on that? Thank you, then we approve it, the amendment to the Schedule. Thank you, it is so decided. Concerning the remaining points, 12.3.6 and 7, Bottlenose whales, Protected species, any comments? I do not see any, that means that we are approving them as well we arriving at the Technical Committee Report. Thank you, it is so decided. Then we can move to the part 3 of the draft report of the Technical Committee, and on page 3, the item 12.3.5 Peruvian stock. Could I ask then Dr Lemche to introduce this subject.

Chairman of Technical Committee

Yes, thank you Mr Chairman. The Peruvian whale stock of Bryde's whales, the Peruvian statement is contained in the first paragraph. The Peru statement proposed that the stock should be classified Initial Management Stock with a catch limit of 280 for 1985 and that footnote 3 in the Schedule Table 2 should be deleted. Further Peru proposed that footnote 2 should be amended to read "... starting in October or November 1984", and this was seconded by Japan.

12.3.5
Bryde's
whales
Southern
Hemisphere-
Peruvian
stock.

There was some discussion on the precise implication of footnote 2.

Australia recalled that this stock had been discussed at length last year. There is scientific uncertainty if the stock can sustain a harvest, but there was special consideration last year as part of a phasing out process that instead of being a Protected Stock, the existing catch limit should be established and this was accepted by Peru. Australia noted that Peru has withdrawn its objections to a pause in commercial whaling starting in 1986.

Australia was now looking for an intermediate catch limit and proposed an amendment that the stock should be unclassified with a catch limit of 82 and that footnote should be worded, amended, "... after 1985 shall be zero".

This amendment was seconded by the United States and the Technical Committee agreed to discuss the second footnote later. The amendment was put to a vote and adopted with 20 in favour, 4 against and 11 abstentions.

Subsequently, the Technical Committee agreed to footnote 2 as proposed by Peru.

So Mr Chairman, the recommendation of this Technical Committee is that this stock should be unclassified with a catch limit of 82 and that footnote 3 should be worded "... after 1985 shall be zero", and that footnote 2 should be amended to read "... starting in October or November 1984". This Mr Chairman is the recommendation of the Technical Committee. Thank you.

Chairman

Thank you Dr Lemche, then we are dealing with the last point of the item 12, Peruvian stock. We have two proposals coming from the Technical Committee, it is in one of them, the second one, about the footnote 2 was agreed by the Technical Committee. Is there any comment on that? Peru has the floor.

Peru

Mr Chairman, I ask if it is possible for my delegation to speak in Spanish and then I will translate.

Chairman

Yes, of course.

Peru [translation]

My delegation, Mr Chairman, wishes to manifest that the proposal of Denmark for 82 whales in the season is not sufficient and is not in accordance with the scientific findings. My delegation does not want to insist in the critical economical situation that our country is undergoing, but nevertheless proposes now a quota of 220 whales for next year, with the removal of the number 3 footnote. The delegation of Peru asks for a consensus.

Chairman

Thank you Commissioner of Peru. Then we have all the scope in front of us, first I will say unless I have some opposition objection, could we approve the second footnote that the Technical Committee agreed, and was proposed by Peru, as the last phrase in page 4 concerning this item. Any comments on that? St. Lucia has the floor.

St. Lucia

A point of clarification Mr Chairman, you requested opposition to the change of the Schedule, the footnote in the Schedule.

Chairman

No, according to the Technical Committee report, the Technical Committee agreed the footnote 2, as proposed by Peru. And, I thought it was not a controversial point and I would like to separate the main issue from the second point. I remember, two years ago we forgot to do something like that, I mean taking by the main issue, then it will come clear of this matter, approved by the Technical Committee and approved by the plenary, would be useful and we go then to the main issue. Sweden has the floor.

Sweden

Thank you Mr Chairman, I'm a little confused already. I think I recall that Australia proposed a catch quota of 82 and now we are told we are talking about 220. It seems, ... I don't recall if we ever consider that, I would like for to be an explanation. Thank you.

Chairman

I am just saying that is not the main issue and the second one, then according by my experience in previous years, I would like that the Commission itself agree on the footnote number 2. I do not see any comments on that, then it is so decided to approve footnote 2. Then we will come to the main issue. The main issue means that the Technical Committee proposed by 20 votes in favour and so on, the amendment put forward by Australia seconded by the United States. This amendment was 82 catch limit. Then, this is the proposal of the Technical Committee, but now, in the plenary, Commissioner of Peru proposed an amendment to this proposal of the Technical Committee and is dealing with some explanation about the domestic situation and about other considerations they are proposing a quota of 220. Then this proposal was put forward formally and the last wording was that he can get a consensus on that. That is the point where we are now. Then I am moving for a seconder of the amendment of the proposal put forward by Peru, any seconder? Japan is seconding, and Brazil as well. Thank you. So, we have in front of us an amendment to the original proposal of the Technical Committee and the figure is 220, any comments on that? Sweden has the floor.

Sweden

Thank you Mr Chairman. My delegation favours the original proposal by Australia of 82. We think that this is what the stock can take. Thank you Mr Chairman.

Chairman

Thank you for the comment of Swedish Commissioner. Any other comments? St. Lucia has the floor.

St. Lucia

Thank you Mr Chairman, I believe that the question put forward by yourself is that is there consensus on this matter?

