

INTERNATIONAL WHALING COMMISSION

37TH ANNUAL MEETING

Bournemouth, England, 15-19 July, 1985

VERBATIM RECORD

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VERBATIM RECORD

37TH ANNUAL MEETING OF THE INTERNATIONAL WHALING COMMISSION

OPENING PLENARY SESSION : MONDAY 15TH JULY 1985

Chairman

Good morning ladies and gentlemen. As the Chairman of the Commission I would like to welcome you all to Bournemouth for the 37th Annual Meeting of the International Whaling Commission. At the same time and on behalf of you all I would like to thank Her Majesty's Government for the amenities and facilities and all the arrangements they have already made for our meeting. At the same time I have the pleasure and the honour to receive today the Minister of State from the Ministry of Agriculture, Fisheries and Food, Mr John McGregor, that would be very kind to address a welcome to us and then I will ask Sir, if you could proceed and to this very particular address to us; from the Chair if you prefer or from the stage, thank you.

Mr John McGregor

Mr Chairman, ladies and gentlemen, it gives me great pleasure on behalf of Her Majesty's Government to welcome you to Bournemouth for the 37th Annual Meeting of the International Whaling Commission. I wish you well in your deliberations over the next week which will, I am sure, involve hard work and long hours; but I hope that you will also find time to enjoy your visit to this delightful seaside town of Bournemouth and have some opportunity to see its attractive surrounding countryside. Those of you who have come from overseas may not be aware that you are actually particularly lucky at the moment because just for the moment we have some rather unexpected good weather - we have had a rather poor summer here in the United Kingdom.

I'm afraid that due to other ministerial engagements I will shortly have to return to London, but I have asked for a full report on the week's proceedings - my officials are here and I will receive that when they return. My ministerial colleague Mrs Peggy Fenner, who is Parliamentary Under Secretary in the Ministry of Agriculture, Fisheries and Food will be hosting a reception here for you tomorrow evening.

Now Mr. Chairman, I am sure that you will not need me to remind you that this is a most important year for the IWC. It will be a landmark in the long history of man's relationship with these most fascinating creatures of the sea. I am referring of course, to the implementation of the decision taken in 1982 to cease commercial whaling from the start of the 1985/86 pelagic season. My Government's position on this point is well known. We regard the moratorium on commercial whaling as vitally necessary in view of the doubts and uncertainties which exist about the status of whale populations and the past record of management failure. Now I realise that there are many difficult decisions for many member states in this important area, but I have to say that I am only sorry that the moratorium is not coming into effect with the unanimous support of all members of the Commission. We fully recognise that some countries have faced difficulties in complying with this decision, despite the three year preparatory period; but I do hope that those countries which have maintained objections to the decision will now be able to withdraw them as soon as possible and rally to the majority view in this the competent international forum.

Mr Chairman, there is still much work apart from that for the Commission to do. Although a watershed may have been reached in relation to commercial whaling, aboriginal/subsistence whaling will continue and it is vital that this is properly monitored and controlled, both for the survival of endangered species, and in respect of the methods used to kill the whales. There is considerable public concern throughout the world about the suffering of animals at the hands of man. Modern communications, and especially television, can have an immediate and widespread impact on peoples' minds and emotions. As witness the reaction of individuals and organisations here in the United Kingdom to a recent film on our television screens about the apparent cruelty involved in certain traditional whale hunts. And I think that the interest of the media in your deliberations this week reflects that considerable international public concern. The IWC must continue its investigatory work on methods of killing and the scope for improving these which it has over the years pursued with success in the commercial whaling sphere.

Mr Chairman, this annual meeting is also crucial for yet another reason: the IWC is facing a severe financial crisis. So severe Mr Chairman, that I gather that you now have to pay for your coffee. A financial crisis which is a position not unknown in the world today, but it must be resolved this year. If there is not improvement in the financial position resulting from arrears of contributions, it seems likely that the organisation will have to be sharply cut back, and the IWC's ability to continue its essential activities will be severely curtailed. The finances of the IWC are the lifeblood of the IWC's body of policies. I know your hearts are in the right places, but without the blood of finance pumping through the system, the body of policies may wither away. I would therefore like on this occasion to appeal to the member governments which have fallen into arrears to make the efforts necessary to bring their contributions to the IWC up to date, and to lift the threat which currently hangs over the organisation and its important work for the protection of whale populations.

Now Mr Chairman, I have concentrated on the challenges you face, and it is inevitable that I should do so and that you should do so in your deliberations this week, because we have to concentrate on the issues still to be resolved. There is always a tendency to look at what still remains to be tackled and not to highlight the achievements, so can I conclude on this note. Let us not forget how much progress has been made over the lifetime of the International Whaling Convention in the protection of species threatened with extinction, the reduction in levels of exploitation generally, and in the widespread elimination of inhumane methods of killing. The extent of past progress gives all of us concerned with the preservation and better management of the world's wildlife grounds for hoping that with hard work and good will the further important strides needing to be made will be achieved. Mr Chairman, I wish you well in your important deliberations this week. I hope that they will be constructive and achieve these further important strides, and it gives me great pleasure to declare the Commission open.

Chairman

Thank you very much, Minister of State. We fully appreciate your comments, in particular your lesson on anatomy, and then we will try to put in our blood not only some financial support but coffee as well. Again please, convey to the Her Majesty's Government our thanks for the arrangements that they have already made. I know that you explained that you have previous engagement, then if I may I would like to adjourn for just a few minutes the Plenary in order to accompany you, and we will come back I promise, to work very hard this week. Thank you very much.

Chairman

We resume then the Plenary and we start with our work. I don't know why everybody assumed that this one will be the crucial year, unfortunately I am hearing that from year through years, and perhaps this one will be more crucial than others.

We can pass then if you will allow me to the **item 2, Opening Statements**. At this moment I would like to welcome a new member to the IWC. Ireland is here and he becomes the Commissioner of the 40th state, and I may on behalf of you, give Ireland our most warm welcome to this meeting. Beside that I think that we usually have our opening statements, in writing. It is exceptional this time, the Government of Sri Lanka has asked the Chair to make a short opening statement as an Observer and I did consider it would be suitable for us to listen to one country which is very interested in our work. Then if you will allow me, I will ask Sri Lanka to take the floor and to others to ask for a statement from its country. So if the Observer from Sri Lanka could take the floor, we will appreciate that. Any comments on that? Thank you very much, then Sri Lanka has the floor please.

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Sri Lanka

Mr Chairman, first of all I wish to express the appreciation of my government for the opportunity accorded for us to attend the annual sessions of the Commission as an Observer State. As you know Mr Chairman, this is the second time that Sri Lanka has been represented at this meeting. As you are no doubt aware there has been growing interest in Sri Lanka as a location for observing and studying marine mammals. It is now clear that there has been many occurrence of various types of marine mammals in the sea in the area around Sri Lanka. Perhaps maybe unique not only in the context of the Indian Ocean but also globally.

The great abundance of marine life in our waters has not found our people lacking in interest or concern. With a long tradition of compassion for less fortunate creatures that share our environment, and widespread knowledge of the precarious state of many species of marine mammals - particularly the great whales. The reaction from the general public was very supportive and also very encouraging. In fact one of our most distinguished scientists, Professor Deraniyagala, has to his credit the first proposal to make the Indian ocean a sanctuary for whales. It was indeed heartening to see the establishment of the Indian ocean Whale Sanctuary under the auspices of this Commission following the proposal by the Government of the Seychelles in 1979.

As part of our programme of activity at maximum levels we have established the Sri Lanka National Marine Mammal Programme under the auspices of the National Aquatic Resources Agency, which is the primary national institution responsible for the management of marine resources in our country. Under this programme we have established a Marine Mammal Watch and a public awareness campaign, through the medium of public lectures, film productions, identification posters, newspapers, television, schools and a variety of other channels. We have been able to create broad-based public awareness with regard to marine mammals in our waters.

A comprehensive National Marine Mammal Programme is now under way with the dual objectives of working towards a better understanding of marine mammal occurrence and behaviour in our waters.

Initially we found the available expertise insufficient to deal with the major challenge present as a result of our becoming aware of the varied and abundant stocks of mammals in our waters. As the first step towards developing our own capabilities and the very necessary development of such capabilities in the broader regional concept, the National Aquatic Resources Agency convened the first International Symposium on the Marine Mammals of the Indian Ocean in Colombo in 1983. From their invaluable overview we moved towards the establishment of the Centre for Research on Indian Ocean Mammals with the support of the Government of Sri Lanka. We have recently received a modest but useful grant from the United Nations Environment Programme which has enabled us to obtain the assistance of distinguished international marine mammal experts, procure necessary equipment and support a programme of basic research.

Mr Chairman, distinguished delegates, at the moment the International Whaling Commission is at the crossroad as we are fast approaching the moratorium phase. Our Government is here in an observer capacity as we recognise the International Whaling Commission is not only primarily an international body dealing with marine mammals but it is also the sole entity specifically dealing with this important area.

In concluding my remarks Mr Chairman, I would like to thank you again for the opportunity given to my delegation to address this Commission and I wish you all success in your deliberations. Thank you again.

Chairman

3 Thank you Observer from Sri Lanka. Are there any other comments on item 2? Then we will pass to **item 3 Adoption of Agenda**. Thank you, then we are dealing then with item 3, Adoption of the Agenda and Philippines has the floor.

Philippines

Thank you Mr Chairman. Going over to the agenda, the Philippine delegation thinks that there are two items that may be discussed before the Future Activities of the Commission. For example item 7 the Comprehensive Assessments of the Whale Stocks, is one of those and item 14 the Second International Decade of Cetacean Research, might be put before the Future Activities of the Commission. I don't know whether this will be considered by everybody.

Chairman

Thank you. Have you finished?

Philippines

Yes, thank you.

Chairman

Thank you Commissioner of the Philippines. Any comments on that? May I before giving you the floor in some personal basis to explain to you that perhaps if the Commission decides in that way, the item 6 won't be fitted in just now, and perhaps we will put this item Future Activities, not to deal with it today but on the contrary after the Technical Committee session. I mean, I am perhaps advanced in my idea about item 6. But perhaps the Philippines would be suitable to wait for that moment and if we receive the backing from the Commission that the item 6 will be dealt with on Wednesday

shall we say, does that cover your worries about this situation? I don't know if you will allow me to make these comments, but it will be useful to gain time to explain to the Philippines that that could be the way that we decide that. Any comments on that? So if you allow me then I will decide provisionally that this consideration of the Philippines is having the importance that we already received from the Commission, but at the same time we will have this matter pending that we will see what happens with item 6. If my idea is not received by you then we will come back to your proposal, otherwise I think that we will be satisfied with the solution. Thank you. If we close then provisionally this matter, are there any other comments on the Agenda? Japan has the floor.

Japan

Thank you Mr Chairman. I have no specific comment on other agenda items, but one comment which appears in annotations to item 15 caused me some concern. That is on page 11 of IWC/37/2. Item 15, third paragraph. United States suggest here that it will be possible while adopting the Scientific Committee's Report, it will be possible to consider and take appropriate action in the normal manner concerning any comments or advice of the Committee relating to small cetaceans as well as other appropriate matters not specifically referenced elsewhere in the agenda. This sounds to me somehow to be better and to be open ended therefore I would like see this Commission to operate strictly on the basis of our Rules of Procedure G 1, particularly in view of the fact that this question of small cetaceans is one of substantial controversy. Thank you.

Chairman

Thank you Commissioner of Japan. Any comments on that? I do not see any. So may I take the comment made by Japan that the Japanese Commissioner is taking the third paragraph as just a reminder from the Secretary that the position of the United States in this matter could be in that way, but we are not taking sides now and we are not deciding anything, and at that time we properly decided that valid or not the comment from United States but not to deal with that now; but on the contrary taking note first, the comment from United States included in the paragraph third in the item 15 and secondly, that the reservation in some way from Japan, that at that time he would recall us his observation on this matter, and perhaps at that time we will decide in one way or the other if necessary. Any comments on that? Thank you very much. Any other comments on item 3? I do not see any. That means that the Commission approved the agenda as it is and we consider then the provisional agenda as the agenda adopted by the Commission. Thank you, it is so decided.

Then we pass to the **item number 4, Arrangements for the Meeting** and as usual I will ask Dr. Gambell unless you have some comments previously to do, to address to us and explaining how will be the mechanism and arrangements for this meeting in Bournemouth. Any comments? Thank you. Dr. Gambell.

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Secretary

Mr. Chairman, the main arrangements for the meeting are set out in the form which all the delegates will have received, and the Observers, at registration. The main point of contact if you need to have any assistance in getting typing or copying done will be to go to the secretariat office, which is roughly at the top of the stairs to this room, and our point of contact with any of you will be through the pigeon holes. Pigeons holes for delegates and Inter-Governmental Organisations and non-member Governments are at the back of this area of the room. The pigeon holes for the Non-Government Observers are close to the seating area which they occupy. So we shall pass

on any mail, telephone messages or other communications to you and all meeting documents through the pigeon holes. If you need any assistance from the Secretariat would you please ask at the registration area where our secretariat office is located.

Because we need to keep track of the documentation of the meeting, all official documents for this meeting will be identified by the letters IWC/37/ and then a number or other suitable way of identification. Any document which does not have that notation on its top right hand corner has not been registered as an official Commission document and forms no part of the official record of this meeting. Opening statements are an official part and they have that form of identification.

Because of security considerations at this meeting we have to ask that you please do not leave any bags or packages unattended. I realise that at coffee breaks this creates a considerable difficulty and so when you go from here to have your coffee, which will be served broadly at the top of the stairs, again I think we will waive the rule at that point, but certainly at lunchtime and in the evening, please do not leave any bag or package in this room or for that matter anywhere else in the hotel unattended. There is a cloakroom area close to the secretariat office where bags can be put when you want to put them down and hold things in your hands, but we do have to insist on this regulation this time. If you do leave your bag, it may be rather difficult to get it back.

Because of the Commission's financial situation tea and coffee when it is served in morning and afternoon breaks will have to be paid for by you. You can either pay cash at the time, 45 pence including the biscuits, or you can buy what look like raffle tickets from the hotel desk and buy a large number in advance and not have to worry with money. But you will have to provide some form of currency at the time. Lunch will be served in the room immediately above this room, the Kelvin Suite. There is a buffet lunch arrangement there, cold snacks and a small hot dish available there. There is the hotel restaurant available for lunch and for dinner in the evening and of course there is the bar area, which the Scientific Committee has worked-in suitably for your continuing activity.

Can I ask in practical terms, when you wish to attract the Chairman's eye, to wave your name card and we will recognise that you are wishing to speak; and more importantly when you do speak, please again wave your name card so that our sound engineers can identify which microphone you are using. Please make sure you wave before you speak otherwise you will not be heard.

May I just say again, if you do need any help, please ask the Secretariat, that is what we are here for and we shall do our best to provide you with any reasonable requirements that you have. Thank you Mr. Chairman.

Chairman

Thank you Dr. Gambell, we appreciate the efforts of the Secretary and regularly we are facing this question of payment of coffee, I think. Another sacrifice of the IWC Commissioners, Delegates and Observers. Any comments on this item number 4?

- 5 So we move to the **item number 5** which is **Appointment of Committees**. We already have nominated a Chairman and members of the Finance Committee as well as Infractions Sub-Committee. Then this leaves for us to deal with the Technical Committee and Scientific Committee, as usually we do and at this stage I would ask again Dr Gambell to ask you who will be intervening in both or one of them. Any comments on that? Thankyou. So we pass to the Technical

Committee memberships and I would ask Dr Gambell to require from you who are wishing to be members or not of this Technical Committee. Thank you.

Secretary

Mr. Chairman, I should perhaps explain for the benefit of those who are new to the arrangements for this meeting that the Technical Committee is essentially the meeting of the whole body but with a different voting regime in that, when it comes to a decision by vote, it is only a simple majority rather than a three-quarters majority, to make an amendment of the Schedule for example; and so the Technical Committee is really the meeting of the whole, but nonetheless I will run down...

Chairman

May I be original if you allow me. Is there any country that doesn't like to be a member of the Technical Committee at this stage? I hope we can save time, because I think the explanation of Dr Gambell was quite clear enough; then we can assume that there are no countries who are particularly not interested in participating, if you could let us know, then we will take note. Otherwise I will assume that every country is interested in dealing with the Technical Committee. Thank you, then we will assume that all countries here will be pleased to be members of the Technical Committee now and, as we did in previous meetings, we could assume as well, if there are any countries coming later, unless you have any comment to do, we will accept it as Technical Committee members. Any comments on that as well? I do not see any, then we will take the Technical Committee with all members here as having this reservation for newcomers they would allow to be members as well of the Technical Committee. Then we pass to the Scientific Committee. Thank you very much.

Secretary

Mr Chairman, the Scientific Committee continues as a body throughout the year following this meeting because we do communicate quite a lot with the members of the Scientific Committee, and so I will ask the member governments to indicate whether they wish to be represented on the Scientific Committee and, if they care to afterwards, to let us know the names of the scientists, to make sure that we have a correct mailing list. So I will run down in alphabetical order the countries that wish to be represented on the Scientific Committee for the following 12 months.

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

Chairman

Thank you, Dr. Gambell. Any comments on these decisions and memberships? I do not see any, then I would consider sorted the item number 5 of our agenda. Thank you, it is so decided.

Passing to item number 6. I think this must be dealt with directly by the Plenary and I am saying that because item 7 and the following ones will have to pass as usual to the Technical Committee, unless we decide otherwise. So perhaps the Commissioners could appreciate taking into account the importance of this item number 6 and, in order to warm it up a little bit more, this Commission, perhaps it is too early to decide on this particular point now. Could the Chair assume then that we could leave this item and pass to the Technical Committee the other items and keep this one, number 6 I mean to a future session of the Plenary. Is there any comment on that? Thank you very much. Then, we will decide now that the item number 6 we will deal with when we resume as a Plenary in the following day. Thank you. It is so decided and at this time I think the Philippines intervention is covered by this decision and they would appreciate not to deal then with your formal proposal. Thank you.

So I think then, we have to decide that from the item number 7 until item number 18 included will pass all of them to the Technical Committee unless I receive other comments on that. Thank you. So it is so decided and at the same time I think it will be wise for us to ask the Technical Committee to speed up these matters and try to finish its work for Wednesday noon. If I may ask Dr Lemche to be so kind to help us this way. The idea as you already know is to finish on Friday and perhaps we will try to do that early afternoon, in order to save some time for some delegates who have to leave Bournemouth at that time. This is why I am asking the Technical Committee perhaps today, tomorrow and in the morning of Wednesday for this particular matter. Of course, as always we are entitled to convene the Plenary and formal or informal meeting of Commissioners any time we will need. Any other comments? Thank you.

I think it will be proper because Dr. Gambell thinks it could be possible that we break now for the coffee and we will resume, if Dr. Lemche allows us to call for that time as the Technical Committee works at a quarter past eleven. Any comments? No, thank you. Then the Plenary is adjourned.

SECOND PLENARY SESSION : WEDNESDAY 17 JULY

Chairman

Good afternoon Ladies and Gentlemen. We resume the Plenary with the second meeting. I think that we are intended to work tonight and tomorrow night if it is necessary. Then I will beg you to try to move from one item to others in a very flexible way, but taking into account that we really have only 48 hours to work and no more than that. We intended to finish early afternoon, Friday, this is why I will be very pleased to have your collaboration in this procedure. So now I think we have to deal with some of the matters we decided in the Plenary Session and before that I will pay attention to the programme which the Secretary is asking me. Dr Gambell please.

Secretary

Mr Chairman, just two announcements. The list of delegation names has been distributed as a meeting document. If there are any corrections to be made, will you please notify the Secretariat office. If we have spelt your name wrongly or given you the wrong initials, or whatever may be wrong, please notify the Secretariat office so that the final list of the participants in this meeting can be drawn up.

The second matter - I regret to have to say that one of our Japanese colleagues has been assaulted and insulted outside the meeting. Mrs Misaki, the interpreter has been dealt with in this way. I would emphasis that it is for your own safety that you do not wear your badges outside the building. You must wear them inside, but please do not wear them outside for your own safety. And for the reception tomorrow we shall be providing transport for everybody to go into Bournemouth and out again. Thank you Mr Chairman.

Chairman

Thank you Dr Gambell. We are in fact as well very deeply concerned with the situation and I hope it will be the only one that will have to receive comment here. Japan has the floor.

Japan

Thank you Mr Chairman. On the point Dr Gambell has mentioned, the second point. We deeply regret that this kind of thing has again happened with our delegation and while fully appreciating good care so far taken by our security people, as well as the Secretariat, we once again request further care should be taken by our Secretariat as well as the security people of the host government and also I hope, not only Japanese delegations, but some other people who might be regarded as like-minded, take full care of themselves. Thank you.

Chairman

Thank you Commissioner of Japan. Any other comments. Thank you. United Kingdom has the floor.

United Kingdom

Thank you Mr Chairman. Without having any information on the specific incident I think I ought to say that the United Kingdom government clearly very much regrets the incident that appears to have occurred and I can assure you that my government and the security authorities are doing everything they can to ensure the security of delegates at this Commission. Thank you.

Chairman

Thank you Commissioner of the United Kingdom. I do not see any other comments, then may I propose then we move to the agenda of the plenary meeting and then if I may remind you we finished with the first five points and we have to deal according with our own decision, after listening to the Philippines proposal, to tackling now the item number 6, Future Activities of the Commission. Then I intend to go to the other points 7 and so on because Dr Gambell already said to me that the Financial Report is not ready. Now that means perhaps we will have to delay a little bit more this question. It was my intention to start with item number 6 and pass then to item number 19, Finance and Administration according with that explanation, I'm afraid we can't do that this afternoon then I will beg the Secretary to speed up this morning this matter as well the Chairman of the Finance Committee, if they could meet later on this afternoon or early evening in order to finish this work. Thank you. Any comments on that? Then I intend to go through the item 6 and follow in the order asked in the Report of the Technical Committee on point 7 and following. I do not see any comment on that then I assume that we approve this way and perhaps it will be useful to leave pending that if the Finance Report is ready tomorrow we could tackle it earlier and before other items in the agenda. I feel it would be a reasonable way to do that in order that there are many aspects of our decisions in many fields that could be linked to the finance problem. Then as soon as we can discuss finance here it will be useful for our own understanding of what is our necessity in other fields. Thank you, so we move to the **item 6**.

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- 6.1 Because I was the Chairman as well of this Working Group on Future Activities may I draw your attention to the Report we did in pink pages IWC/37/14. This is the final report and because I feel there could be interesting discussion on this matter I will leave the introduction of this paper just to your own attention and perhaps you have already have done reading the introductory notes in the first pages. I mean page 1 to 3 where is the opening adoption of the agenda, report of Cambridge working group, report of the Scientific Committee; and afterwards some discussion in item 5 in page 2 with four main subjects, like revision of the Convention, economic considerations, scientific permits and listed species. If I do not see any kind of objection may I assume then that you all have knowledge of this report and then I will suggest to go straight to the Report on the Future Activities of the IWC, starting in page 6. That means we have under consideration the Report that is included in page 6, 7, 8, 9, 10 and in page 10 we have the conclusion and recommendation. In my own understanding the Working Group addressed to the plenary and having the conclusion it recommends to the plenary that the Commission and its subordinate committees should be guided by them in its work and at this and subsequent meetings. Then if I may, I will put under consideration the whole of the report in pages 6 and following and the recommendation from the Working Group to approve this report and guidelines for the Future Activities. So, I open the floor for consideration of the report and for the time being, I would consider any kind of global assessment on that. Thank you. Yes, Philippines has the floor.

Philippines

Thank you Mr Chairman. On the Report on the Future Activities of the IWC, particularly page 7 sir, paragraph 1 sub-section 1 Functions of the Commission, the Philippines would like to recommend an expansion of function number 1 of the Commission to say "Assess on a comprehensive basis the effects, including social and economic implications of the decision to set catch limits at zero". This is to follow up Mr Chairman, the earlier suggestion of the Philippines that the Commission should look into not only the Scientific and Technical effects of the decision to set catch limits at zero but, more importantly, look at the socio-economic implications of this decision. Thank you Mr Chairman.

Chairman

Thank you delegate of the Philippines. Any other comments on the global approach to the Report of the Future Activities? Yes, Australia has the floor.

Australia

Thank you Mr Chairman, I'd like to refer to page 8 on Sanctuaries, that is very specific in relationship to the procedure and timetable for carrying out the mid-term review of the Indian Ocean Sanctuary. It is my understanding that a resolution will be brought forward to perhaps try to modify that approach somewhat to promote the intentions of the Commission, and I am just a little concerned that if this is accepted now, whether that would prevent perhaps a revision of the procedure.

Chairman

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

Seychelles

Thank you Mr Chairman, the paper related to the Indian Ocean Sanctuary proposal is being prepared now, it should be distributed very soon.

Chairman

Thank you Commissioner of Seychelles, United Kingdom has the floor.

United Kingdom

Thank you Mr Chairman, I think I would like to make some very general comments about the report on the Future Activities of the IWC, which emerged from the Working Group held first in February and then in July. I think I should congratulate the Chairman of the Working Group on producing a report which was I think adopted as the general consensus of that Working Group and which sketches out the future pattern of work for the IWC during the immediately coming years which have largely been, where the pattern of our activities will be largely determined by the existence of the moratorium on commercial whaling and the comprehensive assessment of its effects. I think that we have already in our deliberations in the Technical Committee and I think perhaps, even earlier than that, in the deliberations of the Scientific Committee, I think the value of this report has already made itself apparent in that a number of the decisions and comments and recommendations that have been made on matters of detail have in fact reflected the overall approach set out in this report and I think that that really was the main function of the Working Group, to

get people's minds working on the work of the Commission in the period that lies before us. I think that having generated some thought, having set out the broad lines of our work, what clearly has emerged from this report are quite extensive areas of work which will have financial implications and which therefore call for full financial support from the members of this Commission. Having sketched out the future pattern of our work, I think that this report has really done what it set out to do and the Working Group has done what it set out to do and I think that you Mr Chairman are to be congratulated on achieving this report. But I think it should now be seen as a springboard for the work which we are doing at this meeting of the Commission and at future Annual Meetings, and while no doubt there will be developments on one point or another and there may indeed be divergent views on one point or another, I don't think that this invalidates the work that has been done. We are now already in the future, as it were, as compared with this report, so I don't think that it will be particularly useful for this plenary session to go in any great detail through the various points set out in this report, which we are in any case having to go through on the various items on our agenda as they arise. Clearly some member countries will want to make comments, interpretations and glosses on the report, but I think that we should agree that this report should be adopted and that we should be guided by it in very general terms in our future work. Thank you very much.

Chairman

Thank you very much Commissioner of the United Kingdom. Commissioner of the USSR.

USSR

Mr Chairman, I would like to say on this matter the following;

The Working Group of Commissioners has fulfilled a huge amount of work on defining the future character of the activities of the IWC and this work should be appreciated. The Soviet delegation, not less than the delegations of other countries, is interested in conservation, in keeping the IWC going and in increasing the efficiency of its activities. In this connection Mr Chairman, we draw the attention of the Commissioners, once again, to our proposal to entrust the Commission at this stage mainly with the functions of the scientific research and conservation and with that in mind we propose to have a revision of the 1946 Convention, taking into account the provisions of the UN Convention on the Law of the Sea of 1982. Such a revision, in our view, may be held during a special meeting of experts. Mr Chairman, we urge all Commissioners to consider our proposal carefully with due regard and to report on our proposal to their governments. Mr Chairman, we believe that the work on definition of future activities of the IWC cannot be completed at this stage. We still have certain problems, both as administrative and legal and unfortunately, we have not in this Commission, yet decided on the way how to solve such problems, that's why Mr Chairman, we propose not to take a final decision on this matter at this plenary meeting, at this Annual Meeting, and to use the time before the forthcoming 38th session for future consideration of this problem. Thank you Mr Chairman.

Chairman

Thank you Commissioner of the USSR. Any other comments? United States has the floor and then Denmark.

USA

Thank you Mr Chairman, I find myself to some degree agreeing with all of the previous speakers; I think the distinguished delegate from the United Kingdom quite correct in stating that this particular report, to a great extent, has already served its purpose. It has caused the Commission to focus on those issues and activities which lie before us at a time during which the Commission is undergoing significant change. I assume sir, that it is not your intent at this time to modify the existing report. However, I think it is appropriate to take into consideration the comments, the suggestions made by the distinguished colleague from the Philippines in which addressing the economic implications, the economic assessment is in order. It seems to me as the delegate from the Philippines made her comment that the appropriate vehicle for those comments is not this particular report, at least in the section to which she referred which really refers to the comprehensive assessment of whale stocks. Nevertheless, I think that it is an important point which should be preserved by this Commission for future consideration.

Our distinguished colleague from the Soviet Union has asked us again to focus on the science and conservation that is important to future activities involving whales and the business of this particular Commission. Clearly the time immediately before us, before 1990, at which time a comprehensive assessment should be completed, is a time for us to focus on science and conservation. I am not sure at this point that my delegation would support a re-addressing of the Convention. However, we would support the consideration of that with our colleagues at home.

To recapitulate, I think that the Commissioners who were responsible, who contributed to the development of this Report, have provided a valuable service in helping us to focus on the future of the Whaling Commission and the report as it is can stand by itself and serve as a catalyst for future activities. Thank you, Sir.