Chairman

I didn't ask that, I was just referring to the statement from the Peruvian Commissioner, I didn't ask I was just saying, recollected the comment from the Peruvian Commissioner, thank you. Any other comments? If I do not see any Commissioner against, I will take the consensus then, this is the point. Sweden has the floor.

Sweden

Thank you Mr Chairman, my delegation would propose that you put the original proposal to the vote Mr Chairman.

Chairman

Sorry, they are two different things. One thing is to be against the proposal and make reservations, and the other one is ask for a vote, and the third one is to like the former proposal. Then is any Commissioner asking for a vote on the proposal of Peru? USA, Seychelles, St. Lucia and Finland, and France, that's alright, just with one is enough. And as well St. Vincent. Then we have this amendment to the proposal put forward by Peru, to a vote for seeing the asking of some Commissioners. I will ask Dr Gambell then to put this amendment to vote. Thank you.

Secretary

Mr Chairman, the amendment before this plenary session concerns the Southern Hemisphere 1984/1985 pelagic season and 1985 coastal season for the Peruvian stock of Bryde's whales. The amendment is by Peru, seconded by Japan and Brazil, for a catch limit of 220. And coupled with that proposal is the deletion of the existing footnote 3 to table 2 of the Schedule on page 16. So this is the Peruvian stock of Bryde's whales a catch limit of 220 and the deletion of footnote 3.

For this amendment to become an amendment to the Schedule, requires a three quarters majority of those voting.

The roll starts at Monaco no, Netherlands no, New Zealand no, Norway abstain, Oman no, Peru yes, Philippines abstain, St. Lucia no, St. Vincent no, Senegal no, Seychelles no, South Africa no, Spain abstain, Sweden no, Switzerland no, USSR yes, UK no, USA no, Uruguay absent, Antigua abstain, Argentina abstain, Australia no, Belize no, Brazil yes, Chile abstain, People's Republic of China abstain, Denmark no, Egypt no, Finland no, France no, Federal Republic of Germany no, Iceland abstain, India absent, Japan yes, Kenya no, Republic of Korea abstain, Mexico abstain.

Mr Chairman, there were 4 votes in favour, 21 against and 10 abstentions, so that amendment is defeated.

Chairman

Thank you. Then we move to the original proposal from the Technical Committee.

Secretary

Mr Chairman, the proposal from the Technical Committee is that this Peruvian Stock of Bryde's whales should be unclassified with a catch limit of 82 and footnote 3 is amended to read "The catch limit for this stock for the 1985 season will be lower than 165", I'm sorry, "The catch limit for this stock after 1985 shall be zero".

Let me repeat that, footnote 3 will read "The catch limit for this stock after 1985 shall be zero".

So, the original Technical Committee proposal for a catch limit of 82 with the amendment of footnote 3, after 1985 it shall be zero.

Chairman

Thank you, if I do not see agreement, I will put that matter to the vote. St. Lucia has the floor.

St. Lucia

Thank you Mr Chairman. St. Lucia would like to explain its vote. During last year's annual meeting, the Commission was provided with information and assurances by the Peru Government that it had been unable to catch the whales that they were seeking last year, and the total catch was less than that allocated at the time and it still had just 149 whales. The distinguished Peruvian Marine Institute in Callao concluded that the quota of 165 whales should be the quota that should be requested and presented for consideration to the International Whaling Commission, based on the assurances of the Government of Peru that that was their intention, in that subsequent to the 1984/85 season, Peru would phase out its whaling and it would withdraw its objection to the cessation of commercial whaling. It was agreed that the quota of 165 be approved for the past season, less than 165 whales are caught in the current season and thereafter should be zero unless the Commission decides otherwise. We do not have any further information that would suggest that we should change our views on the classification of the stock or the quota and therefore we see no reason, Mr Chairman, to change the Schedule. Furthermore, we have received the assurances of the Government of Peru by its note to the Secretariat of 22 July 1983, that it was withdrawing its objection to paragraph 20 of the Schedule, and St. Lucia sees no reason to change the current Schedule, consequently, St. Lucia will abstain on the current vote and let the Schedule remain unchanged, unmodified. Thank you Mr Chairman.

Chairman

Thank you Commissioner of St. Lucia for your long explanation of the explanation of your vote. I'm just accepting explanation of the vote, very short, and I think Peru has asked for the floor. Yes, Peru has the floor.

Peru

Mr Chairman, in this place, we don't want we should state our vote now because we have stated it before, but we think it is the place to deal with it, my delegation should like to point out that most of what has been said right now is not according with the truth. The rate of invasion of the marker amount of whales, was not from the marker but was part of the recommendation of the Scientific Committee.

Chairman

We can't open the debate, I think St. Lucia has the

***** Missing text *****

Chairman

Peru

[In Spanish]

Chairman

Thank you, could I could get some information, and some translation of that.

Peru

The Peruvian delegation wants to notice that we don't want to go into any discussion of this kind. Even less to some act of government of which we're not taking account in the last meeting and which refers to documents that as far as we know are not official at all. Thank you Mr Chairman.

Chairman

Thank you, and I consider this debate closed, unless there are any other delegation asking for the floor in order to explain the vote. I do not see any objection to that. So, it is so decided, unless you are asking for the floor to explain the vote, there are no more debates. Sweden has the floor.

Sweden

Thank you Mr Chairman, I will very brief. Mr Chairman, my country joined the International Whaling Commission to protect the last and nearly extinct species of whales. We believe as our main policy Mr Chairman, is to vote against increase in the catch and vote for the

lowest quotas. However Mr Chairman, this time we are going to abstain, and we are going to abstain for conservational reasons and an abstention in this particular case will be more than official for the reasons, which will limit the catch according to the Schedule. Mr Chairman thank you.

Chairman

Thank you very much Commissioner of Sweden. I do not see any other Commissioner asking for explanation of the vote. I will ask Dr Gambell to call the roll.

Secretary

Mr Chairman, the proposal before the plenary session is for a catch limit for the Peruvian stock of Bryde's whales of 82 with footnote 3 modified that the catch after 1985 shall be zero. This is the recommendation of the Technical Committee. A three quarters majority is necessary to amend the Schedule.

The roll starts at Netherlands abstain, New Zealand abstain, Norway abstain, Oman no, Peru no, Philippines abstain, St. Lucia abstain, St. Vincent abstain, Senegal abstain, Seychelles no, South Africa no, Spain abstain, Sweden abstain, Switzerland abstain, USSR no, UK abstain, USA abstain, Uruguay absent, Antigua no, Argentina no, Australia abstain, Belize abstain, Brazil no, Chile no, People's Republic of China abstain, Denmark abstain, Egypt abstain, Finland absent, France abstain, Federal Republic of Germany abstain, Iceland abstain, India absent, Japan no, Kenya abstain, Republic of Korea abstain, Mexico abstain, Monaco abstain.

Mr Chairman, there were no votes in favour, 10 against, with 24 abstentions. So, there is no change to the Schedule.

Chairman

Thank you, it seems that the Technical Committee became an abstract entity. Any comments on that otherwise the Schedule will remain unchanged. I do not see any, then we close this item with the approval of the Technical Committee and now the Commission, that the Schedule remains unchanged. Thank you, I do not see any comments, then it is so decided. It is so decided. Peru.

Peru

Mr Chairman, as a clarification what is the situation of the quota will be for this next season?

Chairman

Lower than 165.

Peru

Thank you Mr Chairman, well in that case we put an observation.

Chairman

Yes, you can do that and it will be recorded in the plenary.

Peru

Thank you Mr Chairman.

Chairman

Thank you, it will be recorded in the plenary that one reservation has been made by the Peruvian Commissioner. So, this point is so decided and closed, and I do not see any other item remaining in the agenda item 12. USA, and St. Lucia later; please USA.

USA

Thank you Mr Chairman, could we have a clarification of that last intervention by the distinguished delegate of Peru?

Chairman

Thank you, I think the clarification must be that the Commissioner of Peru proposed that the Commission registered an observation, observation, that means they are having some doubts perhaps or some different approach to the matter, but nothing more that according my own interpretation. Thank you. St. Lucia has the floor.

St. Lucia

Thank you Mr Chairman, the distinguished senator of the USA was swift to, in trying to clarify the issue. At this point, I myself am not fully satisfied with perhaps your understanding. I would like to have some clarification from the Peruvian delegation as to what precisely was that they wanted to say. Thank you Mr Chairman.

Chairman

Thank you. It seems, it wishes from everybody to listen directly to the Commissioner from Peru, then would be wise to give the floor again to the Commissioner of Peru.

Peru

Yes, Mr Chairman. Though it has been some mistake in my pronunciation, what we want to make is a reservation, not an observation.

Chairman

A minute, I said, reservation

Peru

If you allow me Mr Chairman, I want to state that for the reasons widely explained in this meeting, the Peruvian delegation wishes to make the following reservation. The quota assigned for the Peruvian stock of Bryde's whales for the 1984/1985 season is extremely low and does not reflect the population estimated by means of sighting cruises reported by the Scientific Committee last year. Therefore Mr Chairman, Peru reserves its position, it is sorry if it is unable to establish the amount of quotas to be caught in 84/85 from the aforementioned scientific results which are consistent with the accepted principles of the species conservation. Thank you Mr Chairman.

Chairman

Then we have a reservation, on the vote, and on the decision of the Commission made by Commissioner of Peru and the text is what we already heard. May I finally conclude the item 12? Thank you very much, is there any other points on item 12? I do not see any so, the item 12 is concluded. So, we have coffee break now, but before, if I may draw your attention, we have only pending two reports from the small working groups, one of them is the panel concerning work of committee and sub-committee, the other one is voting rights subject. Then we will move to the item 12 group first to approve the Technical Committee item then I will express more carefully, my thanks to the Chairman of the Scientific Committee, I will do that later on and we will come then to the items 27, 28 and 29. Thank you very much, and so, Dr Lemche has the floor.

Chairman of Technical Committee

Thank you Mr Chairman, just an announcement. I would recall ...

Chairman

Then the plenary session is adjourned but you can do your announcement.

Chairman of Technical Committee

Thank you Mr Chairman, may I just recall my earlier announcement that the members of the small group on voting rights will meet with me immediately and the members are, besides Denmark, Mexico, Norway, St. Lucia and the United States of America. Thank you.