Chairman

Thank you, Commissioner for the United States. Any other comments?

Denmark

Thank you, Mr. Chairman. I would like to associate myself with what was said by the delegations from the United Kingdom and the United States. Thank you.

Chairman

Thank you. Before giving the floor again to Philippines and perhaps it's dealing again with the same point already made. Is it the case Philippines?

Philippines

Thank you, Mr. Chairman. I just want to react to the views expressed by our distinguished colleague from the United States of America.

Chairman

Thank you. Then if you may wait for a minute. So before going deep down in some of the matters that other colleagues have already put forward I would ask you, Commissioner, if you need to make another global statement or global assessment on this matter, otherwise I will consider the global matter already as done, the general opinion has already been done, and we are going down to the different proposals and comments made already. Mexico.

Mexico

Thank you, Mr. Chairman. As you are aware, many of the delegates of my country are very interested in the future activities of the IWC and in referring to some of the comments to the report that we have, we have some concerns regarding sanctuaries on page 8, in the second paragraph. It is our understanding that the Commission in accordance with Article V(1)(c) can have the possibility of designating closed waters, but in earlier discussions in other years, my government proposed that this designation should be in accordance with the Sovereign States with the protected areas designated by this Commission and I don't see these kind of thoughts reflected in the report.

Right now, therefore, we feel, as other delegates, that this is a good start for the discussions or maybe in a Working Group that should include not only these considerations but the other ones already raised. Thank you sir.

Chairman

Thank you Commissioner for Mexico. Any other comments on the general scope? If I do not see any, I will assume that general matters are already sorted, yes, Netherlands has the floor.

Netherlands

Thank you Mr Chairman, I'm speaking now as Chairman of the Finance Committee; I have a query. What would be the appropriate moment to draw the attention of the plenary to the fact that some slight adjustments have to be made in the Report which will also be discussed in the Report of the Finance Committee, and which will be presented at a later stage. Do you wish me to make this observation now or shall I come back to it at a later stage?

Chairman

Thank you, if you could already do that assuming that the Finance Committee supported your observation, I think that now would be the proper time.

Chairman of Finance Committee

Thank you Mr Chairman, I do not want to go into the details, those details will be discussed when we discuss the Finance Report, but I would like to point out that the examples which are given in the section on the Financial implication, the examples for possible savings, on page 9 or 10 of the report, that they should be adjusted or rather updated and the Finance Committee will at a later stage during this meeting present some recommendations in this respect. I would like to emphasize Mr Chairman that those recommendations do in no way effect the substance of the section on financial implications of this report. Thank you very much Mr Chairman.

Chairman

Thank you Chairman of the Finance Committee. Any other comments on general scope? I do not see any, then I will assume, and if you will allow me to decide that general comments on the item number 6 is closed, unless of course we have some particular and very important matters, we decided to close the general debate on the item 6 and then we will pass to different conventions, trying to equate them to our work. I do not see any comment on that.

Then if I may summarise, what is happening with this point, I will say that Philippines is proposing an amendment to the report; and I will say that Australia is giving a reservation to that particular point, to add a resolution on Indian Ocean Sanctuary, not interfering with the wording of this report but on the contrary, just making a matter pending for next consideration without any prejudice on this one, that was supported by Seychelles of course. United Kingdom asked for the adoption of the Report as other countries. Soviet Union I think, was again insisting on proposal of revision of 1946 Convention and for that he asked to make correspondence exchange between, among, Commissioners in the near future, having them know that the Soviet Union intends to propose a revision and perhaps in the future and at a special meeting. This was agreed in some way with United States that coincided with that to take to its government the proposal of Soviet Union. Mexico made their reservation on sanctuaries, claiming in some way that we need to take into account the position of some countries; and finally, the Chairman of the Finance Committee asked to keep open if I may say field of finances in this report but perhaps it could be up to date in some figures. Any objections on my very simple summarising? So, Philippines ask for the floor on this particular point, Philippines has the floor.

Philippines

Thank you Mr Chairman, I was just about to say that my delegation fully supports the view expressed by the delegate from the United States of America that perhaps Appendix 4 should stay as formulated by the Working Group, but I would like to see our point integrated therefore, into the Report of the Working Group on The Future Activities of the IWC, and I refer in particular to paragraph 5 point 2, which reads Economic Considerations. But since the Philippines is not only interested about economic considerations but also socio-economic considerations, we would like to propose an adjustment to that effect, so 5.2 should read as heading "Social and Economic Considerations." Mr Chairman, sir, therefore I would also like to suggest that there should be a last sentence after "the position of Japan has been taken into consideration"; maybe the position of the Philippines should also be reflected in the same paragraph and it should read "The Philippines stressed the need to expand the functions of the Commission to include an assessment of socio-economic effects of the decision to set catch limits at zero." And then the specific formulation which has been worked out with other countries Mr Chairman, sir, I will just read, and then we will distribute copies of this proposal to all the distinguished delegations and it reads:

"Considering the terms of paragraph 10(e) of the Schedule, as well as the discussions held at the Working Group on the Future Activities of the IWC, in connection with Section 1 of Appendix 4 of document IWC/37/14, the Commission recommends that a working group be established to evaluate the socio-economic implications of a zero catch limit, particularly for those countries which have adhered to and have been ..."

Chairman

I'm sorry, if I may interrupt you. I would like to deal with your first point and you are proposing now a new recommendation that is not really to be taken at this particular point. I think we can go with this proposal from you at a later stage, but now I think we are dealing with the report itself and you are proposing a new resolution on this matter, thank you. Yes, Philippines has the floor.

Philippines

Mr Chairman, I wonder when we can raise this proposal? I was trying to put the philosophy with respect to Appendix 4 and most of the distinguished, some of the distinguished delegates felt that Appendix 4 should not be touched. OK, we agree with that. Now this is already the Report of the Working Group on the Future Activities of the IWC and there is a particular portion of this report which pertains to this proposal. I just want to be guided as to when we can raise this proposal. Thank you sir.

Chairman

Thank you Philippines delegate. I would say first of all that we were considering your former proposal until the moment you said you agreed to withdraw it. That means that now we are dealing with a new proposal from your delegation. At this stage I think we have to keep the order of the others and come back to yours after the other considerations, it would be the proper way to do that. Thank you Commissioner of Philippines. Then Philippines is withdrawing the proposal to modify the Report, in particular the point on scientific assessment and keeping your reservation to deal with that later on. In that way, I think we can accept, and going to Australia is there any comments and we could accept then that the reservation about the resolution will come on Indian Ocean Sanctuary? I think would be proper, it is not affecting the Report. Any comment on that? Thank you. Excuse me it seems that the Commissioner of Norway was asking for the floor.

Norway

Thank you Mr Chairman, I was asking for the floor to speak on what I thought was your programme to deal with all these points collectively. But I have a point to make later on then, but I must, since you have given me the floor, point out that I do believe that the Commissioner for the Philippines did not withdraw a specific amendment, but simply to transfer it to the two page or three page body of the Report, not to the Appendix to the Report and with due respect I think the Commissioner for the Philippines would be entitled to have her proposal dealt with at that stage. Incidentally, we should not lose sight of the fact that social and economic considerations are covered in the Convention itself and that the Commission is bound to take those factors into consideration in any management decision which would involve an amendment to the Schedule, so I think it is indeed an important point that has been raised. Thank you sir.

Chairman

Thank you Commissioner of Norway. I never said that I wouldn't take the point again, I was saying that I am trying to keep in order. Then we were dealing first with the proposal to modify the report, then I felt that the new proposal of Philippines happy to consider at the end of the queue if I may say, because we have some other point to consider. This is why I took into consideration to deal with that later on, but put in the right place in the queue if I may say so. Thank you. So, there are no comments about the Australian proposal about the resolution? Thank you. Concerning USSR comments I think they are not asking for a modification of the Report but just for a correspondence must be done among countries in the near future taking into account the proposal from the Soviet Union to make a special meeting on a revision of the Convention. Then I think this point is not affecting the report, then we could pay attention to that. Norway has the floor.

Norway

Mr Chairman, I agree that this would not affect the report, but it is certainly worthy of our attention at this stage when we are discussing Future Activities of the Commission. I think that we have all noted in a number of respects that the Commission is somewhat in dispute with itself and that we also have severe financial difficulties. I think all these problems go back to some very basic and fundamental political divisions within the Commission. I think that it is entirely timely and appropriate to suggest a further attempt to review and if possible to revise the 1946 Convention, and I think it would be of great import if any government were to oppose that idea. I note that the proposal of the Commissioner of the Soviet Union is not an immediate proposal for decision at this stage, but I do urge that all Commissioners consider the implications of refusing to entertain a review of the Convention. Thank you sir.

Chairman

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

USA

Thank you Mr Chairman. As I listened to the Soviet delegate earlier, I was struck primarily by his focus on science and conservation and it was my understanding that he asked that we consider reviewing the Convention and that I indicated the United States would be pleased to consider reviewing the Convention. Thank you sir.

Chairman

Thank you, it was my understanding as well. Any other comments on that? Yes, Japan has the floor.

Japan

Thank you Mr Chairman, my delegation has an exactly similar view to that which has been spoken by the Norwegian delegation and also we support the proposal by USSR particularly in view of the fact that the climate of the Convention at the time when it was concluded in 1946 and climate now surrounding the international legal order of the sea is quite different. Therefore, taking this into account we would keep our initiative alive and in the way the Soviet delegation has suggested, we would like to pass to that course of action as soon as possible.

Chairman

Thank you Commissioner of Japan. Any other comment on this point? Thank you. May I finish with the Report please and we will go back to this motion concerning the future activities, but not concerned with the Report itself - this is my logical approach, perhaps I'm wrong. Thank you, I will come back to all these points as well. The other point was concerning Mexican intervention and it seems that Mexico wants to state a reservation and concern in sanctuaries, that Mexico is not intending to modify the Report. May I consult again the Mexican delegate in that way. Yes, Mexico has the floor.

Mexico

At this stage, Mr Chairman, we are not now proposing to change the Report but to note that the reservation in the second paragraph referring to sanctuaries did not take into account the sovereign rights of member states, of coastal states, for the designation of closed waters. Thank you.

Chairman

Thank you. That will be done by the Secretary please in the context of item 6 but not affecting the Report itself. Perhaps you could provide the wording on that and the Secretary will take it down later for the plenary report. Thank you. Any other comments on this particular point? Thank you. The final one was concerning the Chairman of the Finance and Administration Committee, so could we assume that we approve to modify just some figures, putting them up to date in the Report, but not changing the meaning of the Report and not changing the scope. Will it be possible in that way, Chairman of the Financial Committee?

Chairman of the Finance Committee

Yes Mr Chairman.

Chairman

Thank you. Then we could approve that in some way the Financial Report could affect the figures, but not affecting the matter of substance of the Report, just putting up to date some figures. Any comments on that? Thank you very much. Then we come back to the three main points, I think, the two main points need to revise here. The first one is the Philippines resolution and the second one is any action arising concerning the USSR proposal. There are any other points to deal with this matter, do you think, besides these two? Thank you very much indeed. So the first one, could I ask the Philippines to explain the matter again, if I may ask you in that way? Thank you very much.

Philippines

Thank you Mr Chairman. As I was saying a moment ago, I would like to refer to paragraph 5.2 of the Report of the Working Group on the Future Activities of IWC document number IWC/37/14 page 2. In this paragraph, Mr Chairman, the views expressed by Brazil and Japan are incorporated and before the resolution we would like to suggest that the last sentence be included to reflect the sentiment of the Philippines and perhaps it should read something like:

"The Philippines stressed the need to expand the functions of the Commission to include an assessment of socio-economic effects of the decision to set catch limits at zero."

And then on, there would be a second paragraph to this 5.2, Mr Chairman, or we can renumber the paragraphs so that the original 5.3 now becomes, stays, and there will be 2 paragraphs for 5.2. The resolution was actually derived after consultations between Brazil and the Philippines and Brazil is very much associated with this resolution and the resolution reads as follows:

"Considering the terms of paragraph 10(e) of the Schedule as well as the discussions held at the Working Group on the Future Activities of the IWC in connection with Section 1 of Appendix 4 of Document IWC/37/14, the Commission recommends that a Working Group be established to evaluate the socio-economic implications of a zero catch limit, particularly for those countries which have adhered to and been affected by it."

To conclude, Mr Chairman, Sir, 5.2 should be slightly amended to read "Socio-Economic Considerations". Thank you Mr Chairman, Sir.

Chairman

Thank you Delegate of Philippines. So we have two proposals coming from the Philippines, the first one is to modify the Report, first with the title and put in "Socio-Economic Considerations" and secondly making a reference to the Philippine's position and the second one is a resolution to put forward to the consideration of this meeting. But before that I give the floor to Switzerland Commissioner.

Switzerland

Thank you Mr Chairman. I have nothing to say on the content of the Philippine proposal. I have simply a request for clarification. I am new to this body and so I am not quite familiar with all its habits, but it seems to me that the Philippines Commissioner suggests a change, of a change in amendment in a report of a working group that has taken place and if the Annexe I to that report - List of Participants is correct, the Philippines Commissioner did not attend that working group. I find it very difficult to understand how in paragraph 5.2 you could then include a sentence about the Philippine position. As I said I don't know whether you usually accept that sort of thing or if not then I stand to be corrected on that. But I repeat again, I am not saying anything at all about the content of the Philippines proposal. Thank you very much.

Chairman

Thank you very much Commissioner of Switzerland. Well I didn't say that I would incorporate it, on the contrary, it was open to the floor to any country who would like to make consideration and I think you are quite appropriate in your asking for clarification. Any other comments on that? Yes Philippines has the floor.

Philippines

Thank you Mr Chairman, Sir. I appreciate the views expressed by our distinguished colleague from Switzerland. I think we are now seated here as a Plenary and I think it is the right of every state, sovereign and independent to make its views known. The Plenary is a higher body than the working group. While there is a technicality that we cannot introduce an amendment to the Report of the working group then I think the comments of the Philippines should be taken as being considered and put before the Plenary. Thank you Mr Chairman, Sir.

Chairman

Thank you. Then may I understand that you could accept the same way the Mexican Commissioner did before and registering your comment in the report of this particular item 6 and not modifying the Report. Thank you very much. Then the Secretary will register both considerations of this particular point. The first one that the Philippines want to change the title of the point 5.2 additioning the word "Social" before "Economic" and the second one to register the opinion of the Philippines in that way as he already has written and Japan and did before in the same paragraph but doing that in the Report and not exactly in the frame of this body, but just in the item 6. Any comments on that, then we could approve that. Secondly we have under consideration the resolution proposed by Philippines. Any comments on that. Yes Brazil.

Brazil

Thank you Mr Chairman. I really don't know if we should take up this proposal by the Philippines, and it's not only by the Philippines, it is by Brazil and the Philippines, as has been pointed out by the Commissioner from the Philippines. At this stage, I have to stay that it's not really clear in my mind the way we should proceed in terms of examining the Report, because it seems to me that you have been offering an opportunity for general statements and anyway just trying to clear up the reaction of Commissioners to this overall general statements. So my first question is really from you to have some kind of guidance on whether we should really take up the proposal that the Brazil and the Philippines are presenting. I know that the text that was read by the Commissioner from the Philippines is being reproduced and I don't know how soon it will be available to all the delegations. So my question first is on how to proceed on this point. Thank you.

Chairman

Thank you. Any other comments? Thank you. I think we could receive the proposal from Brazil and Philippines then, but because we don't have in front of us the resolution itself, and I think it would be proper to have it, I think we can't consider it until the moment that it will be on our desk. Then if I do not see any comment I will say this is the only point remaining in this item 6. Brazil has the floor please.

Brazil

Thank you Mr Chairman. So I believe that perhaps it might be more useful to take up the question when we have the text before us and I do this if you will allow me. Thank you very much.

Chairman

Thank you to you. Any other comments on this particular point? Thank you. Could we say that item 6 is already closed but pending the proposal from Brazil and Philippines on a resolution concerning this particular point of social and economic implication and when we will receive it, we could accept to discuss the resolution, plus, of course comments on the background of it. Thank you. Could I assume then that it would be possible to close item 6 just with this remaining point and with the terms of reference I already stated. To discuss the resolution and the background of the resolution and no other comments not having implication with this particular one. Thank you, it is so decided and item 6 is closed.

6.3

Yes, I think for our own recollection that we have to take into account the point 6.3 within the item 6, but I think that the report could be adopted, but because we have pending these comments we could assume that the report itself is adopted and that the resolution could come or not, but it is not affecting the report. Is it clear then to adopt the report in this way? Thank you very much. Then it is so decided.

7

Because we don't have the Financial Report, as I have already said to you, may we go to the item number 7, and discuss now **Comprehensive Assessment of Whale Stocks** because we have already the draft report of the Technical Committee and perhaps Dr Lemche could introduce us with item 7, which was the decision and discussion in the Technical Committee. Any comments on that? Thank you, then we open item 7, and Dr Lemche will introduce this particular point from the Technical Committee, thank you. Dr Lemche.

Chairman of the Technical Committee

Thank you Mr Chairman. You will see the report of the Technical Committee meeting in part one of the yellow paper IWC/37/5. On the first page in the middle, Plenary Item 7, Comprehensive Assessment of the Whale Stocks. The Chairman of the Scientific Committee introduced the report of his Committee which noted that it was not in a position to define comprehensive assessment. There has not been any progress in clarifying within the Commission what is meant by comprehensive assessment, nor has specific advice been provided to allow the Scientific Committee to structure a consideration of this issue. The Scientific Committee recommended that it hold a special meeting to identify specific tasks, assign priorities and establish a timetable for undertaking a comprehensive assessment of whale stocks. The Scientific Committee felt that more specific objectives will need to be developed, but would include indeed the items you will see listed underneath.

I should draw attention to the last of these items, exploration of new management regimes, which also have a bearing on our agenda item 8. The Scientific Committee had received a number of papers containing new information and analyses of the current procedure and believed that this represented a valuable approach. It recommended that a workshop be held, including invited experts, to explore these matters further within the context of the comprehensive assessment. This might lead to a new approach to management strategy.

Japan introduced its document IWC/37/21. It reminded the Committee that it has lodged an objection to Schedule paragraph 10(e), as it believed that this decision should be based on scientific findings and take into consideration the interests of consumers of whale products and the whaling industry, as mentioned in the Convention Article V. Its document was a working paper designed to promote further discussion before the next Annual Meeting. It included consideration of a conceptual approach based on the levels of present stocks and minimum levels, the uncertainties involved in such analyses, and outlined a series of priority items to be considered before 1990.

Iceland stated that it has not lodged an objection because of a clause in Schedule Paragraph 10(e) referring to the comprehensive assessment. It appreciated the Japanese initiative and had itself developed a four-year programme of research as part of its contribution to comprehensive assessment.

The Technical Committee recognised the financial implication and timing of any meetings, but agreed in principle to recommend that there should be a scientific meeting held about March 1986 followed by a joint Working Group of the Scientific and Technical Committees immediately before the 38th Annual Meeting.

St. Lucia emphasised its understanding that the comprehensive assessment is of the effects on the whale stocks of the pause of commercial whaling and thought that there would not be sufficient time before 1990 if whaling continues until 1988, as suggested by Japan. It raised the question of data availability, to which Japan responded that IDCR sightings data are open to all members, but its national policy gave first use of data to its own scientists before they became generally available.

So, Mr Chairman, the recommendation of the Technical Committee with respect to this item you will find in the second last paragraph. We recommend that there should be a scientific meeting held about March 1986 followed by a joint working group of the Scientific and Technical Committees immediately before the next, the 38th Annual Meeting. When we said that we had agreed in principle it was because there might be financial implications which should be

considered in the Plenary together with this recommendation. Thank you Mr Chairman.

Chairman

Thank you Chairman of the Technical Committee. Then we have in front of us item 7 and the report of the Technical Committee. First, to tackle with the recommendation itself, and going to the financial implications, could I ask for any kind of general assessment or comments on this particular item? Yes, Iceland has the floor.

Iceland

Mr Chairman, I would just like to correct what we stated. It stands Sir, that Iceland stated that it had not lodged an objection. What we said was that Iceland stated that one of the basic reasons for not lodging an objection was the clause in Schedule paragraph 10(e). I would like to have that corrected. Thank you Mr Chairman.

Chairman

Thank you Commissioner for Iceland. I think that the Secretary will take note of your intervention. Any other comments on item 7 as a general scope? Thank you. Then we move to the recommendation itself, and according with the explanation of Dr Lemche in principle it means financial implications. Could I address then to the Chairman of the Finance Committee on this particular matter? Yes please, thank you.

Chairman of the Finance Committee

Thank you Mr Chairman. I think that I am entitled to say, before presenting the report of the Finance Committee, that we will recommend to the Plenary to allocate an amount of £2,000 for that purpose and we have also considered that it would be preferable to have the meeting held in Cambridge at no cost for the Commission, but for a limited cost to the Commission, and then only £1,000 would be needed, but just as a contingency we have allocated or we are going to recommend to the Plenary to allocate £2,000 for that purpose. Thank you very much Mr Chairman.

Chairman

Thank you. It seems that in accordance with your explanation Chairman, that the working group is feasible to be established and work in March 1986. Any other comments on that? Could we then approve the recommendation and adopt it? Yes, United Kingdom has the floor.

United Kingdom

Thank you Mr Chairman. I'm grateful to the Chairman of the Finance and Administration Committee for his explanation. Now I wasn't quite clear whether the joint working group of the Scientific and Technical Committees, immediately before the 38th Annual Meeting, was a meeting which had financial implications, and if so what those were. Thank you.

Chairman

Could the Chairman of the Finance and Administration Committee explain this particular point concerning the second one, not the first one? Yes please.

Chairman of the Finance Committee

Thank you Mr Chairman. It is my understanding that this joint working group meeting could be held during the 38th Annual Meeting and is subsumed in the funds required for that Annual Meeting. Thank you very much.

Chairman

Thank you Mr Chairman. Is this alright for the United Kingdom Commissioner, the explanation? Thank you. Any other comments? So could we adopt the recommendations? Thank you, it is so decided. May I then close item 7? Yes, St. Lucia has the floor.

St. Lucia

Thank you Mr Chairman. We believe that in the last paragraph of that item that the text reflects in fact the generic principle which we wanted to address, which was the availability of the data. However, we would like to have some specific clarification on this matter on the part of the distinguished Commissioner from Japan, in the sense that we would like to make it clear if the data would be available in one year or two years or some time scale which is perhaps more specific than "eventually generally available". That is a matter of significant importance to a number of scientists and we would like to record some kind of clarification on this issue. Thank you Mr Chairman.

Chairman

Thank you Commissioner of St. Lucia. Japan has the floor.

Japan

Thank you Mr Chairman. I have already responded at the time of the Technical Committee to the enquiry from the delegate of St. Lucia; but with respect to those biological data collected by our own scientists, they should have first priority to use and analyse those data; and it depends on the nature of the biological samples as well as the data, at least it should vary between the kind of data and samples and so it depends on those factors and therefore I cannot tell you in one single time, how long does it take. Thank you.

Chairman

Thank you Commissioner of Japan. Any comments on that? St. Lucia has the floor.

St. Lucia

Thank you Mr Chairman. Perhaps could we agree that as soon as publication of the results of that research or that data is completed then the data will be made available that way. Once the research is completed on a certain time scale the data will be made available, that will be specifically recorded that way. Thank you.

Chairman

Thank you Commissioner of St Lucia. Any comment, yes, Commissioner of Japan.

Japan

Some data could be used in not only one month or could be two or three. So it could be simply as soon as publication becomes available. It would not cover the situation. Thank you.

Chairman

Thank you Commissioner of Japan. Any other comments? I do not see any, then could we close the item 7, and Dr Gambell will register the last comment on Japanese data. I do not see any comment, so we close item 7 and we approve the recommendation as it was proposed by the Technical Committee. Thank you. Could we move then to item 8? Thank you, please Dr Lemche.

Chairman of the Technical Committee

- 8 Thank you Mr Chairman. Plenary item 8, **Revision of Present Management Procedures**. Norway indicated that no specific consultations had occurred during the past year but that a number of governments linked this item with the comprehensive assessment. The Committee agreed to approve further endorsement and continuation of these discussions. This, Mr Chairman is our recommendation. Thank you.

Chairman

Thank you Chairman of the Technical Committee. Any comments on that? Could we approve then the decision of the Technical Committee as it stands? Thank you, may I then close.... I am sorry, United Kingdom has the floor.

United Kingdom

I'm sorry Mr Chairman, I think it was a purely verbal point or a linguistic point I wanted to register. I'm not quite clear what is meant by "The Committee agreed to approve further endorsement and continuation of these discussions". I don't think that we agreed to endorse whatever the conclusions of those discussions might be. I think that we agreed to approve continuation of these discussions. I'm not quite sure, perhaps the Secretary could advise.

Chairman

Thank you. Dr Gambell.

Secretary

Mr Chairman, it's a slightly modified version of the wording which was accepted last year. I don't think that my revision in the context of the sentence has actually changed the substance of the wording used last year, and which was the specific recommendation asked for by Norway.

Chairman

You could put "The Committee agreed the continuation of this discussion and eventually further endorsement". Yes, Norway has the floor.

Norway

Mr Chairman, I believe the idea has originally been to indicate that such discussions as may take place would be within the framework of Commission procedures and under the auspices of the Commission, and endorsement would relate only to the procedural aspects, not in any manner to the conclusions of such discussions. Thank you.

Chairman

Thank you Commissioner of Norway. With this meaning then we can approve it? Thank you, then we approve it with this meaning. So it is so decided and item 8 is closed. Thank you. We pass then to **item 9, Indian Ocean Sanctuary**. If I may then I will ask Dr Lemche to introduce this subject. Thank you.

9

Chairman of the Technical Committee

Thank you Mr Chairman. Plenary item 9, Indian Ocean Sanctuary. **9.1 Scientific Meeting**. The Scientific Committee had reviewed the planning previously undertaken for this meeting and had appointed a steering group to work by correspondence should the meeting be held in the next year. However, it had placed this item as of lower priority relative to some other meetings, because it was aware of few studies of specific relevance to the Commission.

9.1

Seychelles re-stated its offer to host the scientific meeting and had allocated funds to support participants from Indian Ocean States, but recognised that there may be other priorities within the Commission. It was still ready to host the meeting in 1987.

The Chairman of the Finance and Administration Committee reported that, bearing in mind the financial constraints and the scientific priorities, it would not recommend the allocation of funds for this meeting this year, although some members wished for a firm commitment in the next year.

The Netherlands, because of its firm commitment to the Sanctuary concept, did not wish for a further delay and supported a meeting in 1987, a position also taken by India, Australia, Kenya and Oman. These nations indicated their belief that a meeting would generate further scientific activity and also have importance in terms of the administration and cooperation between nations bordering the Sanctuary.

Norway reserved its decision until the Report of the Finance and Administration Committee was available, and the Technical Committee agreed in principle to support a recommendation for the meeting to be held in 1987.

So this is, Mr Chairman, our recommendation in principle.

Chairman

Thank you, could you go ahead with the point 9.2.

Chairman of the Technical Committee

9.2 General review of prohibition of commercial whaling in the Indian Ocean Sanctuary. The Technical Committee agreed that this meeting should be held after the scientific meeting. So we have two recommendations here Mr Chairman.

9.2

Chairman

Thank you. Any comment on the general scope of this item 9? Yes, Seychelles has the floor.

Seychelles

Mr Chairman, I apologise that the paperwork hasn't come out of the press yet. It will be done later, maybe I can comment further when it gets here. Thank you.

Chairman

Thank you. Any other comments on this particular point. So we have in front of us, if there are not any other comments on the general scope of this item, the recommendations. The first one is for the meeting to be held in 1987. Yes, any financial implications for this particular point? Could we, as it's not this year we don't need the advice of the very kind gentleman, Chairman. Yes please, Australia has the floor.

Australia

I'm sorry Mr Chairman, I'm not concerned about the meeting being held in 1987, but I think that when this new resolution comes forward it might wish to change the nature of the meeting. I wondered if we could just reserve consideration of this before we actually have the paperwork before us.

Chairman

Thank you. What I think is that the subject that will be contained in item 9, that is Indian Ocean Sanctuary, could be appropriate to discuss that later on. So could we approve the first recommendation, for the meeting to be held in 1987? I do not see any comments, then we approve it. To the second one that should be held after the scientific meeting, any comments on that? I do not see any then we can approve both recommendations, the second one particularly now. Thank you. May I assume then in this particular item 9 that we have only to discuss and be keeping open the point just for the discussion of the resolution and recommendation and as well with the background of this particular resolution. Australia has the floor.

Australia

Thank you Mr Chairman. I would just like, on behalf of my delegation, to reiterate a point made earlier that we do have this resolution currently being printed and I think that it would affect this item. I think that it would be useful if we could just perhaps hold over any discussion on this until that piece of paper is before delegates. Thank you.

Chairman

Thank you. It was my idea then to close the item, but only pending the resolution consideration as well as the background of the same, and discussion of this particular matter, and not to open item 9 to other matters not connected directly with item 9, or with the resolution itself. Thank you. So if I do not see any comments then we close the item 9, but pending the resolution, discussion and background of this recommendation? Thank you. That is so decided.

Then could we move to the item 10. Infractions reports from International Observers. I do not see any comments on that. So we move and ask Dr Lemche to introduce the subject.