INTERNATIONAL WHALING COMMISSION
THIRTY-SIXTH ANNUAL MEETING : VERBATIM RECORD

NINTH PLENARY SESSION : FRIDAY 22 JUNE 1984
4.50pm

Chairman

[Text missing introducing IWC/36/23]

comments I will ask Mr Stewart to introduce us concerning the small panel reviewing the committees and sub-committees. Yes please, silence please.

New Zealand

Report of
panel to
review the
operations
of the
Scientific
Committee

Thank you Mr Chairman, the review panel consisted of Argentina, France, Japan, Mexico, St. Lucia and New Zealand as convenor. It met and concluded that it would not be practicable in the time available at this session, to engage in a serious review of the operations of the Scientific Committee and its sub-committees. The panel therefore concentrated its attention on the modalities for bringing about such a review in the future. It also bore in mind that next year the tasks of the International Whaling Commission, and therefore the nature and extent of the advice to be sought from the Scientific Committee, may become clearer. The panel recommended three points;

First, that a working group be established at this session, with a composition of seven members representative of the different tendencies within the organisation and desirably including one or more members with a background of experience in the work of the Scientific Committee.

Second, that the Secretary should be requested to write to all Member Governments as soon as convenient after the close of this session inviting them to submit their views in writing, as to the future role and scope of operations of the Scientific Committee and its sub-committees. The replies should be collated by the Secretariat and forwarded to the Chairman and members of the working group for study and analyses.

The third recommendation was that the working group should meet immediately prior to the next Annual Meeting and at the same venue, in order to prepare a report with proposals for consideration by the next session of the Commission.

Finally, Mr Chairman, the panel made a suggestion that as the first step towards the implementation of these recommendations, you might wish to consider the possibility of inviting all delegations interested in serving on the proposed working group, to indicate their interest. From the resulting list, a membership with a balanced composition could be selected. Thank you sir.

Chairman

Thank you very much Mr Stewart, I fully appreciate your effort to get this panel working, and then we have in front of us, the document 23 and the wording was just pronounced by Mr Stewart. Any comments on that? Could I assume that we can approve it, and pass to the Secretary to implement it where it's necessary. Yes, United Kingdom has the floor.

United Kingdom

Thank you Mr Chairman, I would like briefly to congratulate the distinguished Commissioner for New Zealand for these very useful recommendations, which he has produced in a very short time. I would like to make just two comments. The first is that as far as the composition of the proposed working group is concerned, I don't know if now is the time, but I am certainly willing to indicate the United Kingdom's interest in serving on the proposed working group, but in any case I take it that in addition to the basic membership of this working group of seven members, we will follow our usual practice, as I understand it, of allowing any delegation to attend the meeting of the working group. My second comment is simply to draw attention to the fact that the origin of this proposal goes back to the valuable report of the Finance and Administration Committee in which there was a recommendation which we did, I think, approve in the plenary session, that priority should be attached to the examination of certain financial aspects and I trust that that expression of priority will be kept in mind in the work of this working group. Thank you Mr Chairman.

Chairman

Thank you. I think we can consider these comments as coming from the United Kingdom delegation, but, as well with some kind of proper and adjusted remarks, then we could take note and perhaps Mr Stewart could later on during this year, with the help of the Secretariat and as well with the Chairman, work out some guidelines, taking into account the remarks coming from the UK delegation. Any other comments? Thank you, then we could approve this document and ask the Secretary to implement it. Thank you, it is so decided.

Could we come now to the other pending report, it is not ready yet? It seems it is being typed now. I do not see, perhaps we ...

We have the item 21, meantime we are waiting for the report of the voting rights document, and I think except for this report coming from the Finance and Administration Committee, we can approve in the item 21 the Report of The Technical Committee. Thank you, then it is so decided to approve The Technical Committee Report. May I, during we are waiting, do a very positive way and try to speak on your behalf to the Chairman of the Scientific Committee and thank again for his great work, very valuable conclusion and activities and again thanks to him, and through him to all the scientists for the work in research and studies they are doing to our Commission. Thank you very much Dr Tillman, and I feel I'm expressing the feeling of all the Commissioners here. Thank you.

Agenda 21
Adoption
of Report
of the
Technical
Committee

So, we have no other points, unless we can get 27 and 28 and 29. I have to draw your attention in the 29 as usual, we can receive any comments outside the agenda, and even we can discuss some general items, or general position of countries. I would like that that would be decided at the very end in order to make all the Commissioners clear that it is not debating on the agenda properly, but, as the point expressed is other business concerned with this Commission. Thank you, Philippines has the floor.

Philippines

Thank you Mr Chairman. Mr Chairman, may I request that the opening statement of the Philippines delegation numbered IWC/36/OS/Phil be incorporated in the records of the plenary. Thank you.

Chairman

Thank you, that will be done. United States please.

United States

Mr Chairman, thank you and it is my understanding that you have opened the agenda for other business?

Chairman

Not yet.

United States

Not yes, excuse me sir, thank you.

Chairman

Then, if you allow me, we can pass to the item 27, Election of Chairman, and I will ask Dr Gambell to introduce this matter as usual, taking into account that there is some mention in the background of the agenda. Thank you.

Secretary

Mr Chairman, as you will see in the annotation to item 27, Mr Iglesias has reached the end of his three year term of office at this meeting. The Rules of Procedure of the Commission indicate that the normal term of service is three years, and that at the Annual Meeting, a new Chairman should be appointed.

Chairman

Any comments on that? St. Lucia has the floor.

Agenda 27
and 28
Election
of
Chairman
and Vice-
Chairman

St. Lucia

Thank you Mr Chairman, could I perhaps request that I will be able to address both items 27 and 28 at the same time?

Chairman

Any comments on that? Thank you, then it is accepted by the Commission we can deal with 27 and 28 at the same time.

St. Lucia

Thank you Mr Chairman. Mr Chairman, my delegation has a proposal that appears to have unanimous support within this Commission. Earlier during this meeting, we have stated, in a different context, that we consider the 1985 Thirty-Seventh Annual Meeting of the Commission a momentous one in view of the entering into effect of article 10(e) of the Schedule. The meeting will not only be historic in being the first one to convene without the purpose of establishing future commercial catch quotas, but it will also probably be a difficult and a sensitive one. The delegation of St. Lucia believes that the special circumstances surrounding next year's meeting require a special approach, which could incorporate the element of continuity of the Chairman and Vice-Chairman of the Commission, in view of their most successful guidance through difficult and controversial issues and agenda items since the 1982 vote on the cessation of whaling. For this reason, the delegation of St. Lucia, after consulting with the majority of Contracting Governments represented here, would propose that the Chairman and Vice-Chairman of the Commission continue to act in that capacity until next year's meeting; their experience, wisdom and effective management will prove to be most valuable for the coming year. This proposal, Mr Chairman, is in accordance with our Rules of Procedure, pages 4 and 5, item D.1 and E.1 concerning the election of Chairman and Vice-Chairman of the Commission. Where the last sentence on each of the respective paragraphs indicates that they shall remain in office until successors are elected. We feel that it is necessary to point out that, in adopting this procedure, we are in fact deferring the election of Mr Iglesias's successor. It should be clearly understood that this proposal does not imply that we do not have an agreed candidate for that office. In keeping with the established practice of the Commission, there is a recognised line of succession which provides for promotion of the Vice-Chairman to the chairmanship. We would proceed accordingly when Mr Iglesias steps down. To summarise, Mr Chairman, the delegation of St. Lucia would like to propose that on an unanimous basis, both yourself and Dr Lemche remain as Chairman and Vice-Chairman until next year's annual meeting. Thank you Mr Chairman.

Chairman

Thank you Commissioner of St. Lucia. Any comments on that? Brazil has the floor. Seconded, Denmark.

Denmark

Seconded

Chairman

Thank you, United States, Antigua, Oman, Belize, Mexico, Peru, China, Seychelles, France, Spain. Norway has the floor.

Norway

Mr Chairman, just to add a word to the reasons given for our very wise decision, and which I do not feel was necessarily covered in the statement of the distinguished Commissioner for St. Lucia. To some, the next session may be a special meeting, a very special meeting for specific reasons, to me it is going to be a very difficult session, characterised by the problems with which the Commission is faced, and it is for that reason that I feel that when we have a good team, we should keep it for that very difficult session. Thank you sir.

Chairman

Thank you Commissioner of Norway, Antigua has the floor.

Antigua

I wish to add an observation to this excellent decision made by the Commission, since we are also meeting at this time in Argentina, when Dr Iglesias takes over next year, again, it will be, I believe, the 50th anniversary of the first suggestion by Dr Suarez, also an Argentine, that within the League of Nations, that whales belong to all mankind and should be considered in that light. It seems to me that Argentina has played an extremely important role in the entire history of this business. Thank you.

Chairman

Thank you Commissioner of Antigua. So, thank you very much indeed. I think that personally I don't deserve this honour, but I am very happy that Dr Lemche could join me in this very and at the same time, I will, of course, do my best to justify your confidence and your trust. So, I will try really, with Dr Lemche, to work out all this year things necessary to deal with, and I as always said, to be at your disposal, trying to keep the Chairmanship of the IWC very far, very, very far of national interest, that is my commitment, and I will do in that way. But if I may, for my last remark, I will say I am furious because I was preparing my farewell speech during two days, and it seems I can't use this, so, I hope next year I will have the same reason to say you how I appreciate that and in some way being very touched by your decision and again, I try to deserve it. So, thank you. Monaco has the floor.

Monaco

There's a suggestion that you can keep your farewell speech for some other location.

Chairman

Thank you, I will do that of course, and thank you very much again. Any other comments on this item 27 and 28. In order to keep my personal life safe, I will say we will record the compromise you did and particularly the wording that Commissioner of St. Lucia made and I hope next year the normal procedure will be taken. Thank you very much.

So, we have already the document produced by the group on voting rights, and I will ask then Dr Lemche to introduce it and if there are no comments on that, I will give the floor to Dr Lemche. Thank you, Dr Lemche could you?