Chairman of the Technical Committee

Thank you Mr Chairman. At least I have not receive that part of the Technical Committee report where this agenda item is reflected. I think that we should ask the Secretary when that will be available. Maybe it will be finished in a very short time. Maybe in between we could take item 11.

Chairman

Thank you. Yes you are right, then could we leave for a while item 10 and consider item 11. Then if I may I move that Dr Lemche introduce item 11.

Chairman of the Technical Committee

Thank you Mr Chairman. **Item 11, Commission's competence to set catch limits for Baird's beaked whale in the North Pacific.** This matter had been deferred from last year's meeting and Japan suggested that no further action was needed.

11

The Netherlands, supported by Sweden, UK and India believed that the IWC does have competence for this species since it is included in the Schedule definitions and it is a larger animal than the minke whale regulated by the IWC. It proposed that the item should be included in the agenda for next year. This was agreed by the Technical Committee.

So this is our recommendation Mr Chairman, to include this item in next year's agenda. Thank you Mr Chairman.

Chairman

Thank you Dr Lemche. Any comment on item 11? I think that it is quite clearly reflected in the report. Yes, Japan has the floor.

Japan

Thank you Mr Chairman. I have no substantive point to make at this stage. But when we do come to this part of the Technical Committee report, I at some time this acknowledging sort of silence under Chairmanship of Mr Stewart, I have proposed no action and then several interventions were made by Sweden, United Kingdom and India and therefore I would like to insert some reason for why Japan has suggested that no further action was needed. I have no instant word since I am not English speaking nation, but it is something to the effect that since this was a matter of different views among Contracting Governments, this matter should not be dealt with within the Commission and therefore it suggested that kind of wording I would like to insert under Japan's statement.

Chairman

Thank you Commissioner of Japan. Then could we allow the Commissioner of Japan to add this small wording and not to go far from the meaning that is here already explained to us, and he will be proper? Otherwise we will have to accept it as a Plenary intervention, if we accept it in that way then we will facilitate our work. Thank you. Then the Plenary adopted the suggestion coming from the Technical Committee that we keep the point for the next year, and as well to insert a wording from Japanese Commissioner, the meaning that we already have? Thank you, I do not see any comments, then may I assume that

the item 11 is now closed? Thank you, it is so decided.

It was requested that perhaps today we have to finish a little bit earlier, I don't know that means that we have not long to go through item 12, unless we receive the item 10 report. But it is the only one pending and the only one we have the draft report of the Technical Committee. I don't know if Dr Gambell would like to make a suggestion? It seems that we have already in the pigeon holes a draft of the resolution coming from sanctuaries in the Indian Ocean. Perhaps you would be so kind as to take your copies, and we can deal with that now. Thank you.

***** 5 minute pause *****

Chairman

At this meeting, I will propose to you the following procedure. We will deal now with both resolutions, first the Seychelles, Australia, India, Oman, South Africa and Kenya, one. And secondly, with the proposal of Brazil and Philippines. Then with these two particular resolutions, we will finish with the first 9 items and the eleventh one. This is for one part of this afternoon's work, but we need to finish with the Technical Committee Report and Dr Gambell promised us that he will work overnight and we will have that tomorrow morning completely. Secondly, we need to have the last meeting of the Financial and Administration Committee, then we urge this Committee to meet after this meeting and produce the Final Report tonight, if it is possible. Then tomorrow morning everybody will have this Report from the Finance and Administration Committee. The third thing I ask is a small group to work on one other crucial matter we have, then I will urge them as well to finish the work today. Fourth of that I think I have to say that I think that the Commissioner of Costa Rica is coming to the meeting and we will wait for him to be personally here in a few moments.

So, if you allow me, I will propose with this background to move to the item 9 - Indian Ocean Sanctuary exclusively to discuss the proposal put forward by the delegations I have already mentioned, plus France, that means document 37/26 and then move to the other item, item 6 Future Activities of the Commission and deal with the resolution of Brazil and the Philippines. This will be our work of this afternoon and after that we will adjourn until tomorrow morning, early time, that means 9.30. Any comments on that? Thank you very much. Seychelles has the floor.

Seychelles

Thank you Mr Chairman, just to point out that the title of the document should be France after Australia on the top line, just to make it clear to everyone. I know you referred to it when you spoke but they didn't know where it was. Thank you Mr Chairman.

Chairman

9 Please don't mention it. Then we open again for this particular point only. **Item 9 Indian Ocean Sanctuary** and I will ask then Seychelles, otherwise there is no other country to offer for that? to introduce the resolution of the background and to be considered by the Plenary. Thank you.

Seychelles

Thank you Mr Chairman. It was yesterday that we got together and chatted about this. The countries named on the title here in the document - Seychelles, Australia, France, India, Oman, South Africa and Kenya - and it

was decided amongst ourselves that not, well it's explained in the document here, the aim is to get a sub-committee to prepare and suggest some plans to be forwarded in 1986 at the next Annual Meeting of the IWC to, for the meeting to be held in Seychelles in 1987, Scientific Committee Meeting. The Review meeting rather and I am sure the Commissioners have read this now and it is self-explanatory. Thank you Mr Chairman.

Chairman

Thank you. Then we have in front of us this document and I think according with Dr Gambell's explanation there are no financial implications, so any other comments on that? Could we approve then the proposal of this document. I do not see any comments. I see Australia is satisfied with this document. You don't need any further comment on that. Thank you. So we approved the document and the proposal contained in it. Thank you, it is so decided and there are no remaining points within the item number 9, so we close item number 9. Thank you, it is so decided.

We pass then to **item number 6** and I will ask both countries proposing it if one of them would like to take the floor to introduce the matter. Brazil has the floor.

6

Brazil

We are dealing with?

Chairman

We are dealing with document 37/25. I hope everybody is familiar with the figure. I am sorry.

Brazil

Thank you Mr Chairman. The Brazilian delegation has had the occasion to express its concern about the economic and the social implications of the moratorium vote in our opening statement and also during the meetings of the Working Group of the Future Activities of the Commission, and we really believe that the zero catch limit will impose a substantial sacrifice on an extremely poor community in Brazil and the effects of this moratorium should be taken into account by this organisation, by the Commission. We also believe that it is important to have a specific institutional framework where these concerns can be considered and taken into account for the reassessment that we need to do before 1990. That is why, together with the delegation, Commissioner, of the Philippines we decided to present this extremely simple proposal - for the establishment of this Working Group that would be looking at the implications, social and economic - of the zero catch limit and particularly as it says here for those countries who have adhered to and will be affected by the moratorium. I really believe that this presentation is more than enough to allow for understanding of our purpose, but if necessary my delegation would be ready to present any verification. Thank you very much.

Chairman

Thank you Commissioner of Brazil. Any comments on that? Yes Ireland has the floor.

Ireland

Thank you Mr Chairman. Ireland can appreciate the thrust and purpose behind this resolution, however, and indeed will confirm that it is consonant with the preamble to the Convention itself. However I do think that the function of paying attention to the effects of zero catch limits or indeed of any other such limits should rest with the people who set these limits or who recommend or propose these limits, and that is with the Scientific Committee. I feel that to do otherwise would be to undermine the Scientific Committee and I would find it difficult to be able to support any proposal that would tend to do that. Thank you.

Chairman

Thank you Commissioner of Ireland. Any other comments? France has the floor.

France

Mr Chairman, I would like to say that my delegation has listened with great interest to the proposal put forward by Brazil and the Philippines and I must say that I have much sympathy for it and especially for countries who, as already mentioned, have made all their possible efforts to comply with the moratorium and I think that as we are establishing working groups today, I see really no reason why we shouldn't go along with this proposal. Thank you.

Chairman

Thank you Commissioner of France. Any other comments? Switzerland and then Japan and then United Kingdom.

Switzerland

Thank you very much Chairman. My delegation would appreciate some further justification for this establishment of a separate working group. It's just that I feel that the case for this has not been made convincingly yet. Thank you very much.

Chairman

Thank you Commissioner of Switzerland. Commissioner of Japan.

Japan

My delegation supports this proposal in substance in the sense that, whenever we take decisions, if we are just following the advice of the Scientific Committee as it stands, then the only thing we need is just the Scientific Committee. The Commission is not necessary. The Commission should take into account when it makes decisions on the basis of scientific advice, taking into account social and economic effects which might be caused by various levels of quota including zero catch limits. Therefore I think in this Commission such consideration should be made much more substantially in any kind of decisions and in that sense, for example, if we compare this question, particular question with the case of aboriginal subsistence whaling to which I have also a very great sympathy and compare with these two cases, I think these are the same interrelation between man and whale. Why can't we deal with this matter in the same way? Of course, there is a certain financial implication in whether to have independent sub-committee is most appropriate or not, could be subject to further question, but I can support wholeheartedly the proposal put forward by Brazil and Philippines. Thank you.

Chairman

Thank you Commissioner of Japan. Commissioner of United Kingdom.

United Kingdom

Thank you Mr Chairman. I too have a sympathy with those countries which have made sacrifices and have adapted themselves to the socio-economic consequences of the moratorium on commercial whaling and I recognise that clearly the convention has an economic and social dimension which is recognised in the preamble to the Convention. I also recognise that I think it is Article V of the Convention says that in considering amendments to the Schedule there are certain points to be taken into account including the interests of consumers and the whaling industry. So clearly these are matters that have to be taken into account as and when the Commission decides on any further change in the Schedule. What I am not clear on is whether we need a new working group to do that. Secondly, how the new working group would approach the task. I think this suggested agreement here to evaluate the socio-economic implications is a very wide-ranging remit and could take that working group into very laborious and far-reaching discussions and I am not sure at the end they would come to a very clear evaluation. And thirdly, I am not clear that a decision needs to be taken on this point this year. Clearly we are starting to prepare the comprehensive assessment of whale stocks because clearly we want to measure the situation after the moratorium decision has taken effect with the decision before the moratorium decision took effect. But I am not sure that that kind of looking ahead and planning ahead is necessary on this particular point of the socio-economic implications of any further decision, and therefore I really think that this proposal is to say the least premature to decide upon at this year's meeting. I've no doubt we can consider it further and perhaps in the light of further reflection and further explanation of how such a working group might operate, on a future occasion. Thank you.

Chairman

Thank you. New Zealand, then United States, then Seychelles, then Denmark, then China. New Zealand has the floor please.

New Zealand

Thank you Mr Chairman. My position is very similar to that of my United Kingdom colleague. I do understand the motivation for this proposal and have considerable sympathy for it, but I just wonder about the form that it takes. It's open to any contracting state to bring to the attention of this Commission the implications of a zero catch limit and I believe the Commission would be bound to consider any such report and if necessary to set up appropriate machinery to consider it - this could be a working group or something more than a working group. To some extent I believe by setting up a working group in advance at this point we'd be putting the cart before the horse. We don't quite know what the task is ahead of the working group. On one particular point, and as an economist I'm rather daunted by the requirement for the group to evaluate the socio-economic implications of a zero catch limit. Perhaps it would be a little more manageable to consider such implications but whatever it is, it will be a very large task for a working group and the members of it would need to have the appropriate qualifications and experience and therefore perhaps a little more time to consider it may be required. Thank you Sir.

Chairman

Thank you Commissioner of New Zealand. Commissioner of United States.

United States

Thank you Mr Chairman. It's very clear that the moratorium will have a significant impact on the social and economic conditions in a number of countries. In 1982 when the moratorium was passed, it was decided that a comprehensive assessment should be conducted by 1990. I would bring to the attention of this Commission that it has taken us three years to even approach the nature of such a comprehensive assessment. Clearly the implications of the social and economic factors involved is something which is, as the distinguished colleague from New Zealand indicated, a daunting task. It is a major task, however, it seems to me that it is one which can be addressed at this time and one possible mechanism would be to create an ad hoc group, not the actual working group, to formulate the terms of reference for such a study which could have value I think, initiated fairly soon and also with some follow up. If the decision is made to go ahead with such an ad hoc group to determine the terms of reference, the United States delegation would like to bring to its attention a report of a Special Technical Committee Working Group in 1980 which examined the questions related to the implementation of a ban on whaling and the social and economic trends in the whaling industry. I am sure the Secretary of this Commission can readily bring that report to the attention of any such group which might find it very enlightening and very useful in developing the terms of reference which have been commented on by a number of our colleagues in their previous statements. Thank you Mr Chairman.

Chairman

Thank you Commissioner of United States. Commissioner of Seychelles.

Seychelles

Thank you Mr Chairman. When Seychelles in 1982 proposed the text of paragraph 10(e) we envisaged that the factors referred to in the proposal by Brazil and Philippines would be included in the comprehensive assessment of the effects of the 1982 decision to be made before 1990. We sympathise with the intent of the Brazil and Philippines proposal but we are inclined to agree with previous speakers that the precise machinery need not be set up in haste this year. However, we think that the US suggestion for an ad hoc committee should be considered. Thank you Mr Chairman.

Chairman

Thank you Commissioner of Seychelles. Commissioner of Denmark.

Denmark

Thank you Mr Chairman. The United States has already said what I was going to say recalling the old 1980 working group. Thank you.

Chairman

Thank you Commissioner of Denmark. Commissioner of People's Republic of China.

People's Republic of China

Our delegation supports Brazil and Philippines proposal because Philippines is a new whaling member of the Commission in order to adhere to the moratorium, so they decided to stop whaling so we assumed they had met some difficulties so we have assumed sympathy to the Philippines and we support the proposal.

So after banning on whaling there maybe made some difficulties in the financial problems. So we have showed our sympathy.

We also show sympathy to some other whaling countries after stopping whaling, they maybe meet some financial difficulties, or some other difficulties.

So we think the Philippines proposal is reasonable. It is also reasonable to establish here a working group. Thank you.

Chairman

Thank you Commissioner of China. Delegate of Argentina.

Argentina

Mr Chairman my delegation want to support a proposal made by the Commissioners of Brazil and Philippines. Thank you Mr Chairman.

Chairman

Commissioner of Spain please.

Spain

Thank you Mr Chairman. My delegation as well would like to support the proposal made by Brazil and the Philippines and as to the way in which this proposal could be implemented. I think that what has to be considered is that it is important to find out what the socio-economic implications are and the way to put that into effect I am sure can come out through previous examples that could be used. Thank you.

Chairman

Thank you Commissioner of Spain. Commissioner of Mexico.

Mexico

Thank you Mr Chairman. Our delegation will also support the proposal of Brazil and the Philippines in association with the other delegations.

Chairman

Thank you. Commissioner of Korea, then Chile, then Commissioner of Netherlands.

Korea

Thank you Mr Chairman. My delegation supports the proposals by Brazil and the Philippines. Thank you .

Chairman

Thank you Commissioner of Korea. Commissioner of Netherlands and then Chile, sorry.

Netherlands

My delegation is of the opinion that this is indeed an important issue and to approach this issue in the right manner we believe the Commissioner of the

United States made a very good suggestion to start with the establishment of a working group that's going to set out the terms of reference. Thank you very much Mr Chairman.

Chairman

Thank you. Commissioner of Netherlands. Commissioner of Chile.

Chile

My country supports the proposal of Brazil and Philippines.

Chairman

Thank you Commissioner of Chile. Any other comments? Commissioner of Iceland.

Iceland

Thank you Mr Chairman, we would like to also support this proposal. I don't think, well I can recognise that this is a difficult task but I think that it could be done because I think that the reporting has to come from the Contracting Government and then they have to be revised in this Commission, so I think this is something that we could do and therefore I would like to support this proposal. Thank you.

Chairman

Thank you Commissioner of Iceland. Commissioner of Brazil.

Brazil

Thank you Mr Chairman. I would like to express on behalf of my delegation and certainly the Philippines delegation. The support that has been given to our joint proposal by a very large number of Commissioners and I believe that some of the doubts which have been raised as to this proposal have been answered by the speakers that preceded me. I believe again that there is a very important point that has been raised by some delegations as to the terms of reference of this group and I can readily understand why some Commissioners would prefer to see the terms of reference before they commit themselves to establish the group. I believe that together Brazil, the Philippines and any other Commissioner or other delegation that would like to help us, perhaps together we could look at this Report from the group from 1980 and perhaps we might be in a position to come up with the terms of reference in the remaining days we have before us, but I do doubt whether this would really be possible or whether this would not really interfere with the way you, Sir, want to really conduct the work of this Commission.

So it might seem that by creating now the working group, we would be flagging the need to have this question taken care by the Commission and during the next months and as soon as possible Brazil and the Philippines working together might be able to propose terms of reference for the group so that in our next Meeting, by that time the Commission, through the Secretariat would have been distributed to all Commissioners our ideas about the terms of reference. But the important decision would have been taken now and this would be extremely important for a country like Brazil which will be facing the effects of the moratorium, to know that this organisation is aware of the problems that this will create and is willing to face up to those questions. If we leave here without a decision, even to create this working group, certainly the feeling would be quite different. So, I would dare to propose

that instead of trying now to define the terms of reference, we be given the opportunity - Brazil, the Philippines and any other countries as may wish to join us - to prepare proposals on the terms of reference to be considered next year. But we would have now a decision on the establishment of the group. Thank you very much.

Chairman

Thank you Commissioner of Brazil. Then if I may I would say that I am trying to sum up what has happened here. The majority of countries support in some way the resolution. Other countries could be a little bit reluctant to accept that now, but I will say a main line guiding to some kind of ad hoc group or some kind of terms of reference in order not to lose the matter completely. So I don't know if it would be workable for this Plenary to be prepared to convene as a small group during the - I wouldn't say now, but according with a withdrawal in some way of the proposition from Brazil, could we for instance decide in a very broad term that the idea of the Plenary is receiving with interest the proposal but taking into account that the proposers are withdrawing the formal recommendation, the Plenary accept to prepare terms of reference ad hoc during the meantime between this meeting and next year? But before that I will have to leave the floor to Brazil and perhaps they could give us the precise line that will be your will. Commissioner of Brazil, please.

Brazil

Thank you Mr Chairman. I am sorry one of us perhaps not understanding the other and this would be quite understandable in my case since English is not my mother language. I have not suggested or proposed that this joint proposal be withdrawn, on the contrary, I said that it would be extremely important for my country to have a decision to establish this working group taken now, and, together with the Philippines we would take care to prepare, as soon as possible, the terms of reference - Our own proposal on the terms of reference - and those would be studied by the Commission in the next meeting so just to make quite clear what was my intention. Thank you very much.

Chairman

Thank you Commissioner of Brazil. I think my English is worse than yours as it happens. The United States has the floor.

United States

Thank you Mr Chairman and I think the delegate from Brazil has stated the case very adequately. The United States would like to move the statement which he has made and call and ask that it be adopted by consensus. Thank you Sir.

Chairman

Thank you. May I then ask to the previous speaker to explain to the Chair if the resolution will be approved by consensus. Otherwise it can be withdrawn for the time being, or modified otherwise. I would like to state that we have in front of us a formal proposal of resolution and I heard that not all the members here are convinced that this resolution must be approved now. This is why I was trying to look forward for some kind of middle ground in order not to approve formally because some countries were reluctant to do that. At the same time to keep alive the idea, but this is why the Chair is asking. Are we approving the resolution or not. United States has the floor.

United States

Point of order Mr Chairman. It is my understanding that this is not a resolution but a proposal to establish an ad hoc group which will determine the possible terms of reference for us to deliberate at some future time, but not a resolution, specifically, a proposal.

Chairman

Thank you. I think then it is a recommendation because it says" that the Commission recommends that a working group be established to evaluate and so on ... " So could we approve a recommendation like that then? There are no objections. So we approve document 37/25. Ireland has the floor and then Netherlands.

Ireland

I must confess to being confused Mr Chairman. Thank you for the floor. It appears to me to be two proposals before the meeting. One from the United States which is proposing to set up a working group to examine terms of reference and the one contained in this document. Which one are we considering and which one have we almost just adopted. Thank you.

Chairman

We have the same problem Commissioner for Ireland. This is why I am insisting to be a little bit more precise in the procedure. We have in front of us the recommendation with a very formal document. There were some countries who were a little bit reluctant to accept it, then I heard most of you accepting or not, but other groups suggesting in a middle way. This is why I was taking the last line in order to make more precise and to ask the Secretary to recollect our discussion and the decision about the terms of reference as well as the possibility of an ad hoc group as well as perhaps a correspondence exchange of letters between countries and so on but for that I need formally that the proposal must be withdrawn. This is why I was insisting because otherwise we are dealing with a proposal first. So if I may be confused but clear only in my mind, may I then assume that the proposal is not withdrawn now but in some time is not put forward that means that we are pending the resolution or the recommendation for a later date and now we deal with this recommendation from various countries, but before that I will leave the floor to the Commissioner of Netherlands and then Philippines. Netherlands has the floor.

Netherlands

Thank you Mr Chairman. Well, I don't want to complicate things but in my view the Commissioner of the United States has made an amendment on the proposal and as I have understood this amendment is agreeable to the Commissioner of Brazil because he also was speaking in his last intervention about setting up of terms of reference. So couldn't we go on like that? Thank you Mr Chairman.

Chairman

So we have a formal amendment interpreted by Netherlands from the United States intervention, then we approve the amendment of the resolution recommendation and poor Dr Gambell will be deciding which is the wording exactly for this. Everybody agree that in that way? Thank you, the Commission, by consensus then approved. Brazil has the floor.

Brazil

I am sorry Sir, but I am not used to approving proposals that I really do not understand and in that case although I can I believe understand my own and the Philippines I am not quite sure about what's being approved now and so I would reserve at least my judgement up to the moment when I could see in writing what's being accepted. Thank you.

Chairman

Thank you, then I am ruling from the Chair that the proposal formerly put forward by Philippines and Brazil, amended by the United States must be taken by the Plenary in Any Other Business at the very end of this Commission Agenda and at that moment, we will decide by consensus I hope will be the final decision of this Commission. If it is workable we could finish then with the item number 6, but pending the wording of the resolution will be taken by consensus. Any comments on that? Philippines has the floor.

Philippines

Thank you Mr Chairman. I think I have to run to the assistance of my distinguished colleague from Brazil, but our interpretation is that there is no conflict actually between the original proposal of Brazil and the Philippines and that one coming from the United States of America. The understanding is that this working group shall begin its task by drawing up the terms of reference for the purpose of evaluating the socio-economic implications of the zero catch limit, particularly for those countries who have chosen to adhere to it and have been affected by it. So I foresee no difficulty Mr Chairman, Sir in trying to introduce a point of clarification - it's not really an amendment. It is simply elaborating and clarifying the proposal originally submitted by the Brazil and the Philippines. Thank you Sir.

Chairman

Thank you Commissioner of Philippines. I already stated I am ruling from the Chair unless you like to challenge it that, taking into account the discussion the former proposal and the amendment put forward by United States, I will ask then to discuss this point in Any Other Business, last point of our Agenda and at that moment Brazil plus Philippines plus United States and Netherlands will prepare a document good enough to be approved by consensus, taking into account all the discussions here and the different points of view. Thank you. So it is so decided. United States has the floor.

United States

Thank you Mr Chairman. I would like to commend you on your wisdom.

Chairman

I will try to find it, if I find it I will give you. So the item number 6 is closed and remaining this point to be dealt in Any Other Business. Any other comments on that? Thank you, it is so decided to close item 6.

So I think many and various committees and working groups to deal with different matters and because I am exhausted after this discussion we will have not tonight an evening meeting, but I promise you, with your cooperation and tomorrow will be a very lengthy day and very working one. Then unless I receive other comments or opinions, I will adjourn the Plenary until tomorrow morning 9.30 and at that time you will receive all the Technical Committee

Reports plus the Financial and Administration Report, plus Infractions of course included and the result I hope of the small working group on crucial issues I would ask you to meet. The Commission adjourned the meeting and I will give Netherlands the floor before leaving for extra matters I suppose.

Netherlands

Thank you very much Mr Chairman. I would like to announce that the Like-Minded Group is coming together now, immediately in the same room and there is another announcement I believe from my neighbour. Thank you Mr Chairman.

Chairman of Finance Committee

I would like to ask members of the Finance Committee to reconvene tonight at 7 o'clock provided that the printing of the draft report will have been finished. I am not sure what state that is so I ask you to have close contact with me just after the meeting. After this session. Thank you very much.

THIRD PLENARY SESSION : THURSDAY 18th JULY 10.10 to 10.40

Chairman

Perhaps after the reception we are invited we will convene again for a night session something around 9 o'clock. We will discuss that later on but it will be my intention, if we may, to do this kind of a schedule today. At the same time I think it will be proper, I have no idea at this moment when, but to have a new Commissioners' meeting in order to discuss some of the procedural matters that we need to debate on it and it will be proper and gaining time to do that in a very straight forward way if I may say so. Thank you.

So I propose to deal now with item no. 10 that yesterday we postponed because we had not the report from the Technical Committee in front of us. Now I hope everybody has this point, is part 3 in yellow pages of the draft report of the Technical Committee, and I have to say to you that in fact when it is saying Plenary Item 12 it means Plenary Item 10, Infraction and Report and so on. Then I do not see any comments on that and you are prepared to discuss this matter; we will ask Dr Lemche to introduce item no 10 Infractions. May I then do that. Thank you. Dr Lemche please.

Chairman of the Technical Committee

Thank you Mr Chairman. **Plenary item 10, Infractions and Reports from International Observers 1984 and 1984/85 Seasons.** 10

10.1 Report of the Technical Committee Infraction Sub-committee. The Chairman of the Infraction Sub-committee presented the report of this committee which has met prior to the opening of the Technical Committee. In 10.1 we discussed the **Infraction reports from Contracting Governments.** The sub-committee had reviewed the reports from Contracting Governments and in connection with commercial whaling outside the Antarctic in 1984 recorded its disappointment that infractions reports had not been submitted by Peru and St. Vincent and the Grenadines. It noted the submission of these reports is not only vital to the sub-committee's work but an obligation under the Schedule and Article IV of the Convention. The Technical Committee endorsed the recommendation that these governments be urged to submit infraction reports. 10.1.1

The government of Norway had reported one instance of a whale being caught without being properly reported and was conducting enquiries to ascertain if other instances of non-reporting could have occurred. Improvements in the monitoring system were being introduced and the flukes of each whale taken were now required for examination. This should significantly improve land-based inspection.

No infractions were reported from pelagic commercial whaling operations in the Antarctic for 1984/85, although the Committee noted that Brazil, Japan and the USSR had lodged objections to the Commission's catch limits.

Concerning aboriginal subsistence whaling, Denmark reported a total overrun of the catch limits amounting to 6 humpbacks and 4 fin whales in 1984. The Committee expressed its serious concern that once again the catch limits had been exceeded in this fishery, and noted the discussions in the Sub-committee of ways in which the system might be improved. The Greenland authorities are considering a reporting system whereby hunters will be required to report directly to the Governor in order to reduce the potential for the delay in reporting which now occurs.

The Technical Committee endorsed the strong recommendation that Denmark be urged to try all possible means to solve the problems in recording catches.

In the Technical Committee, Antigua asked if humpback whale fluke photographs were being taken and Denmark replied that although a programme had been instituted only one picture has been taken so far.

Mr Chairman do you want me to go on or.... thank you.

- 10.1.2 **10.1.2 Reports from International Observers.** The Sub-committee reviewed the summaries of Observers' reports from North Pacific and North Atlantic land stations and Southern Hemisphere pelagic operations, and noted that the Observers' reports agreed with the infractions reports submitted by Contracting Governments.

The report of the Observer at the Philippines land station had not been submitted and it was agreed that this should be discussed at the 1986 meeting.

The Philippines suggested that the IWC should establish a time frame for the submission of such reports and the Technical Committee agreed that the Secretariat will add this to its normal instructions to the Observers to ensure timely submission for review at the Annual Meeting.

- 10.1.3 **10.1.3 Other Matters from Earlier Years.** On surveillance of whaling operations, the Sub-committee drew up a table indicating the surveillance of whaling operations.

Suitable index for small type whaling operations. Last year the Sub-committee noted that there were difficulties in calculating a simple index to describe the extent of surveillance in small type whaling operations. The Norwegian figures may under-represent the extent, because inspectors also observed catches by other vessels, and the landed catch is examined as well as all log books. Similarly the Japanese surveillance of their small type whaling operations also includes inspection at land stations, designated ports and at sea.

With respect to the check list of information required or requested under section VI of the Schedule. A table was prepared which indicated that all or almost all information and material is collected. The main exception is Greenland (little collected), Philippines (biological material not collected) and the USA (biological sampling "as possible").

Then with respect to the submission of national laws and regulations, the Secretariat had prepared the table indicating the date of the most recent laws and regulations submitted under paragraph 31 of the Schedule by 25 members.

The Committee again recommended that governments be urged to supply the information and noted that last year St. Vincent and the Grenadines had advised that in 1983 a decision had been taken to institute whale protection regulations, copies of which would be provided to the Secretariat when enacted.

Argentina stated that legislation enacted in December 1984 had declared the southern right whales a National Monument.

Ireland indicated that it had legislation dating from 1937, updated in 1984, which would be submitted to the Secretariat.

The next question was alleged illegal whaling operations for Chile. The Committee noted that Chilean authorities had been unable to find any trace of illegal whaling activities as alleged by the WSPA, and that monitoring of sea traffic made it extremely unlikely that a whaling operation should escape from their attention.

Our next item was Progress on Recommendations of 1984. First, Chile indicated that outstanding infraction reports for 1980-83 will be provided in the near future. Whaling in Chile had ceased on 1 July 1983.