Report
of group
on Rule of
Procedure
C.1(b)

Denmark

Thank you Mr Chairman, you Mr Chairman, set down a small group consisting of Mexico, Norway, St. Lucia, United States and Denmark as convenor, to deal with the Rule of Procedure C1(b), and there has now been distributed a document IWC/36/22, which contains our recommendations in this respect. Mr Chairman, I think, that it was a general feeling in our group that the question which has arisen had taken pretty much time during our Annual Meeting. It was a general wish to avoid that these kind of questions would take up the time in the Annual Meeting and I think the, all of our proposals have the aim to develop mechanisms that this would not happen again in, within the Annual Meetings. We agreed, as you will see on the numbers 1 to 8. I'll quickly read them out;

Number one, no change should be made in the Rules of Procedure,

Number two, any consideration of matters arising under Rule of Procedure C1(b), should take place before the beginning of an Annual or Special Meeting of the Commission.

We also wanted in our group to have some kind of advance warning, advance knowledge of the problems Mr Chairman, and therefore in number three, it is said that, any Contracting Government which wishes to raise any such matter for consideration by the Commission should, through the Secretary, give notice to all other Contracting Governments, at least 30 days before the meeting. This notice should state the background of the request, and provide a forecast of the expected date of any relevant payment.

In number four Mr Chairman, is a consequential thing to number 3. In order that we would have the possibility of the advance warning, the Secretary is instructed to act on Financial Regulation E1 as soon as possible after any budget has been approved in compliance with Financial Regulation D.

We then went on to recommend that requests mentioned under point 3 should be considered by the Commission the day before the start of the meeting. Any decision should be taken the same day in a formal session of the Commission. In this context, you will recall Mr Chairman, that a formal session of the Commission, not necessarily is a plenary meeting in a big room like here, it could be done otherwise as long as it is formal.

Number six, recommendation was that decisions should be made on a case by case basis.

Number seven is a consequence of number five, deals with calling for such a Commissioners' meeting. The Chairman of the Commission should, at the same time as the Secretary gives the notice identified in point three, call for the meeting of the Commission required in point five.

We thought, Mr Chairman, that the appropriate elements of the above recommendations should not be incorporated into the Rules, Commissions' Rules of Procedure for the time being, but they should be just recorded in our proceedings of this 36th Annual Meeting. Thank you very much Mr Chairman.

Chairman

Thank you Dr Lemche. Then we have in front of us document 22, any comments on that? Yes, Soviet Union please has the floor.

USSR

Thank you very much Mr Chairman. Mr Chairman, we appreciate the work which has been done by the members of this small group for such a short period of time. I think Mr Chairman, that all members of the Commission still have even less time to review and consider these proposals very carefully. That's why Mr Chairman, we would like to propose somewhat, maybe to change somehow the wording of the eighth recommendation by the group. In the way it is formulated now, it sounds as if the question has already been decided, that the next meeting should include in the Rules of Procedure all these recommendations. Mr Chairman, we would like to formulate it in another way so that it should sound maybe like this;

"The Commission should consider this question at the next annual meeting and decide on the appropriateness of the inclusion of those recommendations in the Rules of Procedure".

I'm sorry for my English, maybe someone will try to formulate it in a better way. Thank you Mr Chairman.

Chairman

Thank you Commissioner of USSR, Commissioner of United States has the floor.

United States

Thank you Mr Chairman. We appreciate the comments of the distinguished Commissioner from the Soviet Union. It would be our hope, however, that these rules and regulations in whatever final form they may take might be available before the next meeting, and as an alternative suggestion for your action, I hope that you would consider the

possibility of receiving comments by mail, so that perhaps this could be revised and put in, at least operationally. So that we could avoid any possible delay at what we consider to be one of the most crucial meetings for the International Whaling Commission next year. Thank you sir.

Chairman

Thank you Commissioner of USA. Commissioner of Norway.

Norway

Mr Chairman, I recognize the validity of the point made by the delegation of the Soviet Union, they have had very little time to see it and those of us who were in the group, have not had very much time to elaborate these points. While supporting the suggestion by the distinguished Commissioner for the United States, and while recognizing we should not, at this stage, take any definitive decision, or any position on the contents of the report of the little group, would it perhaps be possible for you and the Secretary to undertake to act in the spirit of that report insofar as this is relevant to your responsibilities, and without prejudice to whatever decision we might take at the next meeting? Whenever something occurs which could be influenced by the conclusions of this report, but without infringement on any Rule of our Procedure. Thank you.

Chairman

Thank you Commissioner of Norway. Any other comments? Philippines has the floor.

Philippines

Thank you Mr Chairman. Mr Chairman, we note that according to the recommendation, there should be no change in the Rules of Procedure, because of this, might not it be better to require a notice of 60 days before the meeting, in order to comply with paragraph N of the Rules of Procedure. Thank you.

Chairman

Thank you Commissioner of Philippines, any other comments? Yes, United Kingdom has the floor.

United Kingdom

Thank you Mr Chairman, I'm not sure that I quite understand the motivation or the purpose of the suggestion by the distinguished Commissioner for the Philippines. We are not talking about changing the Rules of Procedure, but merely a procedure for taking a decision in accordance with the Rules of Procedure, so, I'm not sure that sixty days notice is any better than thirty days notice, as long as we get notice. And I would like to follow the suggestion of the distinguished Commissioner for Norway in suggesting that if this document cannot be

formally approved, we should at least make every effort to work within the spirit of it, and that in addition to the specific suggestion made by the Commissioner for Norway about your own conduct Mr Chairman and that of the Secretary, could we not also express a very strong recommendation to all Contracting Governments that they should observe the spirit of point three? Thank you very much.

Chairman

Thank you Commissioner of United Kingdom. Any other comments? Thank you, I think we can take this matter in the following way after receiving these comments. In the proposal from the working group, there are some guidelines, but there are at the same time some legal aspects. I think everybody is quite aware here that we can't do that unless we decide to vote, we decide to make a formal proposal. Then what I, in the way I took this matter was that the guidelines were the main points to discuss here and eventually to approve them. On the contrary, I feel, personally, it would'nt be proper to discuss first and secondly to take any formal decision for the next meeting. I think that could be clear in my own understanding, that we can't take now any formal decision in this context. But, the guidelines already suggested, most of them are, could imply that we could accept them and then the Chairman and the Secretary could work on them, in order to facilitate the work next year, and in this sense, perhaps the Chairman would be allowed to do things like writing countries, asking for this thirty days in advance they explain eventually a position that could lead to the situation, making some steps in order to get more clarification, trying even to put some kind of wording for next consideration in the 37th meeting, and, in that way, I could consider that the USSR proposal could receive background here, some backing here. Then, if you'll allow me follow on in this context, I will be more precise, but, could you accept this general philosophy for this point? Thank you very much.

Then, I will ask you if you could allow me the following;

With the Secretary, we will work on all the guidelines that the Chairmanship and the Secretary interprets that are not going against the Rule of Procedure, we will try to get them in a very formal, very strict way. That means we will inform governments, we will inform other parties, we will ask government to send us opinions on that, we even to raise this matter during the time before the next year, I mean even prepare perhaps, some proposal in order to get this matter in the next year's agenda. I mean, perhaps we can accept now that this point must deserve a clear decision next year and then, from now we can accept that it will be in the agenda, and the idea will be to modify perhaps in the lines that we can agree next year. Then, if you allow me that we can work out some decision, and I think that could combine the worries of one delegation, who already expressed it. They already expressed the situation, and others that really like to be more strict in the next year's meeting. Is it workeable? Thank you very much. Then we will do that and the Secretary Dr Gambell is committed to prepare a very deep and heavy report on that and to put to the consideration of all the governments in this matter. Thank you very much. Then it is so decided.

So, only leave the last point of the agenda, this Any Other Business. I would like, I have two Commissioners asking for the floor, it is USA and Japan, but before that I will say that I received some kind of comments and particular point of view about the procedure we are doing sometime, things like what happens with a new proposal, what happens with amendments, who is seconding, even this year the advantage to ask you that the report from the Technical Committee and the Finance and Administration Committee could be taken by the Commission as a whole, I mean the Commission as a whole seconded the report. Sometime there is some flexibility, but I'm committed myself and in that way I am trying to commit yourselves as well, that next year must be very careful attention must be done to all procedural matters, with a very delicate year, and then, I would appreciate if every Commissioner comes to the next meeting to be really fully aware of our Rules of Procedure. This is the first point.

In this context, I know as well sometime our discussion about unanimity, consensus, agreement could lead to some delegations to doubt or not to be sure this is the proper way. I think we are really dealing with International Organisation outside the UN system, and it was decided many years ago, then if I accept that this, even that International Organisation, sometimes, we could really be a little more flexible or less, restrict I would say, than in another forum but I say again that this point could be considered at next year's meeting and even before that if the Commission feels that we need to do something about that.

Then, I will propose that unless you have a very strong feeling to discuss matter about procedure now, taking into account what I have said, could you accept my statement in some way, that next year we will take care of that in all the subjects I had already established, and particularly about Rule of Procedure and way we are taking consensus and unanimity, is it alright? Yes, USSR has the floor.

USSR

Thank you very much Mr Chairman. Mr Chairman, concerning some points with which you dealt just now. We still would like that our understanding of those points, as far as consensus, for example, is concerned would be reflected in the report. Thank you very much Mr Chairman.

Chairman

Thank you very much Commissioner of Soviet Union. Then, that will be done in the report and, as I already said, next year it will be useful to tackle the situation if we realise we will need it. Thank you. Any other matters? Yes, United States.

United States of America

Thank you Mr Chairman, the United States considers the International Whaling Commission to be an extremely important forum for discussing issues which are of considerable importance to all the nations of the world. As we look ahead to the 37th Annual Meeting, we recognize that we are in fact approaching the time at which the functions of the IWC will be going through severe tests and which frequently, and in many

cases, may actually alter. We believe that in preparation for the next meeting, the 37th Annual Meeting, considerable work should be done to focus on the future course of activities within the IWC. We believe that this should be a major agenda item for next year and that preparation for it should not be left to the last few months before that meeting takes place. It's our suggestion sir, with the services of your good office, that you take action to implement a period and activity of preparation for that meeting. We would suggest, as one example, that you might consider the formulation of a small working group whose function would be to prepare some thoughtful documents for consideration at that meeting with respect to the future course of the IWC. It would be presumptuous of me, I believe, to lay out the guidance for that particular group or, in fact, to even suggest more than that, that that group should be put into effect. But we do believe that preparation for next year's meeting with a major topic being the future of the IWC, should be begun immediately. Thank you sir.