Chile also indicated that a response to comments put forward at last years meeting concerning Chilean whaling in 1983 would be provided in the near future.

The Philippines have provided infractions reports for 1983 and 1984 and daily catcher record sheets for the 1984 season.

The Commission had also requested details of types of harpoons used to catch whales and the numbers of whales brought to the flensing barge each day. Some information was derivable from the catcher's log which stated that both first and killer harpoons are explosive, and by inspection of the records show that usually two whales but sometimes one are delivered each trip. Catch statistics were available to the Scientific Committee but no biological material is collected.

Under Any Other Business, the Republic of Korea advised that one fin whale had been taken during the 1985 season, which would be recorded as an infraction for review next year.

Explosive harpoons are not used in the Korean whaling operations and the Committee expressed the view that the continued use of cold grenade harpoons should be reported as infractions. Australia commented on the cruelty aspect of such whaling operations and recorded its appreciation of the progress made by Japan and Norway in developing more humane methods. It urged, and the Technical Committee agreed, that the Republic of Korea should use the most humane methods available.

In the Technical Committee St. Lucia asked if the import of whale meat from operations outside the IWC in contravention of Resolutions adopted in recent years to discourage non-IWC whaling constituted an infraction by the importing nation. The Chair indicated that this is not an infraction of the Schedule provisions.

So Mr Chairman, these were the Technical Committee deliberations on item 10. You will see all our recommendations, they are in bold type, and I should at the same time remind that we in the Technical Committee have not adopted this report so that there will be a chance to add to the report while going through the text here. Thank you Mr Chairman.

Chairman

Thank you Dr Lemche. So we have in front of us discussion on item 10. I open the discussion, if any on the whole. Any global consideration of this particular item? I do not see any, then I will move, yes St. Vincent has the floor, sorry.

St. Vincent

Thank you very much Mr Chairman. Mr Chairman, we noted that the Committee was disappointed that infractions reports had not been submitted by St. Vincent and the Grenadines. The reason why infractions reports were not submitted was simply because any infractions that did occur took place outside the territorial waters of St. Vincent. So in other words the government was not in a position to report any infractions that took place outside her sphere of influence and jurisdiction. Thank you Mr Chairman.

Chairman

Thank you Commissioner of St. Vincent. Yes Commissioner of the Philippines.

Philippines

Thank you Mr Chairman. We are happy to note that we can update this report and I would like to refer specifically to page 3 of the report, item number 5, Observers' Reports. The second paragraph Mr Chairman, we would like to have it updated by saying, "a copy of the report of the Observer at the Philippine land station was submitted to the Secretariat by the Philippine delegation". This we actually did Mr Chairman, and therefore the last sentence does not necessarily follow the second sentence, the first sentence of the second paragraph, and we would therefore propose that that should be treated as a separate paragraph and should now become paragraph three of item number 5. This begins by saying "the Sub-committee..." and so forth. Mr Chairman, while I am at this stage I would also like to refer to another portion of the report particularly relating to the Philippines. This is page 5, item number 10.3, the last paragraph.

Chairman

Sorry, to which document are you referring?

Philippines

I am referring to the Report of the Infractions Committee.

Chairman

I think you have to pay attention to the yellow one, we are discussing that and I think that I said that we have in front of us the draft report of the Technical Committee IWC/37/5 part 3. Perhaps, if you would allow me, you could take again a look at this document and I will proceed point by point in order to make more clear our intervention. Thank you.

So, may I then go to the item and the paragraph 10.1, asking for any comments. I don't think that we need it, and we move to the paragraph 10.1.1, Infractions Reports from Contracting Governments. Any comments on this particular paragraph 10.1.1 Infractions Reports from Contracting Governments? We have already received from St. Vincent some comments on that, are there any other comments? I do not see any. Then could we endorse the Technical Committee proposal from the first paragraph, "The Technical Committee endorsed the recommendation that these governments be urged to submit infractions reports"? I do not see any comment, then we will approve it. We approve as well the text of the paragraph 10.1.1? It is so decided and we move then to the following paragraph, concerning aboriginal and the following one concerning the strong recommendation coming from the Technical Committee endorsed... "that Denmark be urged to try all possible means to resolve...." and so on. Any comments on this second recommendation? I do not see any. Then we approve entirely this paragraph 10.1.1, with the endorsement in the first paragraph and the strong recommendation later on? Thank you, it is so decided.

We move then to the following paragraph 10.1.2 Reports from International Observers. Any comment on this particular point? I do not see any. Could we then approve to an agreement, if I should say so in these first two paragraphs on page 2. There are two agreements: "The report of the Observer at the Philippine land station had not yet been submitted and it was agreed.....", is the first one and the second one is "the Technical Committee agreed that the Secretariat will add this to its normal instructions...".

Dr Gambell will take the floor for this particular point in order to answer the Philippine intervention we have already. Dr Gambell.

Secretary

Mr Chairman, the intervention by the Philippine Commissioner is to the first two lines on the top of page 2. The Secretariat has now received the report of the Observer, but it was received too late to be considered by the Infractions sub-committee when it held its meetings. But if you look at document IWC/37/7, there is a footnote to indicate our acknowledgement of the receipt of that document. So the Philippine's point is taken care of. Thank you Mr Chairman.

Chairman

Thank you Dr Gambell. Any comments then? I do not see any, then we can approve the agreement that the Technical Committee had, and the paragraph as a whole. Then it's decided to approve 10.1.2, and we move then to 10.1.3 Other Matters from Earlier Years. Any comments on this point? I do not see any, then we have a recommendation in one of the last paragraphs saying, "The Committee again recommended that governments be urged to supply this information and noted that last year St. Vincent and the Grenadines...." and so on. Any comments on this particular recommendation? So we can approve it? It is so decided.

Any comment on any other point of this paragraph 10.1.3? I do not see any. Then we approve this paragraph that started "Other matters from earlier years", at the top of page 2 and we approve as well the first part at the top of page 3, "Progress on Recommendations of 1984". So it is decided.

We move to the last part. That starts "Under Any Other Business, the Republic of Korea advised..." and so on. Any comment on this last part? I do not see any. Then could we adopt as well the agreement in the Technical Committee that the Republic of Korea should use the most humane methods available? I do not see any comments. Then we approve this agreement as well as the text in the last part, under the title Any Other Business. I think that we have covered all the infractions subject.

Before approving then the item number 10 and close it, may I ask you if you are in agreement and that there are no objections? I do not see any, then we can consider approved the Report of the Technical Committee as well having the decision and recommendations and agreement? Then the item 10 will be closed. I do not see any comments, then it is so decided. Item 10 is closed. Thank you.

We should pass then to the next item. I think that it is number 12 Whale Stocks and Catch Limits. I'm quite interested as well, as soon as possible to deal with the question of Finance and Administration Committee Report, but unfortunately we have not yet the copies available. Then as soon as it comes perhaps we will modify our agenda schedule and move to the financial, before going through other points. For the time being we do not have the report so then I will start with Whale Stocks and Catch Limits. May I ask then Dr

Lemche to introduce this part and for all Commissioners may I remind you that this report is included in the document IWC/37/5 part 2, on yellow pages. Part one, I'm sorry. I am sorry yes, document IWC/37/5 part 1, and is starting on page 3 of the yellow document. After item 11, mid part of page 3, part one. Any comments? United States has the floor.

USA

Thank you Mr Chairman. A point of clarification. Is it your intention to proceed from the Technical Committee Report to actions arising as a result of it? If so I would recommend, or I would like to request that before any discussions come up on the stock quotas, that we have an opportunity to meet informally or in private session as Commissioners. Thank you sir.

Chairman

Thank you Commissioner of the United States. It is my idea to move paragraph by paragraph as it is one of the lengthy ones we have, and unless you decide otherwise it was my intention to have a coffee break at 11 o'clock and we will see at that time what is the state of our business, and I will decide the consequences. Thank you.

So starting then item number 12. May I ask Dr Lemche to start paragraph by paragraph. Thank you.

Chairman of the Technical Committee

12 Thank you Mr Chairman. Plenary item 12, **Whale Stocks and Catch Limits. 12.1**
12.1 **Report of the Scientific Committee.** The Scientific Committee recognised that catch limits for commercially exploited stocks be set at zero for the 1986 coastal and the 1985/86 pelagic seasons and thereafter. The Commission last year instructed the Scientific Committee to proceed with stock assessments in the normal way and to provide the usual management advice, and the Scientific Committee had given special priority to stocks where there is the likelihood of continued exploitation and to assess the effects of a zero catch upon them.

Chairman

Thank you. Any comment on this first paragraph 12.1 Report of the Scientific Committee? I do not see any. Then we move to the following one, and we approve the text as it is. Japan has the floor, I'm sorry.

Japan

Thank you Mr Chairman, and this is on the point of order. The next one 12.2.1 is Sperm Whales, Western North Pacific Stock. That is one of the most controversial issues, therefore I would like to propose to skip this 12.2.1 and to next part, that is 12.2.2.

Chairman

I'm sorry. First if I may say so, it is not a point of order, just your intervention, but of course I respect it. I think that we could go with the sperm whales in a general term, discussing the matter, but I think that it would not be advisable at this any action arising. This is why I think that perhaps we could analyse the point without taking any action. Unless you feel that we have to move to another point of the agenda as a whole. We are just gaining time in order to proceed discussion on this point, and we could later on decide on the practical matters of this point, but otherwise we could move to another item of the agenda. Sweden and then Japan.

Sweden

Thank you Mr Chairman. I would tend to support the Japanese proposal that we defer discussion on the whole point of the western North Pacific sperm whales until a later stage. Thank you.

Chairman

Thank you. So we decide, unless I see otherwise. Yes Antigua has the floor.

Antigua and Barbuda

Thank you very much Mr Chairman. I wondering if we cannot perhaps discuss other agenda items at this moment because it appears that following the suggestion made by the distinguished delegate of the United States calling for a formal Commissioners' meeting, perhaps we may need some more time and I see perhaps agenda item 22 or other things can be discussed, to catch up on time. That is just a suggestion from my very humble delegation, thank you.

Chairman

Thank you Commissioner of Antigua. The point is, I'm sorry I'm not confused I assure you. The point is that we don't have the Technical Committee Report in another matter than these, the following two items. Then the only offer I can do for you is to have a coffee break and convene, but I would like then to have a Commissioners' meeting. Then ask for your coffee from now until 11.00am. You could ask for your coffee from now until 11.05am and if some of you have already drunk your coffee you could come to the usual place of the Commissioners' meeting. It will be in the Wimbourne Room. Then 11.05am Wimbourne the Commissioners' meeting, you could take your coffee there, and we will reassume here at 11.45am the Plenary session unless we notify the meeting that we will need to postpone that. Is this advisable or you feel we will need another time schedule? So I wait for Commissioners then at 11.05am in the Wimbourne Room and we will expect to come here at 11.45am to resume the Plenary session. Any comments? Thank you very much, it is so decided. I adjourn the Plenary.

FOURTH PLENARY SESSION : THURSDAY 18 JULY 2.10-2.55

Chairman

19 I think we could start this afternoon with one of the items quite important for all of us, and I was suggesting this morning that any time the Finance and Administration Report came to us, we could deal with this matter in order not to leave this very important subject to late hours. Then if I may I will suggest now to deal with item number 19. I do not see any comments on that and assuming that you agree with my proposal I will ask the Chairman of the Finance and Administration Committee to introduce to us the document. It is, I hope you all have this one, IWC/37/10. Some kind of between grey and blue colour, blue I mean, Cambridge blue, according to Dr Gambell's opinion. Then I will ask Mr Van Reenen if you can start with item 19 and introduce to us the report.

Chairman of the Finance and Administration Committee

Thank you Mr Chairman. In the absence of the nominated Commissioner the Finance and Administration Committee was convened by the Secretariat and met on 11 July and subsequent days.

You will find a list of participants in Appendix 1 of our document 37/10. In addition to the Commissioners or their delegates appointed by the Chairman of the Commission, representatives of other member governments participated in the meeting.

I was elected Chairman and Ms Kendrew from the United States was appointed Rapporteur.

You will find the agenda of our Committee attached as Appendix 2.

19.1 The first item we dealt with was **item 19, Finance and Administration** and we started with the sub-item **19.1 the Review of the Provisional Financial Statement 1984/85**. I refer you to document 37/9 and you should look then at table 1. It is very useful to have those documents beside each other, so the document 37/10 and also 37/9 table 1, which you will find on page 4, and then in particular you have to look at the second column. That second column of the provisional financial statement 84/85 contains the projected out turn of the budget of 84/85.

The Committee noted that the pattern of late and non-payments of member contributions has seriously depleted the Commission's reserves in the General Fund. Now in order to have an impression of what is, or rather, what will be in the General Fund at the end of the Financial Year you will have to look at table 1 of document 37/9 in the second column, below the income and expenditure accounts you will find the General Funds. There you will find a figure, the projected funds at the 31st August 1985, that is at the end of the current financial year. You will find there a figure of £54,351. Now you should be aware that this projection was made in March and meanwhile some contributions have been received, and this figure of £54,351 has to be replaced now by a figure £107,860. So the projected funds at the end of the current financial year, is at this stage or the projection at this stage is £107,860. You will find the same figure also in the document we are discussing 37/10. If you look in Appendix 5, the first column you will find at the bottom the General Funds and there you will find the figure I just mentioned, that is the adjusted figure of £107,860 which will be in the General Fund at the end of the current financial year.

Now I continue my report on page 1 of document 37/10. The Secretary pointed out that the early payments of contributions by a few Contracting Governments temporarily reduced the severity of the financial position, but the situation in the long run has worsened. Nearly half of the member governments had not paid their required contributions nine months after they were due. The Committee expressed great concern that the contributions of so many member governments were not made in due time. This delay of payment in addition to the arrears of contributions of member governments is preventing the IWC from functioning effectively and may lead to the complete cessation of all activity within the foreseeable future. The Committee strongly emphasised that Contracting Governments must pay contributions in full and in due time, and if you will allow me Mr Chairman I would like to explain, most members are of course informed, but I would like to explain that in good time means according to the Financial Regulations payment within 90 days after the date of the request of the Secretariat to Contracting Governments for payment of contributions.

You will find an updated table of the financial contributions outstanding at 10 July 1985, in Appendix 3. I draw your attention to a footnote which reflects the situation at the 15 July. Noting that there are no opportunities to make further savings this financial year, the Committee recommends that the Commission accepts the provisional financial statement subject to audit.

Mr Chairman, I am not sure that you want me to proceed or rather to break now to allow the members to comment on this section of the report. Thank you very much.

Chairman

Thank you I would prefer the second option if I may. Then I put to you under the consideration of the Commission the first part of our report. That means page 1, with additional comments and tables in the Appendices as well, and in the other document 37/9. Any comment on this matter? Yes, Japan has the floor.

Japan

Thank you very much Mr Chairman. Our delegation in sharing the great concern expressed by the Finance and Administration Committee in this paragraph, would like to attract the special attention to the Commission to the grave implications caused by the late payment of members' contributions. We received from the Secretariat a paper IWC/37/9, we found that the majority part of our Commission are in arrears of contributions, in other words 23 members are in arrears. When we look at the Appendix 3 of the paper just distributed, still we see 17 member governments are in arrears. I think that it represents the real situation of our Commission. I would like to see any of those countries listed here pay in full as soon as possible in order not to endanger the existence of the Commission, and in this juncture we would like to stress the importance of applying very strictly the Rules of Procedures C(1)b, which relates to the suspension of the voting rights. Thank you very much.

Chairman

Thank you Mr Akiyama. Any other comments? Yes Soviet Union has the floor.

USSR

Thank you Mr Chairman. Mr Chairman, I would just like to stress that we fully share the concern just expressed by the distinguished Japanese delegate. Thank you Mr Chairman.

Chairman

Thank you Commissioner of USSR. Any other comments? If I do not see any we could approve then the wording of this first part of our report, and the Secretary will take note of the intervention as well from Japan and Soviet Union. Then I do not see any comments, we approve as well the recommendation at the bottom of the page 1? I do not see any comments, then it is so decided. Thank you. Could Mr Van Reenen come to the second page? Yes please.

Chairman of the Finance and Administration Committee

19.2

Thank you Mr Chairman. The next sub-item 19.2 deals with the **Consideration of the Estimated Basic Budget 1985/86**. Again you have to compare with the document 37/9. If you look at table 3 in this document on page 8, you will find the provisional budget 1985/86 as proposed by the Secretariat. You will have to compare those figures with the figures we will recommend to the Commission in Appendix 5 of the document 37/10. We are going into details now.

The Committee agreed that the budget should be constructed under the assumption that member governments will pay their required contributions, but it also recognised the strong likelihood that the current serious depletion of reserves due to non-payment of contributions is likely to continue. Therefore, it agreed that in examining the details of the estimated basic budget it should make every effort to reduce the expenditure during 1985/86 to the lowest possible level while carefully considering the impact of any cost cutting measures on the Commission's ability to accomplish its priority activities.

Mr Chairman, the first item under the heading of the estimated basic budget concerns Secretariat costs. If you look again at table 3 of document 37/9, you will find there a figure proposed of £301,150; you will find a breakdown of this budget provision on page 9 of the same document 37/9. If you look at the explanatory notes on page 9, you will find there under explanatory note 14 a breakdown of Secretariat Costs.

The Secretary reported that last year's budgetary reductions resulted in a staff level which is the minimum necessary to support the work load under the present level of activities required by the Commission.

The Committee recommends that the following budget provisions be reduced to the amounts indicated below as a basis for defining an overall allocation for this item Secretariat Costs. You will find them tabled there, there are four sub-items, but there is an omission, there should be added, Professional Services. So after Data Base Management, you could write Professional Services and that would in our view, in the view of the Finance Committee, require funding of £1,900. These reductions would result in total Secretariat costs of £279,150, and that is equivalent to a reduction, amounts to a reduction of £22,000 in relation to the provisional budget as proposed by the Secretariat. So if you compare this figure with the figure you will find in table 3 of document 37/9, you will note that the Finance Committee recommends a reduction of £22,000.

The Committee recommends that this amount of £279,150 could be allocated within this sub-head, this heading Secretariat Costs, at the discretion of the Secretary in light of the circumstances.

The Committee noted that senior staff members' salaries, which are derived from UN scales, are converted from US dollars to sterling at a rate substantially less favourable than the current exchange rate.

Mr Chairman, do you want me to break here or do you want me to continue with the expenditure items, and go through all of them first?

Chairman

I think that you can go a little bit further, until the end of this page unless...

Chairman of the Finance and Administration Committee

All right, thank you. The next expenditure item concerns Whaling Statistics. You will find in table 3 of document 37/9 a provisional figure of £11,000. However, the Committee recommends that there be a slight delay in the publication of the whaling statistics or that statistics be provided in a less expensive publication resulting in a cost of £6,000. So that would amount to a reduction of £5,000 in relation to the provisional budget provision.

The next item on this page 2 is Annual Meeting costs. The generous invitation by the Government of Sweden to host the next IWC Annual Meeting includes provision of many services at no cost to the Commission. You will find a number of services listed here. The substantial support of the Swedish Government results in major savings to the Commission and reduces the cost of this sub-head to £30,000. If you will allow me Mr Chairman, I would like to emphasise that the bulk of this required funding of £30,000 is needed for the Annual Meeting of the Scientific Committee, whereas the Annual Meeting which will be hosted by the Swedish Government will require a very small amount of money, maybe in the magnitude of £2,000-£3,000 pounds. I would also like to explain that our recommendation of a funding of £30,000 constitutes a reduction in relation to the provisional budget of the Commission, a reduction of £23,000, but I would like to emphasise that this is a one-off saving. In other words, one must assume that such a substantial saving will not occur in the financial year beyond, because the figure of £30,000 is based, as I already explained, upon the generous offer of the Swedish Government. Thank you very much Mr Chairman.

Chairman

Thank you Mr Van Reenen. So we have in front of us to consider the second page, page 2, with sub-paragraph starting with Consideration of Estimated Basic Budget. Any comment on the first two paragraphs? Yes, Denmark has the floor.

Denmark

Thank you Mr Chairman. It appears from page 1 that what is going to happen may lead to the complete cessation of all activity in the foreseeable future. On this background I am addressing myself to the section Secretariat Costs, to the first of the items, specific allocation of severance pay. We have, I think that everybody would agree with me, a very good Secretariat, a loyal effective, hardworking Secretariat. Now the catastrophe is maybe immediately before us. When such a catastrophe is popping up it is very likely that in the minds of our good staff, they would begin to consider, what if this really

would happen, shouldn't we look for some other occupation. I think that all of us are interested in that the Secretariat works as effectively, as loyal and hard as in the past up to the very last minute of the Commission's existence. If we are interested in this, I think a way to prevent a flow out, a brain drain, from the Secretariat would be to allocate a bigger sum of security money to the Secretariat staff. I would therefore propose that this allocation to severance pay be increased from £10,000 to £20,000. Thank you Mr Chairman.

Chairman

Thank you Commissioner of Denmark. Any other comments? In order to make it more clear we are then discussing because the Danish Commissioner started with the two main paragraphs at the top of page 2 as well as the Secretariat costs. We are not dealing now with Whaling Statistics and Annual Meeting costs. Then for the first 6-7 paragraphs, any comments? I do not see any. Then we could deal with the proposal coming from Denmark. Any seconder? Iceland, seconded?

Iceland

We second the proposal.

Chairman

Thank you. So we have now a decision to take concerning to put up the allocation for severance pay to £20,000. If I do not see any comments may I assume that we are in agreement on this proposal? Thank you very much. Then it is so decided to increase this amount by £10,000. Any other comment on this matter? I do not see any, then could we approve in the second paragraph the agreement of the Committee that "the budget should be constructed under the assumption that member governments will pay their required contributions..." and so on? Then we take this agreement coming to the sub-item Secretariat Costs. Could we accept the recommendation in the second paragraph "After lengthy discussion..." and so on, "the Committee recommends that the following budget..", I mean with the modification coming from the Danish proposal? I do not see any comment so it is so approved.

The following paragraph has as well a new recommendation concerning a reduction in total Secretariat costs, we adjust the amount of course according with our previous decision, but we accept the recommendation and approve it? I do not see any comments then the Secretariat costs as a whole with the proposal is approved.

Passing to Whaling Statistics and Annual Meeting costs, any comments on that? On these two paragraphs? I do not see any, then we approve the terms of the Whaling Statistics and as well Annual Meeting costs and the wording of both? Thank you, it is so decided.

Then we move to sub-paragraph concerning allocation for research, printing costs and other meetings. You will stop please after this. Mr Van Reenen has the floor, thank you.

Chairman of the Finance and Administration Committee

Thank you Mr Chairman. Next item on page 3, Allocation for Research. The Committee considered provision for attendance of invited scientists at meetings of the IWC Scientific Committee. In this context the Committee recommends that priority consideration be given to gaining expertise on the priority stocks identified by the Scientific Committee, and you will find those priority stocks in the Report of the Scientific Committee on page 51.

It further recommends the provision of up to £6,300 for participation of invited experts while stressing that the practice of encouraging these experts to seek other sources of funding be continued. Some members expressed concern with the existing procedure used to invite experts to meetings of the Scientific Committee.

The Finance and Administration Committee also considered research proposals discussed in the Scientific Committee Report, which you will find on page 47, and noted that the Scientific Committee gave the highest priority to continue processing of the data for Southern Hemisphere IWC/IDCR minke whale assessment cruises, that's an amount of £5,000, and the second such cruise in Area V, that is an amount of £55,000.

The total cost of the three items identified above is £66,300. The Committee recommends that they be funded but draws attention to the fact that after allowance for the monies already available in the Research Fund, the net provision required is only £16,500. I have to explain Mr Chairman, if you add up the figures and taking into account the availability in research funds of £50,000 you may come to a total of £16,300, but I must say that there was some rounding of figures so in the end we came to a rounded figure of £16,500.

Now if you compare this recommendation with the corresponding provisional budget provision in document 37/9 you will find there a figure of £43,200. So our recommendation would lead to a saving, apparent saving of £26,700, but in this context I would like to point out that this saving is only being reached by drawing heavily upon the Research Fund.

The next item is for Printing Costs. The Committee took note of the measures already taken and considered by the Scientific Committee to facilitate reduction in the cost of publications and its view that IWC publications play an essential and integral role in its work; reference is made to pages 14-15 of the Scientific Committee Report. Together with cost-cutting measures initiated by the Secretariat, the total cost for printing and copying could be reduced by £2,000 in relation to the provisional budget provision proposed by the Secretariat, and the Finance Committee therefore recommends that £40,000 be allocated for this item.

The final item under expenditure. The final expenditure item concerns Other Meetings. The Committee considered the information provided by the Chairman of the Scientific Committee concerning the priorities the Scientific Committee assigns for this item.

The Finance Committee recommends that the following meetings be supported at the funding levels indicated, and you will find those tabled here. I may refer in this context to page 17 of the Scientific Committee Report. You will find, apart from the Comprehensive Assessment Meeting and Review of the IWC/IDCR Data Other Than for Minke Whale Assessments, also the UNEP Consultation on the Global Plan that funds are required for enabling the Secretary to attend this meeting.

The Committee request the Secretariat to give high priority to arranging for the Comprehensive Assessment Meeting to be held in Cambridge at no cost for conference rooms, and resulting therefore in a total cost of £1,000. Nevertheless, we recommend to provide £2,000 because we take into account the possibility that the less preferable alternative would have to be chosen of having the meeting, the Comprehensive Assessment Meeting, prior to the annual Scientific Committee meeting.

Another meeting is the Joint Workshop on Feeding Ecology of Southern Baleen Whales. You will also find a reference in the Scientific Committee Report on page 17. The Finance Committee understood that there was importance attached to the proposed joint workshop, but due to financial constraints it does not recommend that funds be allocated this year. The Committee recommends however, that the IWC Secretariat maintain close contact with the CCAMLR Secretariat and indicates the importance which the Commission attaches to this meeting. The Committee also requested that the Secretariat ascertain more precisely the funding required in order to determine the appropriate IWC contribution.

Another meeting referred to in the Scientific Committee Report is the Indian Ocean Sanctuary Meeting. The Finance Committee does not recommend funding for the Indian Ocean Sanctuary Meeting to be held this year, the coming financial year, but it requests that the Secretariat obtain detailed costing requirements including allocation for funding among other sponsors for consideration next year.

There is a statement of some members who believed that this meeting should be assigned a very high priority and that there should be a firm commitment to hold the meeting in the next financial year (1986/87), whereas other members stressed the need for further preparatory work.

Thank you very much Mr Chairman.

Chairman

Thank you Mr Van Reenen. So we have in front of us the point on page 3, then we deal first with the allocation for Research. Any comments on this particular point? Yes, France has the floor.

France

Thank you Mr Chairman. I must say that my delegation has some problems with the existing practice of invited experts. Due to the financial difficulties the Commission is confronted with I would like that there should not be for the future, maintenance of invited experts funded by the IWC. My request would be that if invited experts should come that they come fully at the expense of the country that they are citizens of. Moreover Mr Chairman, I wonder also if it would not be advisable that Commissioners be informed at least before the meeting of the Scientific Committee of the names of the invited experts coming from their country. It seems that it would be a minimum request that should be entered into this item. Thank you.

Chairman

Thank you Commissioner of France. If I may, before entering this question, make a suggestion to Mr Van Reenen, or perhaps to the Chairman of the Scientific Committee to explain to the Plenary which is the existing procedure used to invite experts. Perhaps that will assist Commissioners in this matter. Could you Dr Tillman? Thank you very much.

Chairman of the Scientific Committee

Thank you Mr Chairman. Two years ago the Scientific Committee was concerned about this problem itself, and developed a procedure which is outlined in volume 34 on page 163. This was utilised on a one year basis and then reviewed at last year's meeting and agreed that this policy should be accepted and continued to be used. I can read it out to you.

"Policy regarding selection of invited participants for meetings;

(a) Scientists desiring to be invited participants at a meeting must not have been nominated by a Commissioner to serve in the Scientific Committee on behalf of his government. (b) Scientists desiring to be invited participants at a meeting must have submitted a request to the Chairman, either directly or through the Secretariat, or to one of the Convenors of Sub-committees expressing that desire; or else they must have been recommended by the Chairman or one of the Convenors as being a desirable source of expertise. (c) The selection of invited participants is based upon consultations between the Chairman and affected sub-committee Convenors".

It is a very simple procedure, and those are the three steps followed in selecting invited participants. Thank you Mr Chairman.

Chairman

Thank you Chairman of the Scientific Committee. Any other comments on the particular point? Mexico has the floor.

Mexico

Thank you Mr Chairman. Our delegation is concerned with the research and the efforts of the Scientific Committee in achieving the goals that this Commission dictates to them every year. However, as the French delegation, we have some problems with the present procedures of selecting expertise. Without going into details and considering the financial implications of these procedures, I think that we would like the Commission to note that there is not a direct command from this Commission on how to select the invited experts, and therefore request that some guidelines should be addressed to the Scientific Committee in this respect. Thank you sir.

Chairman

Thank you Commissioner of Mexico, delegate of Mexico. Any other comments? If I do not see any then I think that perhaps I have to consult the matter with the French Commissioner, but he was putting on the table this matter and he was concerned with that. Perhaps he is doing a proposal, or otherwise a suggestion to the Plenary. Could I ask France please to enlighten us about the procedure, please? France has the floor.

France

Thank you Mr Chairman. My request is simply to find some kind of wording saying that Commissioners are informed of the attendance by invited experts coming from their country. I don't have any specific wording, but I suppose the Secretary could draft that for us, in some simple words. Thank you.

Chairman

Thank you. Any comments on that. May we then decide that according with the wish expressed by France and in some ways recorded by Mexico to ask the Secretary to insert in the report some wording saying that the Plenary suggested that the Scientific Committee inform previously to the Secretariat on the list of invited experts in order to communicate with the government with some time in advance before the coming meeting of the Scientific Committee, or other meeting involved with the Scientific Committee. Could we work upon this suggestion? Denmark has the floor.

Denmark

Yes Mr Chairman. I would second that, but I would enlarge it a little bit. I think that this information should go to all Commissioners. Thank you.

Chairman

Yes, I said that, but perhaps I was wrong in my wording, but I said that, to inform all Contracting Governments. Thank you it is so decided. Should we move then to approve the recommendation in the same paragraph? We have two in the first one and one in the third one. All within the allocation for research. Could we approve then the three? I do not see any comments, then it is so decided.

We move to Printing Costs. Any comments on that? I do not see any, then we approve the report in that wording and we move to Other Meetings. Could we take then all this paragraph together starting mid-page 3 until the top of page 4? Any comments on this Other Meeting sub-paragraph? Yes, Denmark has the floor.

Denmark

Thank you Mr Chairman. Speaking as Chairman of the Technical Committee I would like to draw your attention to the Report of the Technical Committee part 4, page 4, where this Joint Workshop on Feeding Ecology of Southern Baleen Whales was dealt with.

The Technical Committee agreed to this meeting provisionally, subject to consideration by the Finance and Administration Committee. Thank you.

Chairman

Thank you. Any comments on that? So it is decided to be registered by the Secretary in the report. I do not see any other comments on this Other Meetings subject. So could we approve the recommendation in the first paragraph and in the last one: "the Committee recommends however that the IWC Secretariat maintains close contact...." and so on? I do not see any, then we approve the recommendation as well. The paragraph completely? Thank you. Then we move to the next sub-paragraph concerning income, on page 4. Could Mr Van Reenen introduce this matter.

Chairman of the Finance and Administration Committee

Thank you Mr Chairman. As far as the income part of the budget is concerned, the Committee agreed that a budget system should be based on the assumption that all member governments, as required, pay their contributions and pay them in due time. However, in recent years there has been an increasing diversion from this accepted practice. As a result, the Secretariat has been forced to draw upon the reserves to compensate for non-payment and late payment by member governments. This cannot continue in the view of the Finance Committee, if the Commission is to avoid insolvency and survive even to meet its basic priority activities. These activities funded in the budget have been reduced year after year.

The Committee considered that, in principle, and I emphasise the word in principle, the level of members' contribution should be broadly equivalent to the agreed expenditure and should not be calculated at an inflated level to compensate for the expected late and non-payment of some contributions.

The Secretary explained that the Commission has come to the point that, with a budget in which the level of contributions from Contracting Governments together with other income only covers expenditure, the Commission faces insolvency by the end of the next financial year, that is August 1986.

The Committee shares the grave concern of potential insolvency as explained by the Secretariat and on the other hand recognises the desirability of a balanced budget.

Now Mr Chaiman, the first four paragraphs of this section, they expressed a common view of all members of the Committee, and in the fifth paragraph there is a divergence of opinions.

Most members believed that in the current situation it is not appropriate to accept a member contribution level which would risk the Commission's running out of money in the course of the 1985/86 financial year. So the Committee recommends, with the reservation of three members, a level of member contributions of £404,000 as shown in Appendix 4.

If you turn to Appendix 4, you will find the estimated contributions for the individual member countries and then that adds up to a sum of 404 thousand and something. Its more proper I think to look at Appendix 5, which contains in the first column the estimated budget 1985/86, and then first the section income and you will find there under the heading, contributions from member governments, a figure of £404,000.

I would like, because I think that this is the best place to do so, to point out that the choice of a figure of £404,000 has consequences for the reserves because, at least on paper, these contributions or this total income would enable a transfer to the reserves of £143,130, so that, and you will find that under General Funds, the projected balance at the end of the coming financial year will be £250,990. Now, that may appear to be a considerable amount of money; but I would like in this context to refer back to an earlier conclusion of the Committee, namely that there is a strong likelihood of the non-payment of contributions and therefore the depletion of the reserves is likely to continue. So there is a strong likelihood that this should rather be considered as a paper balance, a paper General Fund, and it is quite doubtful whether this figure, or highly unlikely rather, to say that this figure of £250,000 will ever be reached. I return now to the report itself, page 4. I have read out to you the recommendation that there will be a level of member contributions of £404,000, with three reservations.

I continue and I point out that there is agreement in the Committee that the Commission could not continue to accept the year by year expedient of setting member contributions at a level beyond that required to meet approved expenditure in order to overcome the problem of non-payment.

In the next paragraph there are some statements of members who belong to the group of members who made reservations with regard to the allocation of, or the establishment of, a level of member contributions of £404,000. Of those members who made reservations, one member expressed the view that the above principle - and with that above principle is meant the desirability of a balanced budget - that the above should apply fully, not only in general but also in respect to contribution levels for the coming financial year and that income should be equal to expenses.

Then there is a statement of another member who made a reservation. This member shared the view just expressed, but also felt that where necessary, shortfalls in income during the financial year could be met by decisions at that time to raise supplementary contributions. I have not read the full

statement, but you will find the statement in this penultimate paragraph of this page.

Finally Mr Chairman, under this heading Income. The Committee commends the efforts of the Secretariat and some member governments in providing increased income through sales of IWC publications.

Thank you Mr Chairman.

Chairman

Thank you Mr Van Reenen. Any comment on the whole paragraph on income? Yes USSR.

USSR

Thank you Mr Chairman. The Soviet delegation would like to state its position on this situation. Mr Chairman if we look at the proposed Finance Committee budget we can see that it foresees the excess of income over expenditure at the level of over £140,000, and this increase is based on an artificially high level of member contributions, and it should be stressed once again Mr Chairman, that the Finance Committee had to cut-off the activities of the Commission and just to maintain in the budget the most necessary, just basic activities of the Committee. Mr Chairman, the Soviet delegation can not recognise the proposed level of member contributions as acceptable under conditions when the sum of arrears is well over half of the yearly budget.

Financial contributions are the direct duty of each member government and that is clearly set forth in the basic documents of this Commission. We believe Mr Chairman that there is some inconsistency in imposing higher member contributions on member governments because some governments find themselves in a position not to pay. Mr Chairman if we go with that pattern of budget we may find ourself in a position when not even an artificially high level of contributions will save the Commission. It is non-paying governments who shall be responsible for a very severe financial situation which faces the Commission. Mr Chairman, we would like to stress once again that we believe that the levels of contributions, taking into account other items of income should be such as to balance the expenditure. Thank you Mr Chairman.

Chairman

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

Norway

Thank you Mr Chairman. The Report of the Finance and Administration Committee sets out with great clarity the financial predicament in which the organisation finds itself. That is a situation which we must all address with seriousness. The Finance and Administration Committee suggests quite rightly that we reduce operating expenses within what is possible and defensible.

There is also the question of providing for the Commission's income through contributions. The Commissioner for the Soviet Union has set out very clearly some of the implications of the short-fall in contributions and I agree entirely with his view that it is necessary to ensure that all members pay equally within their scale of contributions. There can be no free-loaders in this Commission. If we are committed to making this Commission work we must also pay our dues.

Mr Chairman in principle we agree with the Commissioner of the Soviet Union that for the coming financial year the Commission should follow its usual practices and calculate the contribution on the basis of budgeted expenditure. We also agree that this would be something that would inevitably lead, in the present circumstances, to a very straitened financial situation. We disagree with the majority of the Finance and Administration Committee that this risk should be avoided by assessing at this stage an artificially high rate of contributions. We feel that it would be more prudent and more realistic to provide now that we should be ready to pay additional emergency contributions if the Commission is in a cash flow emergency. That is entirely feasible, there are several ways in which it could be done. I feel that this would be a better way of underlining the real financial situation and avoiding any camouflage of our situation.

Now the issue of camouflage becomes even more pointed when we approach the suggested budget for the subsequent financial year, if the Finance and Administration Committee really means that one should stick to principle and one should not let things slip by while inflating membership contributions on a routine basis then certainly one should also adjust one's figures according to those principles. The counter argument Mr Chairman, is of course that a realistic budget for income might be an indication of a downward spiral in our activities and that it would encourage non-payment if at this stage we foresaw the possibility of emergency special contributions.

To that Mr Chairman I can only say that we are in difficulties and that our choices are between bad choices, not through the making of the paying member states, it is a question of choosing the solution which is least damaging and least prejudicial. Thank you sir.

Chairman

Thank you Commissioner of Norway. Any other comments? Denmark and then the United Kingdom.

Denmark

Thank you Mr Chairman. I would like to support the proposal from Norway. Thank you.

Chairman

Thank you Commissioner of Denmark. Commissioner of United Kingdom.

United Kingdom

Thank you Mr Chairman. I think that this is the first time that I have intervened on this report and I would like to take the opportunity first to congratulate the Finance and Administration Committee and their Chairman for their very hard and valuable work on this report.

I think that it does emerge very clearly from this report, that as has been said on numerous occasions, that the current arrears position on the contributions to the Commission poses a very serious threat to the successful continuation of this Commission, and this is something which is a very serious and worrying situation and one which we must take every possible means to deal with, and to improve the situation. It seems to me that the means to be taken consist of two legs to stand on. The first leg is, as the Commissioner for Norway said, we must make sure that there are no free-loaders in this Commission. We must strictly apply the sanctions which the Rules of Procedure allow us and indeed require us to apply on member countries who have not paid

their contributions, and I'm glad to say that certain decisions have been taken this year, and no doubt similar decisions will be taken in future years. So that on the first leg I think that we are taking steps in the right direction and we must continue to make it quite clear to all member countries that if they do not pay, they cannot vote.

The second leg is to exercise the very maximum restraint possible on expenditure of the organisation and its activities. It seems to me that the Finance and Administration Committee are to be congratulated for having done that this year, and for having presented proposals for expenditure which meet that requirement, of being reduced to the minimum necessary to meet the priority activities of the Commission.

Having done those two things, Mr Chairman, it does seem to me important that we do not proceed in such a way as to jeopardise the financial existence of the Commission and of the organisation and that the approach which has been presented on the income side is a balanced one, less than ideal but one which is designed not to create or to aggravate the financial problems of the organisation.

There has been an alternative approach put forward which consists of limiting income very, very strictly to the expenditure total and preparing ourselves to take emergency action later on. I see some difficulties both in seeing how the emergency contributions would be calculated in such a way as to achieve the desired result, and I also have considerable reservations about the ability, our collective ability I should say, to get those decisions taken in time to prevent damage being done. So that it does seem to me that the approach put forward by the Finance and Administration Committee makes the best of a difficult situation, and I for one would support it. Thank you.

Chairman

Thank you Commissioner of United Kingdom. Commissioner of New Zealand please.

New Zealand

Thank you Mr Chairman. Just very briefly. I think that we have two problems here and without trying to go over the work of the Finance Committee it does seem to me that there is a problem of non-payment of contributions and that is a matter that needs to be dealt with and I share other views that have been expressed. There is also a question Sir, of having a realistic budget. In my view budgets should be realistic, I think that we get onto very shaky ground if we start putting together figures that we know are unlikely to be realised. With the thought of a fall-back position of a request for supplementary contributions in government systems it's easier to take one bite of the financial cherry than two. Certainly I would prefer not to have my government faced with a second request for funds in the same financial year if that is the sort of plan that is contemplated. Thank you sir.

Chairman

Thank you Commissioner of New Zealand. Any other comments? Thank you, then I would try to speed this matter in two different ways. First of all I would like to enter in the wording and the proposal from the Finance and Administration Committee, that means without prejudicing on the proposal in some way from Norway and supported by Denmark. If we could accept the other matter involved in this sub-paragraph. I do not see any comment, then I will try to deal with the second part, that means...

Is it a formal proposal from Norway to consider and adjust the budget, or just that you are looking, distinguished Commissioner for your registration of comments in the report of the Plenary, and saying that some members felt and introducing your intervention of course and Denmark afterwards, and registering the position and insisting on its importance, as well as the USSR intervention, and we could leave with that in this meeting or would you prefer to make a more formal approach to this matter, and to look at the possibility to change the majority report in this particular case? Please Norway could you help me?

Norway

Thank you Mr Chairman. I do not believe that it is necessary to make a formal proposal. However, I believe it would be in order that we maintain Appendix 5 in the manner in which it was prepared by the Secretariat. This is the only logical way of following up the statement by the Finance and Administration Committee in the third paragraph from the bottom on page 4, where it says that "the Committee agreed that the Commission could not continue to accept the year by year expedient of setting member contributions at a level beyond that required to meet approved expenditure in order to overcome the problem of non-payment."

So I think that the best thing the Commission could do is simply to maintain the figure in the advance forecast for 1986/87 of £340,130 that gives an indication of what the problem is, and I am sure that to the extent that national administrations will need to forewarn their finance ministries of any larger figure, they will be able to do so on their own experience. Thank you sir.

Chairman

Thank you Commissioner of Norway. Yes Mr Van Reenen please.

Chairman of the Finance and Administration Committee

Thank you Mr Chairman. I would like to inform the meeting that it was my intention with regards to the item Advance Forecast, at a later stage of course, to make a statement which I think will be in accordance with the views of all the members of the Committee. Although I had not the opportunity to consult on this matter with all the Committee members, but I am quite confident that it will be acceptable.

Now the Commissioner of Norway has made a reference to the Advance Forecast. I'm not sure if it is the correct procedure already to go into this matter or whether you want to deal with Advance Forecast at a later stage. That would be my personal preference. Thank you Mr Chairman.

Chairman

Thank you. I will try to follow your personal preference then. I think in this case that we could adopt this sub-paragraph, taking into account this remaining point to be checked with the proposal from Mr Van Reenen as the Chairman of the F&A Committee. Thank you. Any other comments? Thank you, then this matter is closed and we pass to the following paragraph, item 19.3 and 19.4 and item 19.5 and you could finish with the Plenary, no we put suspension of the right to vote to the end. Then could we ask you for the next three items, Mr Van Reenen? Yes, thank you.

Chairman of the Finance and Administration Committee

- 19.3 Thank you Mr Chairman. The next sub-item is **19.3 Consideration of the Supplementary Budget.** The Committee's recommendations concerning supplementary budget items are reflected in the discussions under item 19.2 with regard to other meetings and allocation for research.

If you will allow me to explain to the Commission, in contrast to previous years, the consideration of the supplementary budget has not led to an increase in the basic budget, but to an actual decrease. Thank you Mr Chairman.

- 19.4 Excuse me, you want me to continue with 19.4? The next item is **19.4 Consideration of Advance Budget Estimates for 1986/87.** I have already indicated Mr Chairman, that we have run here into a certain problem. I will go first through the text, which is here and then I will try to explain what the problem is.

Several members explained that despite the current budget uncertainties, their governments require advance budget estimates. Accordingly, the Committee requested the Secretariat to prepare an advance budget estimate for 1986/87 using the budget estimates for 1985/86 with last year's estimate for Annual Meeting expenses and with an allowance for the inflation rate in the UK.

If you will allow me to explain. The reference to last year's estimates for Annual Meeting expenses, is based upon the fact that the Annual Meeting expenditure in the coming financial year will be unusually low due to the kind invitation of the Swedish Government. So we thought it proper to make a reference to the actual costs for Annual Meeting during the year, the current financial year. The Committee recommends that the Commission accept the forecast budget estimates for 1986/87 shown in the second column of Appendix 5.

Mr Chairman, that is where we run into some problems. When we received the report this morning we noted that in the second column of Appendix 5, that there is a figure against contributions from member governments of £340,130. Now some members, I think that I am entitled to say that most members, including myself were of the opinion that it was agreed when we approved the report that the figure to be put there would be based upon the corresponding figure which you will find in the left column, under estimated budget, with the addition of 5% to take account of the expected inflation rate in the UK. Then I contacted as many members of the Committee as I could find this morning and I noticed then that there were at least two members who disagreed with the view of the majority and who were of the opinion that the figure of £340,130 should be retained and they found also an argument for the retention of this figure in the text of our report. So I thought the most appropriate way to proceed would be that I just read a statement which could be for the summary records, and although I was not able to consult all members of the Committee, I am quite confident that they will find it a correct reflection of the different views and I could read then the following statement on behalf of the Finance and Administration Committee.

It's quite a long statement, and maybe during the tea-break it could be typed out. "It was the intended position of most members of the Committee that the advance forecast 1986/87 column in Appendix 5 contain a figure of £424,200 for member contributions, (based upon the corresponding budget provision 1985/86 adjusted for inflation in the UK), with consequential changes in the advanced forecast column for a total income and transfer to the reserves. Those members felt that the present figure of £340,130 was due to a misunderstanding between the Committee and the Secretariat".

"Some members," - I am not sure whether I have to put a figure there, we have when dealing with income been quite specific and referred in an earlier statement to three members, I'm not quite sure how many members I put here two or three - "Two or three members, in light of their reservations with regards to the budget provisions for member contributions for the financial year 1985/86, took the position that the present figure of £340,130 should be retained. In this context they referred to the consideration of the Committee" - which you will find actually on page 4 of the report - "that in principle the level of members' contributions should be broadly equivalent to the agreed expenditure and should not be calculated at an inflated level, to compensate for the expected late and non-payment of some contributions; and they also referred to the agreement of the Committee that the Commission would not continue the year by year expedient of setting member contributions at a level beyond that required to meet approved expenditure in order to overcome the problem of non-payments".

Mr Chairman, maybe it's wise to have at a certain stage, this statement written down and typed out. I hope that in this statement I have covered the divergent views in the Committee and I thought that it was proper for me to give this explanation and that this explanation then be put in the summary records. Also that the Commission decides upon the basis of the information as the the Commission thinks it is fit to do. Thank you Mr Chairman.

Chairman

Thank you. Any comment on these two points then 19.3? Yes please New Zealand.

New Zealand

Mr Chairman, briefly my reservations expressed earlier apply here and referring to Appendix 5 and the contributions from member governments as I understand it. The basic assumptions from the 1985/86 year into the 1986/87 year have really changed and therefore there is a switch which is certainly not apparent on casual reading and which would give the misleading impression that contributions from member governments might be expected to be reduced in 1986/87. Well, life's not like that and I think that this would be then a misleading impression that we would all have to correct and I don't think that that is a good practice, and for that reason I do believe that the 1985/86 figure of £404,000 should be projected forward into the advance forecast, adjusted for inflation; or alternatively, if that caused problems then, considering that we were one of the delegations that asked for an advanced forecast, rather than, as I said give a misleading impression, I would prefer that column to be dropped completely. Thank you, Sir.

Chairman

Thank you Commissioner of New Zealand. May I finish with the item 19.3? Thank you, United Kingdom has the floor.

United Kingdom

Sorry Mr Chairman, I did want to support the point made by the Commissioner of New Zealand, about this advance forecast column and particularly the entry for contributions from member governments. I do think that it is misleading...

Chairman

I'm sorry, but my point is that if we could approve the item 19.3? I do not see observations then we can go to the 19.4. It's all right? Any comments on 19.3? I do not see any then we can approve it. Then we pass to 19.4, and I took the comment from New Zealand to this particular item. Then I pass again, if I may, to United Kingdom, the floor.

United Kingdom

Sorry Mr Chairman, you were quite right I was talking about 19.4. I think that the figure included for contributions for member governments in the advance forecast is misleading and could cause problems if at a later stage, as we get to the year in question, the situation proves to be very different, and I don't see why the figure shouldn't be changed to whatever it was that the majority of the Finance and Administration Committee intended that it should be. If rather than do that we simply remove the column altogether I would not object to that. Thank you.

Chairman

Thank you Commissioner of the United Kingdom. Any other comments? Yes Ireland has the floor.

Ireland

Thank you Mr Chairman. I would be sorry to see the column dropped and if it's not possible to change the figure a subnote indicating what the Chairman of the Finance Committee indicated might be a way round. It's valuable to me, I can assure you to have it there.

Chairman

Thank you Commissioner of Ireland. Commissioner of Norway.

Norway

Mr Chairman, I would like to say that I could support anything to which the United Kingdom Commissioner would not object and I would therefore prefer the latter alternative as stated by the Commissioner of New Zealand, that we do not include the figures in the advance forecast table. Thank you.

Chairman

Thank you Commissioner of Norway. Any other comments? So we have in front of us a suggestion from Mr Van Reenen to include this statement and perhaps this statement could cover all the worries from the Commission. But it seems not so, and there are some Commissioners preferring to adjust the figure to the explanation that they have already given, any further comments on that? I do not know if your silence means that you are agreeing with Mr Van Reenen's proposal or on the contrary that you feel that we have to remove some figure in the column in particular, but I will try. Is there any strong feeling against any proposal of Mr Van Reenen's to make the statement as a footnote, taking into account the comments of the Norwegian and the United Kingdom Commissioners being registered in particular? Thank you, I do not see any, then could we assume that, yes, United Kingdom has the floor.

United Kingdom

Well, I'm sorry Mr Chairman, perhaps I shouldn't insist on this point, but I did specifically put a different point of view and I'm not very happy with leaving the figure as it stands. But, I don't want to hold up the business of the Commission if others don't see this thing in the same way.

Chairman

Thank you Commissioner of United Kingdom. That means, that you could go along or that you are making a formal proposal? I mean I was checking one of the two lines this is why I have chosen the first one because it was proposed first, there is no other reason than that. I thought it was logical to start with in some way the proposal from the Chairman of the Finance and Administration Committee. If you feel that you need to cover in another way, you have the right to propose it. If I do not see your reaction may I assume that you could live with this proposal, registering the Norwegian and your own comments on this point that the Secretary has already written down? Thank you.

Thank you very much indeed. Then we will do it in this way. I mean registering the statement from the Chairman of the Finance and Administration Committee, which could be polished by the Secretary and yourself and as well registering the comments and statement from Norway and United Kingdom. Thank you very much indeed. Then could we pass to the following item 19.4? Then we take into account the recommendation as well, and it is approved with all these comments we have already made. Thank you very much. Then item 19.5 please Mr Van Reenen.

Chairman of the Finance and Administration Committee

Thank you Mr Chairman. **Item 19.5, Representation of the Scientific Committee, in Meetings of the Technical Committee and the Commission.** 19.5

The Committee recalled that it agreed last year that it was essential that the Chairman of the Scientific Committee should be able to participate in meetings of the Commission and the Technical Committee. The Finance Committee recommends that the Rules of Procedure be amended by inserting the following paragraph: "The Chairman of the Scientific Committee may attend meetings of the Commission and the Technical Committee in an ex officio capacity without vote, at the invitation of the Chairman of the Commission or Technical Committee respectively in order to represent the views of the Scientific Committee". It is my understanding, Mr Chairman, that this paragraph would then become a new paragraph J.8 in the Rules of Procedure.

Do you wish me to continue with item...

Chairman

No thank you, if I may I would like to consider this point now. Any comments on the Representation of the Scientific Committee in Meetings of the Technical Committee and the Commission? Could we approve then by consensus this modification of the Rules of Procedure? I do not see any objections, then it is adopted. Thank you it is so decided. Then we move to the last point, that is **19.6 Suspension of the right to vote.** Please, Mr Van Reenen.

19.6

Chairman of the Finance and Administration Committee

Thank you Mr Chairman. The Committee took note of the current Rules of Procedure, in particular Rule C.1(b), which provides for the suspension of the voting right, and considered that the Commission might wish to take a position on the question of the incorporation of the current guidelines concerning the procedural questions in relation to this rule in light of the experience of the Commission with the application of those guidelines during the present meeting. You will find the text of those guidelines in the annotated agenda under this item.

Some members supported a strict application of the current Rule of Procedure C.1(b).

Another member expressed the view that in the decisions on the application of the current Rule of Procedure C.1(b), there is a need to consider other aspects related to various points, such as existing differences in financial years, member states' currency exchanges and the international economic situation which is unfortunately delaying the full participation of some members of this Commission. Thank you Mr Chairman.

Chairman

Thank you Mr Van Reenen. Any comments on this item 19.6? Yes, Mexico has the floor.

Mexico

Thank you Mr Chairman. Talking on behalf of my delegation which believes that in the application of the current Rule of Procedure related to the right of vote, there is a necessity for the Commission to consider some of the economic aspects which are not allowing to some members to accomplish in due time its financial obligations. I'm not talking about flexibility, Mr Chairman, but consideration and understanding of this Commission of some of the financial differences in the fiscal years, currency exchange and the international economic situation as a whole. I'm therefore requesting kindly from this Commission, its understanding to these countries. Thank you Sir.

Chairman

Thank you delegate of Mexico. Any other comments? Kenya has the floor.

Kenya

Thank you Mr Chairman. I endorse the views expressed by the Commissioner from Mexico. As much as I appreciate the strict application of the Rule of Procedure, I think some other considerations should also be taken into account, so that at least we carry all the members as much as possible, particularly those who are making stringent efforts to meet their contribution. Thank you Mr Chairman.

Chairman

Thank you Commissioner for Kenya. Yes, Commissioner of Japan please.

Japan

Thank you very much Mr Chairman. Our delegation is of the opinion that those factors mentioned just now by the distinguished delegates from Mexico and Kenya are to be considered when we, how shall I say, are drafting or

introducing amendments to the Rule of Procedures, but we believe that since any provision is found in the current Rule of Procedures then all the Contracting Governments should abide by all of the provisions, and in, how shall I say, the application of those provisions, we should not or we must not be flexible. That is our basic viewpoint. Thank you very much.

Chairman

Thank you delegate of Japan. Any other comments? If I do not see any may I assume then that the Plenary is prepared to keep this matter for the next meeting, but at the same time want to record the wording of this particular item as it is plus the comments coming from Mexico, Kenya and Japan? If I do not see any comment on that I will assume that then I will approve on your behalf this item with the wording it has already plus the comments we have already received. Thank you, it is so decided.

I think Mr Van Reenan, that we have already exhausted formally the item 19, we have pending other items from the report concerning the Plenary Agenda item 20, and as well some part with the Agenda item 6 and Agenda item 5 is already concerning other matters.

Perhaps we can go to the Plenary Agenda item 6, in mid-page of page 6, and we go back to the **Future Activities of the Commission**. If I may recall to Commissioners, we have already decided that this item number 6 from the agenda of the Plenary has a remaining point to discuss and insert in the framework of the report, Appendix 4 of the Report of the Future Activities, some figures to be changed in order to put up to date this matter, but not change it in any way the matter of substance of this particular chapter of financial implications in the Report of Future Activities. With this understanding, I will ask then Mr Van Reenan to introduce us with the actual figures put up to date and if you will allow me then, I am opening for just this only purpose the item number 6 of our agenda. I do not see any comments, then I will ask then the Chairman of the Finance and Administration Committee to introduce this matter.

6

Chairman of Finance and Administration Committee

Thank you Mr Chairman. I also would like to read out that the Finance Committee endorses the general views expressed in the section concerning financial implications in the Report of the Working Group on Future Activities of the IWC, and I refer now to document 37/14. As far as the examples of possible savings are concerned, the examples which are given on page 10 of document 37/14, it is our recommendation that those examples be updated by replacing them with the reductions recommended by the Committee in the review of the estimated basic budget 85/86. The revised estimates are given in Appendix 5. I have made calculations going through those expenditure items and comparing them with the examples on page 10 of the Report of the Working Group on the Future Activities. If you look at that page 10, the first example concerns whaling statistics, and a possible reduction is suggested of £10,000. The recommendation of the Finance Committee, which has already been adopted by the Commission, is to reduce funding under this item with a total amount of £5,000, because originally proposed was £11,000, the final figure, which you will find in Appendix 5, is £6,000 so there is a saving of £5,000.

The next one, in the document in the Report of the Working Group on page 10, concerns publications. The possible reduction suggested there was £20,000. That compares with a figure of £2,000 under printing and copying, you see there an expenditure of £40,000 and that is a reduction of £2,000 in relation to the budget as originally proposed by the Secretariat. So there we get a figure of £2,000.

The next item in the Report of the Working Group is current research. You will find there a possible reduction of £40,000, although it is not absolutely clear to me whether that is a reduction to £40,000 or a reduction of £40,000, but anyway, the reduction on this item proposed by the Finance Committee and adopted by the Commission, is an amount of £26,700 because the Secretariat had originally proposed an amount of £43,200, and the Commission has just adopted funding amounting to £16,500 so the difference is £26,700, although we must be aware, I have pointed out already that it is mainly due to the fact that we have drawn heavily on the Research Fund.

Then, there is an example on page 10 of the report of the Working Group concerning the Annual Meeting of the Commission and there is a suggestion for a reduction by £14,000 and, between brackets, it is indicated that that could be achieved by holding a bi-ennial meeting. Now the effects of holding a bi-ennial meeting are considered by the Finance Committee under another item, but as far as the Annual Meeting costs for next year are concerned, we have proposed and the Commission has adopted, a reduction under this item to the amount of £23,000, although that is mainly due to the fact that next years' Annual Meeting will be hosted by the Swedish Government. So then, the figures, I repeat, would be replaced by £5,000 for whaling statistics, £2,000 for publications, £26,700 for research and £23,000 for Annual Meeting. Thank you very much Mr Chairman.