Chairman

Thank you Commissioner for United States. Any comments on that? Yes, Commissioner of Japan please.

Japan

Thank you Mr Chairman. I would like to support fully what the US delegation explained just now. We believe that next year's meeting is one of the most important one, and having that in mind, I would like to associate my rather pained feeling, to my regret, to the proceedings and the results of the conference. It is in my fairness and in my sincerity, I think we have joined this Convention some early 1950's and we have been contributing to the objective of the Convention so faithfully. This Convention was created in Washington D.C. just after the war, we are still suffering, yet we decided we abide the objective of this Convention and have been contributing so far. In the past, and in the future too, to the objective, the supreme objective of the treaty. As long as the Convention exists, enormous efforts among the Member countries, enormous cooperation and restraint to preserve the objective of the Convention. In a sense, we are standing at a point critically at stake. We would abide the principles of this Convention and purposes and we have fully cooperated with the proceedings of this meeting in Buenos Aires. We firmly believe that welfare and progress of all people who are living on the one earth here can only be achieved by cooperation and partnership among ourselves. I think all of us have to think this highly objective in order to achieve the utmost results our endeavours. In that sense, I repeat again, what the US delegation said, and I certainly insist that the IWC objective and spirit has to maintain and continue to exist. That we should redouble our efforts to maintain the Convention.

Mr Chairman, I would like to congratulate you on your re-election and your partner, Vice-Chairman, of Denmark Commissioner, and I think all the more important we have to remember on this point, my Commissioner has been a sort of devoted and dedicated collaborator to this organisation. We feel that his feelings will not be damaged. Thank you very much.

Chairman

Thank you very much Commissioner of Japan. So, I would like to make some comments on that and before going to do that, any other additional comments on the same subject? Yes, Netherlands has the floor.

Netherlands

Just another object, so I will wait if you prefer.

Chairman

So, I do agree with Commissioner of United States and Japan has already said, I think firmly after seven years to be with you, that this Commission, sooner or later, has to tackle some of the problems that pass, and one of them is particularly in a study, but in a study with some kind of follow up about the future of the Commission. Then I commit myself as well in this way that I will try to do all this year to keep a very close contact with the delegations and particularly with those who like to do that, in that way, I would like to have really a very real feeling what is happening in the national and domestic authorities, and I will do that of course, as soon as possible. I don't know if some of you feel that we need to meet later on today to discuss perhaps a way of doing that, otherwise, I will contact you by letters or by correspondence in the near future, and from now until the next meeting, I will be open and to your disposal in that way. Thank you and this matter then is closed. St. Lucia and then Netherlands.

St. Lucia

Thank you Mr Chairman, at last year's meeting, the delegation of St. Lucia was not present at the time when the invitation by the Government of Argentina was made to host the 36th Annual Meeting of the Commission. In view of this very successful meeting, I would like to also be the first delegation to express its sincere gratitude to the Government of Argentina for hosting this meeting in a way that has resulted in providing us with an avenue for a continuation of a effective, an effective and successful Commission and Convention. So, on behalf of the Government of St. Lucia, I wish to express to your Government, through you sir, our gratitude for hosting this meeting. Thank you Sir.

Chairman

Netherlands please.

Netherlands

Thank you Mr Chairman, on quite another question, and I would'nt like to annoy you with it, but, it is do we have at present a Chairman and a Vice-Chairman for the Technical Committee next year? Because, the Rules of Procedure say;

"the Chairman and Vice-Chairman shall be elected for the following year by the Technical Committee at the end of each Annual Meeting".

Well, I can't remember if we have done so. Thank you Mr Chairman.

Chairman

Thank you Commissioner of Netherlands to ask to the reality, then I think you are right, but I was interpretating that the kindness and lack of wisdom of the Commission meant that all current authority in the Commission will be kept in the same charge, that means that Dr Lemche will be the Vice-Chairman and Mr Stewart will be, of course, the Vice-Chairman of the Technical Committee. But if you like to put the matter to the consideration of the Commissioners, I'll do that of course, otherwise, we can interpretate that what I was saying was that my interpretation is right. Any comments on that? Thank you, then I think the current authorities will carry on for this year the same charge they are having now. Thank you, particularly to St. Lucia then, on behalf of my Government, I thank you for your intervention. Any other matters? Yes, Peru has the floor.

Peru

[In Spanish]

Chairman

Thank you, I think I can receive the message without translation, thank you very much again. So, Dr Gambell likes that a translation of this intervention, if you can make. Peru has the floor.

Peru

Mr Chairman, my delegation wishes to give thanks to your Government for how well have we been treated and also to the people of Argentina for this being the first time that the Latin American country is the site of this International meeting, and to you personally, because of the carefull considerations we have had with the treatment of the representatives of other governments. Thank you Mr Chairman.

Chairman

Thank you Commissioner of Peru. Then, may I say finally with thanks to the team who has worked with us, particularly the interpreters, they make a big effort as well, and, as always Dr Gambell and the permanent staff of the IWC. Thanks to everybody again and we will see next year, I don't know where. Dr Gambell decides. Thank you, and then the meeting is adjourned, is closed, not adjourned, until the next 37th Annual Meeting. Thank you very much to everybody.

END OF FINAL PLENARY SESSION