Chairman

Thank you Mr van Reenan. Then we have in front of us the proposal coming from the Finance and Administration Committee, to update these figures in the way that Mr van Reenan has already stated. It is a pure matter of updating figures and we are approving them by other means already. Then can I assume we can approve this proposal? Thank you very much, it is so adopted and incorporated in the Report on Future Activities of the IWC. Thank you, it is so decided. Could we move then to the other item, 6.2. Yes please, Mr van Reenan.

Chairman of Finance and Administration Committee

- 6.2 Thank you Mr Chairman. **Item 6.2 is Review of the Operations of the Scientific Committee.** You should compare this with the Scientific Committee, I would say that rather, our comments are based upon the Scientific Committee Report, chapter 7 paragraph 2, so you will find that in the Scientific Committee Report on pages 12 and following. The Finance Committee commends the Scientific Committee for the thorough analysis of its operations and notes that the Scientific Committee has already undertaken many cost cutting measures. It was stressed that the general result was that savings were either limited, or, if substantial, could seriously hamper the functioning of the Scientific Committee.

In answer to questions from some delegations as to whether it was possible to isolate, within the Secretariat costs, the amounts expended on the small cetaceans sub-committee, the Secretariat explained that it found it exceedingly difficult to isolate the cost component of just one element of the total Scientific Committee meeting activity. Mr Chairman, on the top of page 7 there is a further elaboration of the explanation of the Secretariat, I limit myself by drawing your attention to the conclusion of the Secretariat, which you will find in the same paragraph, as from the sixth line from the bottom, "The Secretariat concurs with the view of the Scientific Committee that the cost is unlikely to be very different from the figure of approximately £100 suggested by that Committee. The Finance and Administration Committee took note of the explanation of the Secretariat but

two members held to their view that there were probably some elements which would have the effect of increasing the total cost to over £100. Thank you Mr Chairman."

Chairman

Thank you Mr van Reenan. Thank you, any comments on this particular point? Yes, Japan has the floor.

Japan

Thank you Mr Chairman. Just an editorial error I'm afraid, the word "two", which appears on the third line from the end of the paragraph. Two was, if my memory is correct, was amended to "some". So, I would like to ask through Mr Chairman, to the Chairman of the Finance Committee, if my memory is correct or not? Thank you.

Chairman

Thank you. I think it will be done, it is correct recollection from Dr Gambell. Mexico would like the floor.

Mexico

If you allow me Mr Chairman, briefly, to help the Secretariat with the exceedingly difficult calculations, and this is one of the reasons our delegation has some concern about the suggested savings. In reviewing the reports of the last six years of the Scientific Committee, it can be noted that 180 participants were in the Small Cetaceans Committee, that Mr Chairman gives an average of 30 participants per year and in the same respect, you can calculate an average of over 20 papers presented. It's just simple mathematics of the number of papers, the number of participants and the number of pages which makes our delegation and the other two members feel that the suggested figure by the Secretariat is leaving some element which we feel affects the increasing of the total cost. Thank you Sir.

Chairman

Thank you delegate of Mexico. Any other comments? If I do not see any, I will suggest that this particular sub-paragraph must be taken by the Secretary and register it under item 6 in the Report of the Chairman, the Annual Report, and I will suggest as well to register the intervention of Mexico on this particular item and with the figures he has already added to our knowledge. Any comments on that? I do not see, yes, Dr Tillman please.

Chairman of Scientific Committee

Thank you Mr Chairman. I think some clarification is needed. Those figures quoted may be true, I don't know, I have not taken the time or had the time to examine who has attended or who has not attended over the past few years. But it is true that there is a great deal of overlap of expertise of the members in the Committee. A participant in the Small Cetacean Sub-committee is likely to be found in the Minke Whale group, in the Sperm Whale group and many other groups. I think it is unfair not to note that comment as well. Thank you Mr Chairman.

Chairman

Thank you Dr Tillman. Could then we take into account the explanation of Dr Tillman and it will be recorded as well in the meeting report from the Chairman. Thank you, any other comments? So we decided then, in that way, to approve this item from the Finance and Administration Committee and to insert it in that way in the Agenda item 6 of the Plenary. It is so decided then. Should we go to the agenda item 5 of the Finance and Administration Committee, Any Other Business. Please, Mr van Reenan.

Chairman of Finance and Administration Committee

Thank you Mr Chairman. Agenda item 5 of the Finance Committee, Any Other Business, 5.1 Consideration of Credentials. The Secretary reported that all Governments had conformed to the guidelines adopted by the Commission in 1983.

Sub-item 2, Consideration of Insolvency Contingency. In light of the concern for the current uncertain financial situation, the Committee recommends that the arrangements made for a possible supplementary budget be again confirmed by the Commission. Just to explain Mr Chairman, that last year we decided upon those arrangements and those arrangements were based, are based, upon a provision in the Financial Regulations which allows, I think, the Commission to have a supplementary budget in the course of the year. The arrangements include the understanding that the Finance and Administration Committee continues in existence until a new Committee is constituted by the Chairman.

Then 5.3, Revised Member Contribution Procedures. The Committee, while recognising that the basic reason for the present financial situation was late and non-payment of member contributions, also recognised that the present arrangements for funding the IWC were not in practice as efficient as they might be. The Committee considered that it could be useful to undertake an assessment of possible alternative arrangements, which might be introduced with the objective of helping to return the IWC to a sound financial position. It was therefore agreed to recommend that the Commission instruct the Secretary to prepare a paper for consideration by the Finance and Administration Committee which should include an analysis and comparison of the present and possible alternative methods of funding the IWC. Bearing in mind, inter alia, the terms of the Convention and the objectives of the IWC. Thank you Mr Chairman.

Chairman

Thank you Mr van Reenan. So, could we analyse this item number 5, Any Other Business. First 5.1, Consideration of Credentials, any comments on that? Thank you, we take note. 5.2, Insolvency Contingency, any comments on this one? Could we approve then the recommendation coming from the Finance and Administration Committee? I do not see any comments, then we approve it. Passing to the item 5.2, Contribution Procedures, any comments on that? Brazil has the floor.

Brazil

Thank you Mr Chairman. Our delegation would like to support very much, very much support the proposals indicated in item 5.3, since we feel that it is high time for this Commission to reconsider the structure of the contributions by Member States. I must say that I was struck by the fact that having attended one of the Commissioners' meetings earlier this week, and even previous to that, another meeting related to the Finance Committee, it was indicated, the ambiance, the atmosphere prevailing was that we were just like a board of a bank, examining the contributions of Member States as if they

were examining the contributions of individuals who had not been able to pay their loans. I think it is a little bit different here, since we are Member States and the fact of considering Member States in a situation, in an awkward situation, I suppose that everybody here at this Commission, felt themselves in a very much awkward situation in considering Member States who have not been able to be, to pay their contributions in due time, I think that this involves considerations of the whole structure of the contributions to the Commission. I think it is high time that we should consider that in time, so much so that in the future we might have a different structure in order to solve the financial situation of the Commission as a whole.

Mr Chairman, as a second point I would like to make on this item of the agenda is that Brazil, as of next year, will be, having no more the land station located in the State of Paraiba and so I would request some clarification as to our contribution concerning this land station since we, part of our contribution is due to the operation of that land station. Our not having it any longer, as of next year, will certainly imply the reduction of our contribution, so I would require some clarification from the Secretariat about that point. Thank you very much.

Chairman

Thank you Commissioner of Brazil, Commissioner of Spain.

Spain

I would like to point out that we will be in the same situation as Brazil as from next year, with respect to our whaling station. Thank you sir.

Chairman

Thank you, Commissioner for United Kingdom.

United Kingdom

Thank you Mr Chairman, the suggestion that there should be a consideration by the Finance and Administration Committee of alternative methods of funding on the basis of a paper by the Secretary seems to us to be a sensible suggestion. As certain Commissioners have already pointed out, there will be changes and to us welcome changes in certain of the factors which currently determine the structure of contributions. It may be that in next years' situation there will be good reasons to consider alternative structures of contributions but I would wish to respond to the comment made by the Commissioner for Brazil about the awkwardness of having to consider the position of individual member countries that have not paid their contributions. However, I would point out to him, with respect, that whatever structure of contributions, it is open to member countries either to pay or not to pay and what matters is the will and the organisation of payment and I'm not sure, unfortunately, that any alteration in the structure of the contributions will make, will overcome that problem, but I will be very grateful indeed if it did. I think the important thing is that the Member States, member countries, must pay their contribution however that is assessed. Thank you.

Chairman

Thank you Commissioner for the United Kingdom, any other comments on this point? I do not see any, then could I assume that Brazil and Spain are asking to the Secretariat and perhaps to Mr van Reenan as well, if you did consider the situation for the next year, or otherwise to give some explanation how this situation could work, taking into account the statements of both countries about the land station. Dr Gambell.

Secretary

Mr Chairman, the Secretariat has the responsibility of drawing up in the Advance Budget Estimate which is distributed 60 days before the meeting, a provisional table of contributions required from governments. We would use the formulation which is currently in existence, taking account of any changes either in the number of members attending this meeting or any other circumstances which form part of the contribution decision process in terms of the number of shares. That would include whaling operations whether pelagic or land station. I will need to ask the Commission next year to give me direction, whether this formula will be applied exactly, or whether there might be some consideration of whaling under objection, whaling through special scientific permit, or whatever other kinds of whaling may be going on. The instruction I have at the moment, I will apply and I will ask for direction on any modification which the Commission may determine to be necessary.

Chairman

Thank you. Any further comment on that? Thank you. Then we have another point before tackling this one, that is a more serious one. I don't know if Brazil likes to make some comment registered in Annual Meeting about the way that the Commission is taking a look on non-payment of contributions. I think was a statement, but not necessary to put into the Annual Report, unless you prefer to do that of course. Please, Brazil has the floor.

Brazil

Thank you Mr Chairman. No, it was a general comment made for the note of this Commission, broadly speaking. Thank you.

Chairman

Thank you. Then we don't need as well to register the United Kingdom intervention, and concerning the other point, I think that it is quite interesting to see the reaction of Commissioners about that and I think it is not affecting the next budget already approved, because it is 85/86. But we can have a look to that for the next meeting and perhaps the Secretary could address to all Commissioners during the two meetings, asking for some instructions and some guidelines to be discussed at the next Finance and Administration Committee next year previous to the Annual Meeting. The Secretary will do that and put it in the paper as well. Any other comments then? I do not see any, then we could approve the recommendation on item 5.3, in the second paragraph at the bottom of page 7. Thank you, it is so decided, and then we finish with the item 19.

But we have some remaining point, but we will go to the item number 20 of our agenda, the Plenary Agenda, Date and Place of Annual Meetings. Could I tackle with this item, in order to finish the Report of the Finance and Administration Committee? Thank you very much, then I will ask Mr van Reenan to introduce this matter, which is in page 5 at the bottom of the page. Please Mr van Reenan.

Chairman of Finance and Administration Committee

Thank you Mr Chairman. This is the Plenary Agenda **item 20, Date and Place of Annual Meetings, 1986 and 1987**. The first sub-item concerns the arrangements as such for 1986 and 1987. The Committee recommends that the Commission accept the generous offer of the Government of Sweden to host the 38th Annual Meeting of the IWC in Malmo next year, from the 2nd until inclusive the 13th of June. The various savings that will result from holding that meeting in Sweden have already been discussed in, under Agenda item 19. The Committee recommends that the 1986 meeting of the Scientific Committee be held in Bournemouth from 19 - 31 May and the Committee also recommends that the Annual Meeting for 1987 be held in Bournemouth in June. Thank you Mr Chairman.

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Chairman

Thank you Mr van Reenan, we have then, a decision to take on **item 20.1, Arrangements for 1986 and 1987**. We have three recommendations there, could we approve it? Thank you very much. I think, on behalf of the Commission I may thank very warmly the Government of Sweden for their generous offer and to accept by unanimity this proposal and looking forward to go to Malmo, the countries involved here. Thank you, this is approved then this item, can we go to the **item 20.2**.

20.1

Chairman of Finance and Administration Committee

Thank you Mr Chairman. This item concerns **Consideration of Financial and Other Implications of Holding Meetings Biennially**. I would like to point out that on authority we have changed the title of this item. If you look at the Agenda of our meeting, the Provisional Agenda, it was originally the Consideration of the Financial and Other Implications of Holding Meetings Annually. But we thought it more proper to approach it from the biennial approach. The Committee refrained from recommending that the Commission should hold meetings of the IWC on a biennial basis because we felt unable to do so to enter into other considerations than budgetary considerations alone. So we have confined ourselves to just providing an estimate of meeting costs and you will find them below. There are three scenarios: first scenario is that the assumption that the Annual Meeting covers, if it takes place every year, each year, both the Scientific Committee Meeting, the Technical Committee Meeting and the full Commission Meeting, and that leads to funding required to £53,000. That is based upon the, not upon the budget provision for the coming financial year, but upon the budget provision for the current financial year because as I have already explained next financial year, the costs for annual meetings will be unusually low.

20.2

The second scenario is that there would only be a Scientific Committee meeting and that would entail costing £27,700, so you yourself can calculate how much saving that would lead to. And then the other scenario is that there would be not a Scientific Committee meeting but there would only be a Technical Committee and full Commission Meeting. That would require funding of £29,300 and then you can yourself calculate how much the savings would be. The

Committee, however, cautions that apart from the savings indicated above, there could be consequential changes in the form of increases or reductions which cannot be estimated without further guidance from the Commission. An example of such a complication is given in the final part of this paragraph. Thank you Mr Chairman.

Chairman

Thank you Mr van Reenan. Any comments on this second part? Sub-paragraph 20.2, I do not see any, then we could take note then of the wording of this part of the Report and register it, but no action arising now. Thank you, it is so decided. Then I think we finish with the Report, that could lead us to go to the Agenda **item 21**. It is **Adoption of the Report of Finance and Administration Committee**. Could we do that? And it is adopted with all the comments, reservations and other action we have already taken. We decided formally to adopt the Report of Finance and Administration Committee. It is so decided then. If I may, on behalf of the Commission, I would like to thank very warmly to the Chairman of the Committee as well as the members of the Committee for their very hard and useful and very clear work that you did and express our thanks for your work. Thank you very much indeed and we close then the item number 21.

Thank you very much, I think it would be proper then to move to **item 22** because it could be a very slight implication of financial matter. Then if you will allow me, we go to this item of our agenda clarifying that the point 22.9 could be some slight implication of financial matters. Then we open discussion of **Co-operation With Other Organisations** and paper is 37/11, and unless I receive any general comments I will go straight forward to each of the different bodies, international bodies. It could be worthwhile to mention that the Scientific Committee has already looked at all these organisations' work, and has received directly the reports from the different observers. Then I will ask if you have any comment to do with the first of them, the **CCAMLR**? If I do not see any comments I will think that we take note of this report. Thank you, it is so decided. Could we pass to the **22.2 ICES**, any comments on this particular international body, organisation and work and the report from the observer? I do not see any, then we will take note of this. Passing to **22.3, IATTC**, any comments on this particular one? Mexico has the floor.

Mexico

Thank you Mr Chairman. In relationship to the Observer's report on the 1984 meeting of the IATTC, our delegation wishes to comment for the record of this reunion that there are some important factors to consider. First, it is well known the traditional position and interest of Mexico and conservation of natural resources and specifically to marine resources and marine mammals. Our country participates actively in the Commission and its conservation objectives and also has created national conservation measures which include legal and research activities tending to preserve the whales and the cetaceans. It was the first country in the world to designate protected areas for cetaceans known as whale refuges. It is also known in this forum and other international organisations, to which we are active members, that we accomplished punctually the agreements and recommendations arrived and fulfilled them truly. In the report from the Observer to the Inter-American Tropical Tuna Commission, it is noted that the acceptable accuracy and precision on their data analysis is hampered by the failure of our country to participate in the data collection program. We wish, Mr Chairman, to note that Mexico is a non-member of the IATTC since 1977 and therefore it does not have a responsibility with this organisation and or its activities or recommendations. It also should be noted that last year's report of the

Scientific Committee in Annex A point 6.3 on page 136, mentions explicitly that they are differences in the two sets of data used in the analyses, mainly for area effects, and we feel that if there is any problems in the precision and accuracy of the estimations, it's because the problems of these data and also to make clear at this stage, as non-members of IATTC, we don't feel we have an obligation to participate in the research activities. Thank you sir.

Chairman

Thank you delegate of Mexico. We will take note of your comments and it will be registered in this item. Any other comments? Yes, Mexico has the floor.

Mexico

Thank you Mr Chairman, we will circulate a response to this Observers report. Thank you.

Chairman

Thank you, but would you as well prefer to add some comments to the Annual Report?

Mexico

As I expressed when I took the floor, Mr Chairman, that we would like to note those for the record of this reunion. Thank you sir.

Chairman

Thank you, then you will provide the wording to the Secretary, thank you. Any other comments on that? I do not see any. We pass then to the **22.4 ICCAT**. I do not see any, then we take note of the report. Passing to the **ICSEAF** point **22.5**, any comments on that? I do not see any, then we take note of the report. Passing to the **22.6, AEWG/NSB**, any comments on that? Thank you, I do not see any, then we pass to the following one **22.7, IUCN/SCAR**. I do not see comments on that, we will then take note of the report. Pass then to the **22.8, CITES**. Any comments on that? I do not see any, then we could take note of the report. Thank you, we come to the last one **22.9, CMS**, and we have a paper on that /18, and Dr Gambell will introduce this paper and explanation will be given.

Secretary

Mr Chairman, The Convention on Migrating Species is a new Convention which is due to have its first meeting in October. The document 18 includes a letter of invitation to this IWC organisation to attend that meeting, and my provisional reply, in which I try to express a general interest which we might have, since the species in which we are concerned overlap with this new Convention. We do have an Observer from this new organisation attending our meeting, because of their interest in our affairs. I would like to have an instruction from this Commission as to how we should respond and perhaps co-operate with this new organisation. To my mind, it has some similarities in our need to co-operate with it in the same way that we have a special relationship with CITES. I think it would be appropriate for this Commission to make a statement of its position and a decision as to whether it should be represented at the meeting in October. Thank you Mr Chairman.

Chairman

Thank you Dr Gambell. Any comments on that, any action arising, any suggestions? I do not see any, then perhaps we have to take some action, we will note that some observer could come to that meeting. I will say that we have to wait ... Ireland has the floor.

Ireland

Thank you Mr Chairman. As I too will be a delegate at that meeting in Bonn, I would like to see this organisation represented and perhaps the appropriate representative would be our distinguished Secretary. Thank you.

Chairman

Thank you, I think ... yes, Switzerland has the floor.

Switzerland

I would simply like to second that.

Chairman

Thank you. If I do not see any comments in that way ... yes, Brazil, seconding as well? Yes, thank you. I think it is geographically a very important support. Then could we assume we are approving the travel of Dr Gambell then to this meeting and through the Finance and Administration Committee it will take in the measure to accomplish with that. I don't see any comments on that and I think Dr Gambell will do the appropriate measure to ... yes, Federal Republic of Germany has the floor.

Federal Republic of Germany

Yes, my country has invited for this conference and I hope a lot of representatives will come to this conference because it is of interest for whaling too I think. Thank you.

Chairman

Thank you Commissioner of Germany. So, it will be very helpful to have some of you as well as Dr Gambell there, in order to observe the meeting from our point of view. If I do not see any reaction, I think we can approve this decision and ask then Dr Gambell to be present at this meeting, to make the report subsequently, to respect our frame legally and politically and make all interventions that our organisation needs to do in this important forum. Thank you, it is so decided. I do not see any other item under the main item 22 Co-operation With Other Organisations, then we close this item and we approved as a whole the measures we have already taken. Thank you.

It is my idea now we have at twenty to five, to work a little bit more, we have not worked a lot today, I mean in the Plenary of course, I'm sorry, but I think perhaps we can make a break of 10 - 15 minutes if you can arrange to have coffee it will be right, otherwise you could take your cup of coffee here or tea of course. The idea is later on that we have to meet in the hall at 6.10 in order to take different buses to the reception, but the reception is very short, it seems it is finishing at 7.15. That means 45 minutes there, then I am assuming that you could come back I would say at 9 o'clock we can have a meeting of Commissioners in order to prepare our evening session and in principle I would ask if it would be possible to meet at the Plenary session at 9.45 pending any changes that must be done, but as a whole I propose that

is the schedule to take. Any comments on that? Thank you very much, then we break now for 15 minutes, five to five we will meet again and at a quarter to six we will adjourn this meeting until 9.30 tonight. Any comments? Thank you very much indeed. The meeting is adjourned.

THURSDAY 18 JULY : 17.15 resume

Chairman

..... and unless you ask me for a quorum taking note of the quorum in the meeting, I will assume we have, then waiting for some of the members. Perhaps we can move to the **item 23, Annual Report**, and you have already the document 36/12 and I put under consideration this document and with the comment from the Secretariat that they will update the last events happenings of this, last days and particularly the new contribution that we have received. Then in this line could we approve the Annual Report, you have to take note this is document /18, I'm sorry 12, and if I do not see any comments on that, taking into account we have already a quorum. We could decide approved, the 36th Annual Report 84/85. Thank you, I do not see any comments on that, then the Report is approved with the comment coming from the Secretariat to put up to date this Annual Report.

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Then we may move to other pending items and I thought perhaps it would be useful to start with item number 14. Later I will try to deal with item 16 and 17 if we have time enough. I intend to adjourn a quarter to six in order to allow you to prepare for this reception. Now we will try then to discuss these points. Concerning then item 14, if I do not see any objection to that I will ask you that the Chairman of the Technical Committee report on this point from this body and please Dr Lemche.

Chairman of Technical Committee

Thank you Mr Chairman. You will find this item in part 4 of IWC/37/5, the first point in **item 14 Second International Decade of Cetacean Research** was the **Report of the Scientific Committee**. The only project sponsored by the Commission last year was the Southern Hemisphere minke whale assessment cruise. No new proposals from the Scientific Committee and unsolicited proposals were reviewed and put in priority order for consideration of funding by the Finance Committee.

14
14.1

14.2 FAO/UNEP Global Plan of Action for Marine Mammals. The Scientific Committee received the report of the Secretary who had attended a Consultative Meeting to review the ongoing activities of the Global Plan. The administrative organisation within, UNEP it must be I think, for the Plan has been changed, and the UNEP observer to the Scientific Committee indicated that large whale projects should be implemented by the IWC in a second International Decade of Cetacean Research as a contribution to achieve the goals of the Plan. The Scientific Committee recognised that any research on large cetaceans will need to be initiated and funded by the IWC, and recommended the Commission to encourage Contracting Governments to support specific activities. Because of the need to maintain close contact with UNEP in coordinating these activities, the Scientific Committee also recommended that the Secretary should attend the next Consultative Meeting in October 1985.

14.2

Australia emphasised the opportunity for members to contribute money to the IWC Research Fund for specific projects, and the Technical Committee agreed that Contracting Governments should be encouraged to use this ability, and also endorsed the two recommendations from the Scientific Committee.

The Chairman of the Finance Committee indicated that an allocation had been made for attendance at the Consultative Meeting. The USSR spoke of the importance of scientific research in the Antarctic at this time in the Commission's affairs, and stated that it is ready to provide a vessel again this year for the minke whale sightings programme. Foreign scientists will be accepted on board. So Mr Chairman, our recommendations are contained in the first paragraph of page 2, we urge that Contracting Governments be encouraged to use this ability here and we endorse the two recommendations from the Scientific Committee which you see on the bottom of page 1. Thank you Mr Chairman.

Chairman

Thank you Dr Lemche. Any comments on this item number 14 and on the Report of the Technical Committee? I do not see any, then we pass to the two recommendations. I do not see any comments on the recommendations as well, may I assume then that we could approve it, at the top of page 2, urging and endorsing? Thank you, it is so decided then, the Secretary will take note of that as well as the text of this report to put in the adequate way in the Report of the Chairman. Any other comments on this item 14?

16 I do not see any, then could we move to **item 16, Humane Killing**. Any comment on this decision? Thank you, then could I ask Dr Lemche.

Chairman of Technical Committee

Thank you Mr Chairman. The Secretary introduced document IWC/37/17, a compilation of the replies received from Denmark, Norway, Oman, Switzerland and the UK to the request for details of national laws relating to the catching of animals. As with the national laws previously provided by Japan, Iceland and Canada, these generally called for animals to be killed as quickly and painlessly as possible, causing the minimum of suffering.

The Aboriginal Subsistence Whaling Sub-Committee received summaries of the methods of killing used in aboriginal subsistence whaling operations. Denmark indicated that fin, humpback and some minke whales are taken by fishing vessels equipped with harpoon cannons using non-exploding harpoons; other minke whales are taken under collective hunting in which the whales are secured by the use of hand harpoons and float bladders and are killed by high-powered rifles. The United States stated that exploding projectiles are used in the Alaskan Bowhead hunt, and the USSR indicated that gray whales are taken using exploding harpoons exclusively. The Sub-Committee recommended that the Technical Committee Working Group on Humane Killing be directed to prepare, in association with affected aboriginal people, a report on killing methods used in aboriginal subsistence whaling operations to be considered at the next Annual Meeting, following a review by the Aboriginal Subsistence Whaling Sub-committee. The Technical Committee agreed to this recommendation on the proposal of the United Kingdom and New Zealand.

The UK spoke of its concern with respect to the Faroese pilot whale fishery, a species included in the definition section of the Schedule. There appears to have been an increased scale in the hunt in recent years and the killing methods were a cause for concern. It suggested adding the consideration of the methods employed in this fishery to the work of the Humane Killing Group. Sweden, Switzerland and the Netherlands associated themselves with this position.

Denmark understood these concerns but pointed out that this pilot whale fishery had a centuries long tradition. The first laws associated with it date from 1198 and catch statistics are available from 1584. It objected to

allegations that more whales are caught than are needed by the local community, since the fishery is closed when sufficient meat has been taken. There is a well established long term cycle of abundance of these whales. Animal protection laws require the animals to be killed quickly and as painlessly as possible. Denmark stated that the IWC does not have competence to regulate the taking inside national fishery zones of species not listed in the Nomenclature Annex to the Final Act of the Convention, but it is not opposed to an examination of these issues by the Humane Killing Working Group.

The Technical Committee agreed to recommend that this matter should be referred to the Humane Killing Working group.

Norway referred to the recent withdrawal of its objection to the use of the cold grenade harpoon in its minke whale fishery, the Schedule paragraph 6. A programme of alternative methods for killing had begun in 1981 which was summarised in document IWC/37/19. The Norwegian government had funded development of a safe and practical alternative, but a great deal was owed to the co-operation of the whalers. Many governments commended Norway on the withdrawal of its objection and expressed the hope that the other objecting nations would follow suit.

So Mr Chairman, you will see our recommendations are the bold type on the top of page 9, and also further down, the second last paragraph on page 9. Thank you Mr Chairman.

Chairman

Thank you Dr Lemche. I think we have, yes, we could deal with this matter as a whole, then any global comment on that, United Kingdom has the floor.

United Kingdom

Thank you Mr Chairman. I hope I'm in order in terms of procedure, but I think my understanding was that the draft Report of the Technical Committee was open to amendments or corrections at this stage of its presentation to the Plenary, and I would be grateful for a small addition to the United Kingdom statement as set out at the top of page 9. Is that in order? Thank you. The addition that I would like to make is after the word species in the second line, a species, add the words: "which in its view fell within the scope of the Convention, and was" and then continue "included in the definition section of the Schedule". Thank you Mr Chairman.

Chairman

Thank you Commissioner of the United Kingdom. The Secretary will take note of that. And it is proper for any Commissioner to ask for some modification in the report. USSR has the floor.

USSR

Thank you Mr Chairman, Mr Chairman, the Soviet delegation would like once again to stress it's position towards the Humane Killing issue. We believe that this problem falls out of the scope of the IWC competence. Non-scientific deliberations on this issue do not contribute to the fulfillment of the IWC main tasks, considerably complicates the work of the Commission and imposing on it and its members an additional financial burden. Thank you Mr Chairman.

Chairman

Thank you Commissioner of USSR. Any other comments on this point? Then we will take note of the intervention as well, I think going to the wording of the item number 16, I think there are no further comments on the two paragraphs on page 8, I do not see any. So we decided that it's agreed by the sub-committee working group, sorry Technical Committee Working Group on Humane Killing be directed to prepare and so on. Passing to the page 9, at the top of this page, then the Technical Committee agreed- and we think we can approve this agreement and endorse it. Passing to the second paragraph, the United Kingdom has already made some explanation for some additional wording. No comment on that. Other countries are in the same paragraph, I do not see any comments. The third paragraph coming from Denmark, and the fourth one, the Technical Committee agreed to recommend that this matter should be referred to the Humane Killing Working Group. Then we adopt it, this decision on agreement. Thank you, it is adopted. Coming to the last one, and Norway's information and the reception by other Commissioners at the bottom of page 9 and the top of page 10. I do not see any comments, then we could approve the wording as well as the recommendation and agreement put forward by the Technical Committee. Any other comments on this particular item? I do not see any, then we approve this item and declare it's closed. Thank you very much.

- 17 Then we move to the following one, the 17, **Register of Whaling Vessels**. Could Dr Lemche again be so kind to introduce that.

Chairman of Technical Committee

Thank you Mr Chairman. Turning now to page 10 of the same part of the draft. The Secretary introduced the Sixth edition of the Register, it is document IWC/37/13. The number of vessels shown as registered continues to exceed those known to be in operation, because unless official confirmation of reclassification, sale or other changes are notified, the Register will follow the Lloyds' or other shipping register criteria. The Technical Committee agreed that amendments to the register should be made when a sufficient number accumulated. So, this is our recommendation Mr Chairman. Thank you.

Chairman

Thank you, any comments on item 17 on whaling vessels? Yes, Iceland has the floor.

Iceland

Thank you Mr Chairman. I made a request to the US Commissioner to give us some information on the boats used by Alaskan Aborigines. Thank you.

Chairman

Thank you. Any comments on that? Yes, United States has the floor.

United States

Mr Chairman, it is my understanding that all the vessels used for the Aboriginal hunting in the Aleutians are either skin vessels or small motor boats. There is nothing that could be comprised within the definition of a vessel as it appears in the register.

Chairman

Thank you delegate of the United States. Any other comments? May I assume then that we have no matters arising from this item number 17? Thank you, could we then approve the agreement put forward by the Technical Committee, that amendment to the register should be made when sufficient number accumulated. Thank you, it is so decided and unless I see any comments, I will close item 17. I do not see any, we approve the wording as well as the recommendation. It is so decided and close the item 17.

So, I think it would be proper to adjourn now our meeting, because we have in front of us pending item 12, 13, 15 and additional one is 18 for a formal purpose. Then we will have 24, 25 and 26. Any observations of all these items? I think there are no other matters pending. Then it is the case, we will adjourn now and will reconvene at around 10pm today, taking into account that at 9 o'clock I hope to see the Commissioners in a meeting of them in the Wimborne Room. Yes, United Kingdom has the floor.

United Kingdom

If I might ask to make an announcement Mr Chairman.

Chairman

Yes.

United Kingdom

I would ask the meeting of like-minded Commissioners to convene for a few minutes immediately following this session in the Wimborne Room please.

Chairman

Thank you. It is my intention, unless you decide otherwise, that tonight we could work 2 or 3 hours according with our physical situation and state. Thank you, then if I do not see any other comments, I will adjourn until 10 o'clock tonight, thank you.

FIFTH PLENARY SESSION : FRIDAY 19 JULY 0945 - 1030

Chairman

Good morning ladies and gentlemen. I resume the activities of the Plenary Meeting, as I was informing you yesterday, with your agreement, I will intend to deal with the remaining points, items 12, 13 and 15 and then pass to the last one of our agenda. It is our intention, I suppose, everybody could go along with this proposal that we intend to finish in a non-stop work, starting now, with some coffee break of course and perhaps a very short time for lunch, but it is my idea to finish before lunch if we may. Then I will ask you to co-operate in that way and to help the chair to shorten its last deliberation of the plenary. Thank you, then if you allow me, I will put on the table item number 12, Whale Stocks and Catch Limits, and I will ask Dr Lemche to introduce us with this matter that is inform from the Technical Committee in document 37/5 part 1 page 3. Yellow document, please Dr Lemche.

Chairman of Technical Committee

12.2.1

Thank you Mr Chairman. Plenary item 12. Whale stocks and catch limits. I think we have went through 12.1 already. **12.2.1 Sperm whales.** Western North Pacific Stock. New biological data from the Japanese coastal fishery exhibited discrepancies between results obtained by biologists and non-biologists, and the Scientific Committee agreed that these discrepancies cast substantial doubt on the records available. Computer programs implementing two estimation techniques had been validated during the year but errors were detected in new versions of both programs which precluded their use for assessment during the meeting. This difficulty had arisen in part because of the current financial climate and the Scientific Committee will ensure that properly validated programs and results will be available next year. No new assessments were therefore available at the present time.

Three views were put forward on the classification of the stock, and you will see those three views at the top of page 4 Mr Chairman.

The Scientific Committee did not have the information necessary to evaluate the effect of a zero catch.

Sweden, seconded by St. Lucia and France, expressed the view that this stock exemplifies problems which the Commission now faces with a stock which it believes to be depleted to below the Protection Stock level, but with considerable uncertainty in the assessments.

Japan opposed this view, indicating that no new information is available since last year when the stock was left unclassified, and the Scientific Committee advice had been that the current level of catch would have little effect in the short term.

There followed discussion on the classification procedure under Schedule Paragraph 10, and the question of the evidence needed for classification in a situation of such uncertainty. St. Lucia called for a vote and, after an adjournment for a meeting of the Commissioners, Australia proposed to adjourn the session, seconded by Ireland, and the meeting agreed.

We then Mr Chairman, turn to part 2 of IWC/37/5.

Upon resumption Japan expressed its view that the information necessary to satisfy Schedule Paragraph 10(c) is not available and that since the Scientific Committee assessed the stock size in 1982 as 200,000 animals, there have been no new analyses for technical and financial reasons. Japan believed that there must be positive evidence from the Scientific Committee to reclassify this stock.

Sweden emphasised that the special scientific meeting held in 1982 found that the males should be classified as a Protection Stock and that the program used for that analysis had been free from errors. The history of catching from this stock followed the classic pattern suggesting over-exploitation, with the fleets taking large males from the Bering Sea up to 1966 and then moving to lower latitudes taking increasing numbers of smaller whales, a majority females.

When put to the vote, the original proposal that the Technical Committee should recommend that this stock be classified as a Protected Stock, was approved with 12 votes in favour, 3 against and 18 abstentions.

So, Mr Chairman, this is our recommendation from the Technical Committee that this stock should be classified as a Protected Stock, thank you Mr Chairman.

Chairman

Thank you Dr Lemche. Then we have in front of us item 12.2.1 Sperm Whales, Western North Pacific stock. I think that in this particular point we were discussing quite broadly different alternatives and particularly the recommendation coming from the Technical Committee. I do not know if it would be wise, from the Chair I intend to make some proposal, intending to have some kind of consensus in this matter and after some of your intervention particularly in the Technical Committee as well as the Commissioners meeting. I think that in that way I could assume that you could listen at least to my proposal and try to obtain this consensus, if you agree as a whole with the mentioned proposal. Then in that context I would ask Dr Gambell to help me and read for you which will be the idea from the Chairman to finish with this question now, and try to get a consensus in this particular item. Could you Dr Gambell.

Secretary

Mr Chairman, the proposal is that in Table 3 of the Schedule that there should be a footnote to the North Pacific, the Western Stock of the North Pacific sperm whales. To go in association with the classification and the footnote would read, "This stock shall be classified as a Protection Stock starting with the 1988 season. Subject to its assessment on the advice of the Scientific Committee, the Commission may decide to bring the classification into effect earlier".

Chairman

Thank you Dr Gambell. Well, this is the proposal from the Chair, taking into account the different interventions, comments and partial proposal from some of you. Then I think that the Chair is entitled to propose to you this wording by consensus. Seychelles has the floor, and then Norway.

Seychelles

Thank you Mr Chairman. I would like to second the proposal.

Chairman

Thank you. Norway has the floor.

Norway

Mr Chairman, I have great doubts as to whether it would be proper or prudent for the Commission to adopt your suggestion which I understand is based on intensive consultations with Commissioners. My first reason for worry, is that the Scientific Committee in respect of this stock classification specifically stated that it made no recommendation. It is highly questionable, in the view of my delegation, whether this procedure that we are now embarking on would then be proper under the terms of Article V of the Convention. My second reason for concern Mr Chairman, is that during the past week I've heard a great number of people telling me that the question of protection of a stock is an absolute matter. If a stock needs to be protected, it should be protected and there should be no postponement of that protection. On that account Mr Chairman, I very much doubt whether it is prudent practice for the Commission to include a deferred entry into effect of a decision to classify this stock as a Protection Stock at this stage. However, in view of the consultations that have taken place and particularly in view of the attitude adopted by the Commissioner for Japan, who is the most immediately interested party, my delegation would not wish to raise an obstacle to the adoption by the Commission of your suggestion, provided my remarks are noted in the records of the Commission. Thank you sir.

Chairman

Thank you Commissioner of Norway. That will be done and Dr Gambell is taking into account your intervention. At the same time, I am fully aware that I am not a prudent man. Then if I do not see any particular comments on that, may I assume that we can adopt this proposal from the Chair by consensus, registering the intervention of the Commissioner of Norway, stating this situation, in particular the postponement of the Protection Stocks matter? I do not see any comments on that, then the Plenary decided in that way. Thank you.

We pass then to the next point, and I will ask Dr Lemche to introduce it briefly in order that we can tackle this matter, thank you.

Chairman of the Technical Committee

- 12.2.2 Thank you Mr Chairman. **12.2.2 minke whales** in the Southern Hemisphere. The Scientific Committee had an inconclusive discussion on the biological parameters of this stock and recommended a workshop to resolve some of the problems but found that national policies and access to data would make it impossible to be effective. Differing views on the recruitment rates of the stock were 2-4%, no more than 2%, with other dissenting views on the appropriateness of these estimates.

Estimates of stock abundance from the IDCR sightings cruises do not differ substantially from last year. The Scientific Committee recommended that a further cruise should take place in Area V, preceded by analyses of earlier data. No estimates from mark recapture analyses will be available until these have been reviewed further. The Scientific Committee recommended that the Southern Hemisphere minke whale stocks should not be classified, but it was unable to reach agreement on the effect of zero catches.

Australia spoke in support of the sightings research cruise proposed and noted the Opening Statement of the USSR which indicated that that Government would stop whaling in the area temporarily from 1987/88 for technical reasons.

The Technical Committee agreed to recommend that these stocks should be unclassified and endorsed the proposals for sightings data analyses and a further sightings cruise.

So these are our recommendations Mr Chairman.

Chairman

Thank you Dr Lemche. There we have in front of us the second paragraph concerning minke whales, Southern Hemisphere. Any comments on that? I do not see any, then could I assume that we are approving the text as it is? Taking into account the recommendation coming from the Technical Committee, we decide to approve it? By consensus we do that, thank you. We pass to the next item please

Chairman if the Technical Committee

Minke whales, Northern Hemisphere. Okhotsk Sea-West Pacific stock. The Scientific Committee has no new information to require changes in the stock boundaries. Japanese sightings data had been used for assessments and gave a range of 10,015-13,520 for the 1981 population. CPUE analyses show no significant trends and some members of the Scientific Committee considered that the stock should be classified SMS provisionally, while others reached the same conclusion with the possibility that it might be in the Protected Stock status. The Scientific Committee therefore recommended that the stock should be classified provisionally as SMS, which was agreed by the Technical Committee.

The Technical Committee noted two views from the Scientific Committee on the effect of zero catches - an increase of between 65 to 200 animals (replacement yield) or 339 (the average catch 1975/85).

So Mr Chairman, our recommendation is that this stock should be classified provisionally as SMS. Thank you Mr Chairman.

Chairman

Thank you Dr Lemche. Any comments on this particular sub-paragraph? I do not see any, then could we approve the wording? Thank you. Could we agree as well with the agreement voted by the Technical Committee and endorse it? I do not see any comments on that, then it is so decided. Please could you go on with the next item?

Chairman of the Technical Committee

The next stock Mr Chairman is the North Eastern Atlantic Stock. Last year the Scientific Committee gave 22,000-30,000 as a likely range of the exploited stock size. A new analysis suggested that the available stock is 20-30% of its initial size with the females substantially more depleted than the males, and zero catches would allow an annual increase of 0.6-2.0%. Most members of the Committee believed that the stock should now be classified as Protection Stock but noted the Norwegian commitment to review and extend the CPUE series on which this conclusion depends in part, and therefore suggested postponing a decision on classification until next year whilst urging that the catch in 1986 does not exceed the lowest estimate of replacement yield, i.e. 360 whales. There are some indications of under-reporting catches.

Norway spoke of the earlier major research effort on this stock by different groups of scientists which had reached conclusions which it had accepted. Log Book data are being transferred to computer files and would be available for analysis later this year, and it would prefer this complete information before any recommendations are made. It is committed to take into account scientific advice, including from the Scientific Committee, in setting its catches and proposed postponing classification until the next Annual Meeting. This was seconded by Ireland.

India expressed its belief that this stock is gravely depleted. It was concerned about the non-reporting problem and proposed that the stock should be classified as a Protection Stock immediately. This amendment was seconded by Finland and was adopted as the recommendation of the Technical Committee by 21 votes in favour, none against and 12 abstentions.

So Mr Chairman, the recommendation of the Technical Committee is that this Stock should be classified as a Protection Stock.

Chairman

Thank you, then we have in front of us the decision of the Technical Committee in this particular species. So I think that we have to consider as a recommendation, and we have to follow, yes, Finland has the floor.

Finland

Thank you Mr Chairman. I seconded the decision of the Technical meeting made in the matter concerning North Eastern Atlantic minke whales stock. As a member of the Nordic class I would have liked to see that this matter could have been solved within the Nordic cooperation. As this seems not to be the case, I am ready to raise the question here accordingly I call for a vote in this matter. Thank you Mr Chairman.

Chairman

Thank you Commissioner of Finland. Ireland and then Iceland, Ireland.

Ireland

Thank you Mr Chairman. May I ask that the record of that item be amended to replace the name Ireland with that of Iceland, because it was Iceland seconded, not Ireland. Thank you sir.

Chairman

Thank you Commissioner of Ireland. So if..Norway has the floor.

Norway

Thank you Mr Chairman. My delegation believes the it would be premature for the Commission to take a decision on the classification of this stock at the present time. The reasons are clearly set out in the Report of the Technical Committee, and I need not go through them again. I would recall however, that it is within the recommendation of the Scientific Committee to consider a postponement of the decision and I would therefore make a procedural motion for the deferment of the consideration of the Technical Committee recommendation until the next Annual Meeting. This would imply that the Technical Committee recommendation would still be intact it would still be pending for the Commission at its next Annual Meeting and could be taken up

for consideration by the Plenary at any stage. In the meanwhile my authorities would have the opportunity to carry out the review based on the supplementary data which we expect to be ready by October/November and would be able to present further material to the Scientific Committee at its next meeting. Mr Chairman I would then ask you to entertain a motion to defer the consideration of this recommendation to the next Annual Meeting. Thank you sir.

Chairman

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

USA

Thank you Mr Chairman. The United States recognises that the Scientific Committee has indicated, and the Technical Committee has supported the indication of the Scientific Committee, that classification of this stock to Protected Stock level should probably be made now. On the other hand the distinguished Commissioner from Norway has pointed out that his Government would recommend and would request that a decision, a final decision on this particular issue be deferred until the next meeting of the International Whaling Commission. This is an important issue. In the judgement of the United States it is important that the proper classification of this stock be assessed and that the stock be so categorised. It is also however, that we are in a position in the IWC that will effect commercial whaling, aboriginal whaling, research whaling and the stocks of all whales throughout the world for some time in the foreseeable future. In the judgement of the Norwegian scientists there is additional information which can be brought to bear on this issue.

It seems to me that the recommendation made by the Norwegian colleague is a reasonable recommendation, that is that the position of the Technical Committee stand, sending a clear signal that Protected Stock is in all likelihood to be the classification of the North Eastern Atlantic minke whale. However, requesting an opportunity to provide that additional information which will give us a complete picture on the status of this stock. Because of the procedural requirements and because of the position that we feel should be supportive of this request, for a deferment at this time in the manner in which the Norwegian colleague has requested, the United States will second the procedural motion.

Chairman

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

St. Lucia

Thank you Mr Chairman. This is a point of order. Our delegation is somewhat confused on this matter. We find here a recommendation from the Technical Committee, we have heard a request for a vote, we have heard a request for consideration of a postponement and it is not clear to me if we should proceed with the vote or if there has been an amendment.

Chairman

I'm sorry it is not a point of order that you are putting on the table, it is just a clarification matter.

St. Lucia

Well, a point of clarification then.

Chairman

Let me try to receive more reaction about that. I will tackle the matter later on if I may, if you don't mind but I would prefer to open again the floor for other comments and we will decide after which is the situation if I may do in that way. Thank you very much Commissioner of St. Lucia.

Any other reaction to this particular point? India has the floor.

India

Thank you Mr Chairman. The Indian delegation re-insist the expression that they have already made about this North Eastern Atlantic Stock, which has been very badly depleted, and would still insist that this Stock should be classified as Protected. Thank you Mr Chairman.

Chairman

Thank you Commissioner of India. Any other comments or reactions on this particular subject? Sweden has the floor.

Sweden

Thank you Mr Chairman. My delegation would like to support the view just expressed by India. We would not like to see this decision deferred until next year. We would like to have a vote on the proposal from the Technical Committee.

Chairman

Thank you. I note that everyone likes voting, but just a minute please, yes Switzerland has the floor.

Switzerland

Thank you Mr Chairman. I don't want to repeat the arguments that we have used in the discussions on this, simply to say that I have listened very carefully indeed to what the distinguished colleagues from Norway and United States had to say, but I still think that the advice of the Technical Committee which is the basis for my decisions warrants a classification of Protected Stock. In other words I would support India on this and Sweden. Thank you very much.

Chairman

Thank you. Commissioner of Japan.

Japan

Thank you Mr Chairman. I directly support the proposal by Norway, seconded by United States, on the grounds that I have made my own judgement from what I heard from my scientist colleague who chaired the sub-committee which dealt with this particular stock and some other scientists who are involved in that. Thank you.

Chairman

Thank you Commissioner of Japan. Any other comments? So if I may, summing up the situation we have from the Technical Committee a proposal and I think at the same time there was the Commissioner of Finland asking for a vote on this particular proposal, and was seconded and later on the Norwegian Commissioner proposed to defer this matter to next year. Is there any seconder for the Technical Committee recommendation, yes Finland. Then we have in front us the recommendation of the Technical Committee Report, but you ask for a vote not to be approved. Then I suppose there are no consensus to approve it because you are asking for a vote? It's right Commissioner of Finland? Finland has the floor.

Finland

Thank you Mr Chairman. That is my feeling, that there is no consensus in this matter and we should vote for it. Thank you.

Chairman

Thank you. Norway has the floor.

Norway

Mr Chairman I would ask you to entertain a vote first on my procedural proposal. If that proposal is carried there will be a deferment of the matter until the next Annual Meeting. If that proposal fails we can return to the question of the Technical Committee recommendation. Thank you sir.

Chairman

Thank you Commissioner of Norway. May I ask the Commissioner of Norway if you are so kind that, I mean it is my intention to assess both situations. One of them is a matter of substance because we are dealing with a Technical Committee proposal on modifying, amending the Schedule and the other one could be a matter of procedure. I really feel that both are two separate proposals, and if it is the case I have to decide which one has priority to be voted. Then are there any comments on this situation? Are you agreeing that there are two different proposals? On this particular point I would like to be enlightened. Is there two different proposals? Yes, St. Lucia has the floor.

St. Lucia

Thank you Mr Chairman. We concur with your view that there are two different proposals. Whereas one is a recommendation by the Technical Committee on this specific issue the other one is a procedural proposal. Without prejudicing your ruling of course Mr Chairman, our view would be that we should proceed with the vote on the recommendation by the Technical Committee.

Chairman

Thank you Commissioner of St. Lucia. Any other comment on my particular suggestion? Yes, Finland has the floor, then Norway.

Finland

Thank you Mr Chairman. I second the proposal by St. Lucia.

Chairman

Well, it's not a proposal, its a comment that I am receiving now, but thank you anyway for your support. Norway has the floor.

Norway

Mr Chairman, we have two different proposals. They are also different in character, as the Commissioner for St. Lucia pointed out. It seems, Mr Chairman that we must first vote on the procedural proposal, before we know whether we have to take a position on the substantive matter. I believe that follows from normal parliamentary practice. Thank you.

Chairman

Thank you Commissioner of Norway. Commissioner of Finland. Sorry, its Iceland now.

Iceland

Well, Mr Chairman I think that it is very clear that one should vote first on procedural matters. Thank you Mr Chairman.

Chairman

Thank you Commissioner of Iceland. Switzerland has the floor.

Switzerland

I am inclined to agree to that.

Chairman

I'm sorry?

Switzerland

I said, that I agreed to that.

Chairman

Thank you. Perhaps the Chair is not agreeing to that. Well if you allow me to interpret that, you all think that there are two different proposals. I think that it is quite different when we are dealing with a proposal plus an amendment. Then the amendment comes first. But if we are having here two different proposals I think that I will have to take first the previous one and to deal with the matter coming from the Technical Committee Report. Any comment on my first reaction to this question without going yet to the decision from the Chair? United States has the floor.

USA

Thank you Mr Chairman. It seems to me that unless the procedural motion is taken first that the likelihood or the possibility of the Technical Committee recommendation being passed would certainly preempt the procedural motion. I would rely on the judgement on those who were much more parliamentarily oriented than I to rule on this, but the United States feels that the procedural question should be addressed first.

Chairman

Thank you. May I remind you that I do not see really a matter of procedure in this proposal from Norway. We are really dealing with a matter of substance, but because in fact, this is a proposal to defer the matter, but not because its a procedural question, but because of the matter of substance of the same question, you know? When you get a procedural problem you could deal first, it is related with procedural question, but in this case it is a decision concerning a matter of substance, that means to decide not to decide on this matter, but as a whole with the matter of substance included. Then I do not see, it is my first reaction, I insist that it is a matter of procedure, but on the contrary it is a full decision of the Plenary to take a decision in that way, and to defer the matter for further studies, that is not a procedural matter, as the Chairman in his very reaction is looking at the matter. Thank you St. Lucia has the floor, and Norway then.

St. Lucia

Thank you Mr Chairman. As an individual with his background as a scientist. I must accept being encyclopaediacally ignorant of parliamentary procedures. However, with respect to the issue at hand we do have at hand a procedure for addressing the recommendations by the Technical Committee, and therefore my delegation will concur with your preliminary action in ruling that the recommendation of the Technical Committee should be taken and acted upon by a vote and we do have a procedure at hand to follow. Thank you Mr Chairman.

Chairman

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

Norway

Mr Chairman, I am sorry to prolong the procedural debate but I must have failed to make myself clear. I have not proposed that the matter be deferred for further studies, I have proposed that the consideration of the recommendation of the Technical Committee be deferred to the next Annual Meeting. The Technical Committee recommendation would at that Annual Meeting be available for consideration by the Plenary of the International Whaling Commission. So it is a purely procedural matter and I would ask you very, very insistently to entertain that motion first. Thank you.

Chairman

Thank you Commissioner of Norway. Commissioner of India.

India

Thank you Mr Chairman. I strongly feel that it is a question of treating a patient. When a patient is critically ill, it is deferring the treatment to sometime later. So I still insist that it should be expressed that is as a protected stock, because it is very badly depleted already. Thank you Mr Chairman.

Chairman

Thank you Commissioner of India. Kenya has the floor.

Kenya

Mr Chairman, I think that we are going in a roundabout way. We have the recommendation of the Technical Committee before us, and what the Norwegian Commissioner can do is just propose an amendment and then we vote. We are not dealing with any matter of procedural sort of move or amendment, but I think it can come up with a substantial amendment to the recommendation now before us, and then we put it to the vote. I think that it is the best thing. Thank you sir.

Chairman

Thank you Commissioner of Kenya. I do think that we have in front of us two proposals, and I do not see that one of them is a procedural one, because the second one put forward by Norway is in fact affecting the first one in the same way than the rejection of the one could do. Then I think we have to take this situation as a situation set down in the Rules of Procedure in paragraph E.3, page 13. That reads, "if two or more proposals relate to the same question the Commission shall, unless it otherwise decides, vote on the proposals in the order in which they have been submitted. The Commission may after voting on a proposal decide whether to vote on the next proposal." I think that we have to frame this situation in this context. If I do not see any..., yes Norway has the floor.

Norway

Mr Chairman, it is not the custom in this Commission to challenge rulings by the Chair, but I must note that I am in deep disagreement with your ruling and I shall refrain from voting on the substantive proposal, if it is offered to the vote before the procedural motion. Thank you sir.

Chairman

Thank you Commissioner of Norway. I think that it is not a ruling from the Chair now, because the Article is stated clearly that the Commission otherwise decided. It is not from the Chair a decision. United States has the floor.

United States

Thank you Mr Chairman, I just wish to make it clear to the Commission that in seconding this motion the United States regarded it as a procedural motion, not one of substance, thank you sir.

Chairman

Thank you Commissioner of United States. Then the Chairman is obliged to ask the Commission if they decide otherwise in this particular matter. Otherwise the Chair will be confined to complying with the Article E.3. Any other questions on that? Any other reactions? So if I do not see any comments on that I will assume that the Commission didn't like to decide otherwise, and is taking into account this particular item of the Rules of Procedure. This is not a ruling from the Chair. So I do not see any comments, and will take then that you agree that there are two different proposals and we have to apply Article E.3. Thank you. Then we decide that and we go to the first proposal. Thank you. It is a vote asking on that, but before is there are any kind of projection to the first proposal? Norway has the floor.

Norway

Mr Chairman, I do not care how you wish to handle the matter of the voting on the Technical Committee recommendation at this stage, I only wish it to be noted that Norway has not participated in that decision. Thank you sir.

Chairman

Thank you Commissioner of Norway. I do not see any other reaction, so we will put the matter to the vote. Thank you. I will call then on Dr Gambell to proceed in the usual way. Japan, I am sorry, has the floor.

Japan

I would like to explain my vote. I am in agreement with the Norwegian delegation in this particular instance that this procedural matter should be taken first, but since you have already ruled on the basis of Article E.3, therefore in voting we will abstain. Thank you.

Chairman

Thank you. It is a matter not to be confused, it was a ruling from the Chair. Yes United States has the floor.

United States

Thank you Mr Chairman. The United States would like to explain its vote on the amendment before us, or the proposal before us. In seconding the motion of the Commissioner of Norway we viewed this as a procedural matter in one which we thought would be beneficial to the IWC. When bringing to an actual decision whether or not the North East Atlantic Stock should be a Protected Stock or not, it seems to us that the overwhelming evidence is in that direction and that it should be a protected stock. For this reason the United States will vote yes on the Protected Stock classification for the North East Atlantic minke.

Chairman

Thank you Commissioner of United States. Any other comments? I do not see any, then I will ask Dr Gambell to proceed.

Secretary

Mr Chairman, the proposal before this Plenary session is on the recommendation of the Technical Committee, seconded by Finland, that the North East Atlantic Stock of minke whales should be classified as a Protection Stock. This is an amendment to the Schedule Table 1, and therefore in order to be effective requires a three-quarters majority of those nations voting for or against. This is an amendment to the Schedule requiring a three-quarters majority in order to be effective in this Plenary session. The North East Atlantic Stock of minke whales to be classified as a Protection Stock.

The role starts at Costa Rica, abstain; Denmark, yes; Egypt, yes; Finland, yes; France, yes; Federal Republic of Germany, yes; Iceland, no; India, yes; Ireland, yes; Japan, abstain; Kenya, yes; Republic of Korea, abstain; Mexico, abstain; Monaco, yes; Netherlands, yes; New Zealand, yes; Norway,

Norway

Not participating.

Secretary

I will record that as absent, Mr Chairman, with the Chairman's.....

Chairman

I do not like to interrupt the vote, I will decide that afterwards, thank you.

Secretary

Oman, yes; Philippines, abstain; St. Lucia, yes; St. Vincent, yes; Senegal, I'm sorry, Seychelles, yes; South Africa, yes; Spain, abstain; Sweden, yes; Switzerland, yes; USSR, abstain; UK, yes; USA, yes; Antigua, yes; Argentina, yes; Australia, yes; Belize, yes; Brazil, yes; Chile, abstain; People's Republic of China, abstain.

Chairman

St. Lucia has the floor.

St. Lucia

Thank you Mr Chairman. We have neglected to call the vote of the Solomon Islands.

Secretary

I apologise, you realised I read the wrong name because I realised I had to do something there and I do apologise to the new member of the Commission the Solomons, which is what I thought I was reading. So could I ask for the vote from the Solomons.

Solomons

The Solomon Islands will abstain on this one.

Secretary

Solomons, abstain.

Chairman

Concerning the vote of Norway. I will not to count it and register the expression taken by the Norwegian delegation, that is not participating in the vote. We will register as well the previous comment as to why they are not voting in this particular case.

Norway

Thank you Mr Chairman. I concur in the way in which you have dealt with the difficulty which has arisen with regard to Dr Gambell's table. Mr Chairman, it is well know that my delegation feels that it is premature to take a decision on this matter at this stage. You will recall that during the voting in the Technical Committee, my delegation abstained in the vote because it expressedly did not wish to take a position on the substance of the matter. We would neither like to approve a recommendation by the Scientific Committee at this stage nor would we wish to be placed on record as opposing a preliminary view from the Scientific Committee. My delegation can assure you that Norwegian authorities will maintain their commitment to carry out further

studies of the matters underlying the question. It is well known that further material will be available only in late October - early November. Norwegian authorities will need considerable time to process that material and the Norwegian Government must insure that it will have sufficient time to carry out that evaluation. In that connection I must reserve the rights of my Government available under the Convention, to ensure that the Government will have sufficient time to carry out its final evaluation. Thank you sir.

Chairman

Thank you Commissioner of Norway. Dr Gambell, then will announce the result of the vote.

Secretary

Mr Chairman, there were 25 votes in favour with 1 against and 10 abstentions, with Norway recording its position so that that is adopted as an amendment to the Schedule.

Chairman

Thank you. I would like first to explain from the Chair, which was the position of it in this particular point. I think that you have to realise that we are having a different approach to both proposals, that in the future we could decide by a simply majority to defer from one year to another year, matter that we are dealing with amendment of the Schedule. That means that in any case there are proposals to amend the Schedule and some country ask for a procedural vote, and they could get a simply majority that means that the amendment of the Schedule could not pass to the next step because the proposal has to defer the matter to the next year was approved by a simple majority. I think you have to realise the paradoxical situation in this case and I think it was a correct decision from this Commission to take the vote in that way. Thank you.

I really have to apologise to the Solomon Island Commissioner, because if I gave him the welcome yesterday I forget this morning to do the same in a very formal matter, then please take my wording now and on behalf of the Commission that we would welcome Solomon Islands and yourself, Commissioner, and this body is pleased to have you in its membership.

So there are no other reaction to this particular point I will follow with the item 12. Thank you. Could I ask then Dr Lemche to go through. Please, Dr Lemche.

Chairman of the Technical Committee

The next stock is 12.2.3 **Fin whales**, Spain-Portugal-British Isles stock. A Spanish sighting cruise let to an exploited population estimate of 1,261-1,377 as a minimum estimate. The Scientific Committee had insufficient evidence for a new assessment and the Technical Committee agreed the stock should remain unclassified.

12.2.3

So this is our recommendation Mr Chairman.

Chairman

Any comments on that? Could we approve it, the wording and the recommendation? Thank you, it is so decided. Dr Lemche please.

Chairman of the Technical Committee

- 12.2.4 The next stock **12.2.4 Sei whales**. The Scientific Committee had assessed no sei whale stocks this year.

Chairman

No comment on that, then we can approve it, please Dr Lemche.

Chairman of the Technical Committee

- 12.2.5 The next stock **12.2.5 Bryde's whales**, western North Pacific. The data from two sightings cruise had been reanalysed by the Scientific Committee to give an estimate of thirteen thousand males in the survey for that area and a total exploitable population of seventeen thousand, six hundred. A mark recapture analysis gave a figure of 25,591 whales in 1981. A simulation model led to four estimates of the replacement yield in the range 248-324, and a classification of either IMS or SMS.

The Technical Committee agreed to recommend no change of classification, which is at present SMS.

So this is our recommendation Mr Chairman, no change in classification.

Chairman

Thank you. We could approve that, but with an error of, it must not be SMS, but IMS, then was a material error. I do not see any reaction, then we can approve it? Thank you it is so decided. Dr Lemche.

Chairman of the Technical Committee

The next stock is the Peruvian Stock. No data were available this year, but the Scientific Committee reviewed the documents submitted last year. The stock is probably depleted or possibly declining, and the Scientific Committee urges that up to date catch and effort data be provided.

The Technical Committee agreed to make no change in classification of this stock which is at present unclassified.

So, Mr chairman, this is our recommendation, thank you.

Chairman

Thank you. I do not see any comments on that? Thank you, then we approve the wording and the agreement taken by the Technical Committee, and we endorse it. It is so decided. Please Dr Lemche.

Chairman of the Technical Committee

- 12.2.6 The next on **12.2.6 Bottlenosed whales**, Baird's beaked whale. Sightings estimates give a population size of 4,220 considered an under-estimate to some degree. The Scientific Committee could not determine if the population could sustain the present level of catch - a total of 38 whales from the national quota of 40 in 1984.

These comments were noted by the Technical Committee, and that is all what we did Mr Chairman.

Chairman

Thank you. If I do not see any reaction, we could approve it with the endorsement and note it coming from the Technical Committee. I do not see any, then we approve it and we pass to the next item.

Chairman of the Technical Committee

The next item Mr Chairman, is **12.2.7 Protected species**. The Technical Committee endorsed the recommendation of the Scientific Committee that all stocks currently classified as Protected Stock should remain so. 12.2.7

Chairman

Thank you. I do not see any comments, then we can approve the wording and the endorsement as well by the Plenary? Thank you, it is so decided.

Chairman of the Technical Committee

Thank you. Then we came to stocks not assessed by the Scientific Committee this year. The first of them was Sea of Japan-Yellow Sea-East China Sea, minke whale stock. The People's Republic of China expressed its view that this stock has been depleted through catches taken by other nations and expressed the hope that these countries will end their hunting in the area. It proposed that the stock should be classified as a Protection Stock and this was seconded by New Zealand, Antigua and Australia. New Zealand noted that the majority view of the Scientific Committee in 1983 was that this should be a Protected Stock and the block quota previously in force had now ended.

The Republic of Korea pointed out that the stock was unclassified in 1984 because of the uncertainty in the assessments, and intended to conduct a research programme on these whales. Japan commented that no new analysis had been carried out this year to lead to a change in classification.

On being put to the vote, called for by the Republic of Korea, the proposal to classify the stock as PS was adopted by 26 votes in favour, to 2 against and with 5 abstentions. So this is our recommendation to the Plenary Mr Chairman.

Chairman

Thank you. Any seconder for the Technical Committee recommendation? Sweden, thank you. Then we have a motion coming from the Technical Committee. There are no comments? Korea has the floor.

Republic of Korea

Thank you Mr Chairman. You may adopt the proposal with the Korean delegation reservation. Thank you Mr Chairman.

Chairman

Thank you, it will be taken and with the reservation of Korea. We will approve this recommendation from the Technical Committee. Japan has the floor.

Japan

My delegation would like to associate itself with the delegate of Korea in registering its position.

Chairman

Thank you. Could we then adopt this recommendation, by consensus or with two registration of the reservation of this matter? Thank you. It is so decided. New Zealand has the floor.

New Zealand

Mr Chairman, I don't know if it is appropriate to seek a slight amendment to the record but in the reference to my remarks, the main point I made was that the Scientific Committee this year had agreed that the stock had been depleted to a level below the Protection Stock level, and without that argument my comments look rather strange. So I would be grateful if the Secretary could incorporate that additional remark. Thank you.

Chairman

Thank you, it will be taken by the Secretary. Any other questions on this particular item? Then it is so decided. Japan has the floor.

Japan

About the point raised by the distinguished delegate of New Zealand. I have been told from the scientists colleagues that there have been no new analyses. It was some judgement based on analysis carried out two years ago, and there has been no new analyses, that is the point I made in this particular part.

Chairman

Thank you Commissioner of Japan. Commissioner of China.

People's Republic of China

So about the minke resources in our region. So we said that our neighbouring countries should be well aware that our whale resources have been depleted very seriously. So the very serious condition in this region of our minke whale resources is well known to all the other countries. Our proposal to classify the minke whale in this region as a Protection Stock has the purpose to merely conserve the resources in this region. So also we understand that some countries may be depending on the commercial whaling, there may be some difficulties but these are temporary. So we think to conserve, the conservation of resources in this region is of great importance. So the temporary difficulties can be overcome very soon. So we are against over fishing, over whaling in this region. So we also do not agree with some countries underlying on the cover of the so called scientific research they have for commercial whaling. Thank you Mr Chairman.

Chairman

Thank you Commissioner of China. Then we will register all these interventions, particularly the Japanese and Chinese interventions. Taking into account the New Zealand comments as well as the both registration of reservation on this particular matter coming from Korea and Japan. I do not see any other comment? Then we could approve the decision coming from the Technical Committee by consensus with these two registrations? Then it is so decided. Please Dr Lemche.

Chairman of the Technical Committee

Thank you Mr Chairman. The next stock then is the East China Sea, Bryde's whale stock. The People's Republic of China, seconded by St. Lucia and Sweden proposed that this stock should also be classified as a Protection Stock because it believes it has been depleted. The United Kingdom asked for the latest scientific advice on classification. This was given two years ago when the Scientific Committee agreed that the stock should be unclassified.

The Technical Committee agreed by consensus to recommend classification as a Protected Stock, Japan reserving its position on the procedural aspects of this decision.

So Mr Chairman, this is our recommendation to the Plenary. Thank you.

Chairman

Thank you. If I do not see any comments, I will take as well by consensus the agreement taken in the Technical Committee. Korea has the floor, please.

Korea

Thank you Mr Chairman. My delegation would like to register our reservation on our position.

Chairman

Thank you. It will be done, and Japan please, in the same way?

Japan

Yes, as I did at the time of the Technical Committee. I have deep interest in the procedure itself, rather than the substance, and in the Scientific Committee why they have made certain decisions two, three years ago and without any new analysis they tend to make rather hasty decisions. For that procedure I would like to reserve our position. Thank you.

Chairman

Thank you it will be done in that way, registering the motive of your reservation, thank you. Any other comments? People's Republic of China.

People's Republic of China

So I come to our reservation by our fishermen. The Bryde's whales in the East China Sea is more serious than the minke whale, has a more serious condition. So this is why we propose that the Bryde's whale in the East China Sea is classified as Protection Stock. So we appreciate the majority of member states as support our proposal.

Chairman

Thank you very much Commissioner of China. Any other comments on that? I do not see any, then we move to the last point, all other stocks. It is true Dr Lemche, you are saying to me that the Technical Committee agreed to recommend that there should be no change in the classification of all other stocks not assessed?

Chairman of the Technical Committee

That is correct Mr Chairman.

Chairman

Thank you, then could we approve this. Thank you very much it is so decided by the Plenary. I do not see any remaining points in item 12. Could we then close this item 12? Thank you, it is so decided. Then we move to item 13. If you promise me that the coffee break will be a short one I will offer you to make a break until 11.15 sharp. Could we? Thank you very much, then the meeting is adjourned until 11.15.

[Coffee break 10.55-11.30]

Chairman

We resume the Plenary meeting and according to our decision before then I will pass to item 13, and I put on the table a...I see the Commissioner for Japan asking for the floor. Yes, Japan.

Japan

Thank you Mr Chairman. My request is just before you close agenda item 13, I wish to make a very brief statement. Thank you. If it is your preference to make such statements at this stage I can go along with it.

Chairman

Thank you. Any time you prefer to do that, then we decide to receive your comments after the closing of item 13. Thank you. So may I ask then Dr Lemche to introduce us to item 13 of our agenda, and it is in part 3, page 3 that we have to look at. Dr Lemche please.

Chairman of the Technical Committee

- 13 Thank you Mr Chairman. **Item 13, Aboriginal subsistence whaling.** There was
13.1 first the **Report of the Scientific Committee** and the **Report of the Technical**
13.2 **Committee Aboriginal Subsistence Whaling Sub-Committee.**

The Technical Committee agreed to consider the relevant stocks in succession, taking into account the advice of the Scientific Committee. Professor Ovington (Australia) also presented the report of the Aboriginal Subsistence Whaling Sub-committee which he had chaired prior to the opening of the Technical Committee.

- 13.3 On **13.3 Action arising, 13.3.1 Definition of the term "strike"**. Although the
13.3.1 possibility of a definition had been included in the Agenda, no proposal was forthcoming.
- 13.3.2 **13.3.2 Bering Sea stock of bowhead whales.** The Scientific Committee revised the latest catches and noted that 25 strikes had been made in 1984, compared with 27 remaining from the 2-year catch limit. 18 strikes had been made in the spring 1985 hunt. The struck and lost rates in 1984 were 52%, and 38% in the spring 1985 hunt. At least 4 of the 11 whales struck and lost in spring 1984 probably died.

The Scientific Committee urged that full details of the circumstances in which struck whales are lost should be provided including details of whether whaling gear was still attached. It welcomed the continued efforts being made to reduce the struck and lost rate.

Early photogrammetry in the Canadian Beaufort Sea gave calf percentages of 8-15% and the proportion of mature animals as 29-46% although segregation would have affected these results.

An updated estimate of the gross annual reproduction rate is 0.05-0.095. No new information is available on the natural mortality rate and therefore the annual net recruitment. An estimate of fishing mortality from 1978 to 1984 gave a value of 0.006.

Visual census data with revised correction factors led to new population estimates for 1978 and 1982 of 2,909-3,971 and 2,590-5,170 respectively. These figures are uncorrected for whales beyond range of the ice-based observers.

Comparison of acoustic and visual results for periods of different lead conditions in 1984 and 1985 showed that whales migrated under heavy ice conditions when visual methods are limited, and that many whales swim at distances beyond the range of reliable visual observations. An improved assessment of current population size was calculated as 4,417 (range 2,613-6,221). Further studies were recommended to examine the factors in these calculations.

Studies on the effect of seismic operations which may effect the whales' migration path were encouraged.

The current population estimate of 4,417 whales is 22-32% of the estimated initial population size of 14,000-20,000 derived two years ago. The Scientific Committee therefore recommended that the stock remains a Protection Stock.

The Scientific Committee was unable to determine the minimum population size below which whales should not be taken (as required in the Schedule), but noted that the current size is well above that of some southern right whale populations which may be increasing under protection. A stock trajectory simulation using a reasonable range of biological parameter values showed a minimum population size of 1,200-3,800 from 1910 to 1915 increasing until 1970 with an estimated average removal of 22 animals per year. In view of the uncertainties in its calculations and the absence of an estimate for net recruitment rate, the Scientific Committee did not feel confident in projecting the likely effect of catches of the current magnitude of this stock and recommended that any catch limits should be set with caution. Its previous advice that any catch should be directed towards the smaller immature whales will be explored fully next year.

The Aboriginal Subsistence Whaling Sub-committee recognised, on the basis of earlier documented submissions of the USA, an Alaskan eskimo need for bowhead whaling assessed by the USA as 35 strikes to land 26 bowheads annually. The Technical Committee agreed to the recommendation that a small working group should examine by correspondence the methods of calculation in the United States submissions and any alternative methods.

The United States spoke of the recognition by the IWC in 1982 of the need not only to protect these whales but also to take into account the aboriginal need, which led to the specific aboriginal subsistence whaling scheme. The Alaskan eskimos have managed their hunt within the IWC catch limits, have

contracted research, and attempted to improve the efficiency of the hunt, thereby exhibiting their extreme responsibility in this matter. It therefore proposed a catch limit of 35 strikes, which was seconded by Denmark.

Finland spoke of its appreciation of the efforts made to enhance knowledge of the bowheads and the cultural needs but considered this increase too great, and proposed an amendment to retain the present 2-year catch limit of 43 strikes with 27 as a maximum in one year. This amendment was seconded by Mexico which, while recognising the efforts of the Eskimo community, took account of the Scientific Committee's recommendation for caution. Australia, the Peoples' Republic of China, Norway, Belize, Kenya and New Zealand all explained their positions related to the scientific uncertainties and the requirement to balance human needs against those of a depleted whale stock.

The United States asked if the present footnote allowing the possibility of amendment of the catch limit after the first year would be continued, and Finland accepted this addition. On being put to the vote, the Finnish amendment was adopted with 19 votes in favour, 7 against and 7 absentions.

So Mr Chairman, the Technical Committee recommendation is to continue the present 2-year catch limit of 43 strikes with 27 as a maximum in one year and then a footnote about amendment of the catch limit after the first year. Thank you Mr Chairman.

Chairman

Thank you Dr Lemche. I think that we have the item 13 then. Could I ask if item 13.1 ,13.2 ,13.3 and 13.3.1, before starting 13.3.2 could be approved in this particular matter? I am asking for comments just only with the sub-paragraphs 13.1, 13.2 ,13.3 and 13.3.1, I am not dealing with 13.3.2, on this particular item. Thank you. India has the floor.

India

Thank you Mr Chairman. In this context I would like to draw the attention to the proposal that India has made on the definition of aboriginal subsistence whaling. This word in the circular IWC/37/22. In view of the growing need, and implication of protection we strongly feel that this definition should be clear and the proposal on the definition is this, "aboriginal subsistence whaling means whaling from traditional vessels, conducted exclusively by aboriginal peoples for purposes of personal consumption or use by them, and requires that both whale meat and other products derived from such hunting be used only to satisfy the nutritional, subsistence and cultural needs of the peoples concerned, and shall not be used for any non-tradition commercial purposes, including sale or exchange for money or credit, either within the country or outside it."

For the purpose of this definition, "tradition" implies any method, practice or equipment employed in the nineteenth century or earlier.

Chairman

Thank you. Any other comments on that? I do not see any, could I ask again the Indian Commissioner which is your proposal and which kind of proposal are moving for?

India

I mean this definition of the aboriginal subsistence whaling. I have given this, our proposal is contained in the circular IWC/37/22. So this will be incorporated in the Schedule, which is appearing under the definition. That is what our proposal is.

Chairman

Thank you. Any seconder for this proposal? I think that it was a general agreement in the Technical Committee to consider this matter carefully in this item. I do not see, perhaps Dr Lemche could explain to me which is the background of this point, in order to decide on this matter. Please Dr Lemche.

Chairman of the Technical Committee

Thank you Mr Chairman. In the Technical Committee this resolution came in so late that we did not have time in the Technical Committee to deal with it, and so therefore we deferred it directly to the Plenary. Having said this, as Technical Committee Chairman, Mr Chairman, I would like to continue to speak as a Danish delegate. I see no seconder here, and indeed this is, there are words here that are difficult - the traditional vessels, what is that? Should we only be allowed to use nineteenth century boats in these instances, and there are also other things that are difficult? I think here, in a haste to try to define the term aboriginal subsistence whaling is too premature and I would propose Mr Chairman formally that this matter, this draft proposal be considered at next year's meeting of the aboriginal subsistence sub-committee. Thank you Mr Chairman.

Chairman

Thank you. Then I will wait for some seconder otherwise I won't take this matter as a formal proposal because we need a seconder for that. Then I give the floor to Japan and then the United Kingdom.

Japan

My delegation, would like to support what has been spoken by the distinguished delegate of Denmark.

Chairman

Thank you, but we are not dealing with this matter, but we are dealing for the time being with the proposal of India, because a proposal from Denmark could work if Indian proposal is going to be put forward, otherwise I do not see any comments on that. So, the United Kingdom has the floor.

United Kingdom

Thank you Mr Chairman. I think, what you are asking for is not what I am going to offer.

Chairman

Thank you. I do not see any seconder for the Indian proposal. Thank you, then this matter must be taken into account and registered in our files for this present Annual Report. Any other comments on that? Thank you. Then we have decided in this particular item 13.1, 13.2, 13.3 and 13.3.1 there are no changes and we register the proposal of India. I do not see any other

comments, so it is decided in that way, thank you. Could Dr Lemche, no you have already dealt with. So we open then consideration of the.., Ireland has the floor.

Ireland

Sorry Mr Chairman, I think that I probably anticipated you, have we gone on to the next item.

Chairman

Yes, but may I announce first.

Ireland

Yes, of course.

Chairman

Thank you. Then we are entering the item sub-paragraph 13.3.2. Bering Sea stock of bowhead whales. Any comments on that? Yes I think it is United States and Ireland..do you mind

Ireland

No, no

Chairman

United States has the floor.

United States of America

Thank you Mr Chairman. I only wish to make a point with respect to the text of item 13.3.2. In the reading of the text, I believe the Chairman of the Technical Committee successfully discovered one typographical error, on the last paragraph of page 4, in which it refers to 35 strikes to land what should be 26 bowhead whales. I simply wanted to reiterate that change and also on the top of page 5, in the last paragraph of item 13.3.2. "The United States asked if the present footnote allowing the possibility of amendment...", the request was actually with respect to review and amendment and we would appreciate it if the words review and amendment were added at that point. Thank you Mr Chairmn.

Chairman

Thank you Commissioner for the United States, we will do that. Then Ireland has the floor.

Ireland

Thank you Mr Chairman. Do I understand that the recommendation of the Technical Committee has been moved? Is that the position.

Chairman

We have opened the floor for any consideration, but if you prefer that we decide in that way we could put forward. I am having some kind of global assessment on this point, particularly, this is why I didn't move it is still the recommendation from the Technical Committee. Is this clear for the

Commissioner of Ireland? We have already opened the floor for general assessment of this point and we will go further on, on the precise recommendation coming from the Technical Committee. United Kingdom has the floor.

United Kingdom

Thank you Mr Chairman. We have heard the report on the whole of item 13. I just wonder whether, as a procedural suggestion rather than necessarily proceeding point by point through this item, whether it might not be, as there is likely to be a consensus to be for a number of points, but I understand that there is yet no consensus on point 13.3.2. Perhaps it might be sensible to facilitate the work of this Commission if you put point 13.3.2 on one side for the moment and proceeded to take the rest of the item and then perhaps came back.

Chairman

Thank you United Kingdom Commissioner. Any reaction on that? So I do not see any, so that means that you could agree with that proposal of the timing of the consideration of this particular item in this context? Then the Chairman accept it and we move then to the following point, keeping this one open for further consideration afterwards. Thank you, it is so decided. Please Dr Lemche.

Chairman of the Technical Committee

Thank you. The next stock is **13.3.3 Eastern Pacific stock of gray whales.** 13.3.3
The Scientific Committee noted that the Soviet aboriginal harvest in 1984 was 169 animals killed (one lost) with a high proportion of females due to hunting preference and segregation of the sexes. There was no reported catch by Alaskan eskimos in 1984, but 33 animals entangled in the nets off the Californian coast between November 1980 and June 1985, 19 of which died.

A new coastal census similar to those of earlier years gave a preliminary population estimate of 18,477 which is not significantly different from the last census in 1979/80. The Scientific Committee recommended further work on this census. New information provided by Mexico from the main breeding lagoons showed large differences in population estimates from the migration routes, and further research was recommended to clarify this situation.

An age-structure model predicted decreases in the population in recent years, unlike the results from earlier counts. This suggests that conventional modelling of a density dependent response is unable to explain the apparent increase indicated by the counts and full re-analysis of the earlier census data was recommended.

This stock has been classified SMS since 1978 on the belief that it has remained stable at about 11,000 over an eleven-year period, with approximately constant catches, but there has been no formal reassessment of this classification. If the population was increasing, then the SMS classification is not valid. Some members believed that there is insufficient information on which to recommend the change in classification; others that there was not sufficient information to decide whether the stock was SMS or not and therefore should be unclassified.

The Scientific Committee recommended that the present catch limit of 179 be retained and undertook to review classification and catch limits next year.

The Aboriginal Subsistence Whaling Sub-committee expected to receive a document from the USSR next year reporting on the use of whale products by the aboriginal population of the Chukot region. The current USSR catch limit of 169 meets the needs of this aboriginal population.

The Technical Committee agreed to recommend retention of the present catch limit of 179.

So, Mr Chairman, I think that our only recommendation is the last one, with respect to the figures, which is a total of 179, thank you.

Chairman

Any comments on this particular point? Mexico and then Soviet Union.

Mexico

Thank you Mr Chairman. Mexico welcomed the recognition of the Scientific Committee for the information it provided and reiterates its interest in continuing its national research efforts on gray whales in Mexican waters. Thank you sir.

Chairman

Thank you, it will be registered. USSR please.

USSR

Thank you Mr Chairman. Mr Chairman, we can see it in the report of the Technical Committee the first paragraph on page 6, the exact figure of 169 whales. Mr Chairman as it was noted, the Soviet Union goes on with the preparation of information for the next Annual Meeting, and thus Mr Chairman, we would prefer to see here that the present catch limits meets the needs of this aboriginal population, without the exact figure of a number of whales. Thank you Mr Chairman.

Chairman

Thank you. Then we have from the Technical Committee an agreement to recommend a catch limit and number it, but now we have an amendment coming from USSR to propose that the wording we have already explained an amendment. Any seconder to that? I am sorry. It is just an amendment to the text. So we could agree then with the Technical Committee recommendation plus the modification in the text coming from the Soviet Union? Dr Gambell.

Secretary

Mr Chairman, I should explain that a number of delegations have given me revised wording for certain paragraphs where I haven't expressed their point of view exactly, and we haven't read all of these out in order to save time, but these are just drafting amendments and we will accept the Soviet one on the same basis.

Chairman

Thank you. Well I didn't know that, but could the Commission decide that the Secretary could accept modifications only when they are just a pure matter of gramatic or drafting without affecting any matter of substance, otherwise I think we have to know about them in this Plenary. So the Commission decided that? Thank you, and Dr Gambell will take note of that. Thank you. So, the

Technical Committee agreed then this particular item, and we move then to the following one. May I ask Dr Lemche, it will perhaps be useful to deal with this and later with number 5, Greenland fin whales, both together?

Chairman of the Technical Committee

And also Mr Chairman, I think the West Greenland minke whales?

Chairman

Yes, but minke whales are included in 13.3.5

Chairman of the Technical Committee

Ok, thank you. Thank you Mr Chairman **13.3.4 Western North Pacific stock of humpback whales**, apparently there are some humpbacks over there. Should read, **Western North Atlantic stock of humpback whales**. The total removals in 1984 were a catch of 15 off West Greenland (6 more than the catch limit) and 6 dead in net entanglements off East Canada, giving a total of 21, the same as in 1982 and 1983. 13.3.4

The Scientific Committee recommended again studies on whale flukes and songs in this area. At least four separate feeding aggregations are now accepted and re-examination of fluke photographs give a population estimate in the West Greenland aggregation of 276 whales.

The 3,219 whales identified by photographs up to 1984 have been re-analysed to give a population estimate of 5,561, but a second analysis gave anomalous results which may cast doubt on these estimates. There is no new information on the initial population size (previously assessed as at least 4,700), and the Scientific Committee recommended that the stock be unclassified and that no catch should be permitted from the West Greenland feeding aggregation of about 200-300 animals.

The aboriginal subsistence whaling sub-committee was informed that Denmark would not seek any change in the annual catch limit of 8 humpback whales. It would also consider before next year a document referred from the Scientific Committee on the catching operations in the area.

In the Technical Committee, Denmark asked that the catch limits established last year should be given a chance to come into effect, including the deduction of any over-run in one year from the catch limit in the following year.

Antigua, seconded by St. Lucia proposed a zero catch limit as recommended by the Scientific Committee and this was adopted by 10 votes in favour to 5 against, with 17 abstentions.

With respect to the West Greenland fin whales. The Scientific Committee had no evidence on which to estimate the abundance or to classify this stock or to apply the provisions of the aboriginal whaling scheme.

Denmark has indicated to the aboriginal subsistence whaling sub-committee that there was no change in hunting practices or aboriginal subsistence need. In the Technical Committee it proposed that the present block quota should continue, and this was agreed.

With respect to the West Greenland minke whales. The Scientific Committee found no need to revise the present stock boundaries. Trends in the CPUE suggest a slow decline of 3-5.7% per year. A new stock assessment was based

on an analysis of the North Eastern Atlantic minke stock to derive population parameters which were then applied to the West Greenland stock. This indicated a probability greater than 74% that the stock is in the Protection Stock category, although some members expressed their doubt about the validity of the model and its use as a basis for making recommendations.

This stock is not expected to be subject to commercial whaling by Norwegian vessels from 1986 and most members of the Scientific Committee recommended classification as a Protected Stock although, because of the uncertainties in the assessments, others thought the stock should remain unclassified. The Scientific Committee recommended that the catch limit be set for one year only at 50 whales, the lower estimate of the current replacement yield.

The Aboriginal Subsistence Whaling Sub-committee heard from Denmark that 240 minke whales are needed annually to meet the aboriginal subsistence need but, due to year to year fluctuations in the hunt, it would be better to use floating catch limits.

Denmark commented in the Technical Committee that this stock is the only minke stock not appearing in CITES Appendix I. It was disturbed to find that on the basis of one new paper, which was not well understood by the scientists, designed for the North East Atlantic stock, based on a limited CPUE series of only one vessel, and produced negative and unrealistic results, that only the positive values had been considered.

Australia proposed that the stock should be classified as a Protection Stock, as recommended by most of the Scientific Committee, since commercial whaling is expected to end on this stock. This was seconded by Sweden, Antigua and Barbuda, and Finland and was then agreed by the Technical Committee, with Denmark entering its reservations.

Denmark reaffirmed the documented need for 240 whales, and stating that a reduction to the level proposed by the Scientific Committee would be too hard for it to bear, proposed a catch limit of 240. This was seconded by the United States and Iceland not Ireland. On the request of Antigua and Barbuda, the proposal was put to the vote but was not adopted, with 4 votes in favour, 17 against and 10 abstentions.

Australia, seconded by Seychelles and St. Lucia, then proposed a catch limit of 50 which, on being put to the vote at the request of Denmark, received 15 for, 3 against with 13 abstentions and was therefore adopted.

Mr Chairman, with respect to all these three stocks, the Technical Committee recommendations are as you will find in the bold type, and there is also a classification agreement to Protected Stock with a Danish reservation. Thank you Mr Chairman.

Chairman

Thank you Dr Lemche. Should I ask for any comments on this matter? I was working with Commissioners in this field and I received some comments, some other way of putting forward here in the Technical Committee. I think that perhaps you could allow me to try to sum it up, with these different and various opinion and think that will be workable to get an agreement in all these points. Then could we assume that the Chair is having some kind of amendment to the Technical Committee report and I will allow myself, taking into account all the background I was explaining to you, that in view of the advice of the Scientific Committee on the various stocks concerned as well as the problem which a too rapid and too drastic reduction in catch limits could cause for the aboriginal population. The following compromise proposal is put

forward as a possible basis for a decision by consensus.

So could I in this way ask Dr Gambell the different amendment, we could try to pass by consensus here? Please Dr Gambell could you take this different species of minke, fin and humpback and put to the knowledge of Commissioners the possible agreement on that.

Secretary

Mr Chairman, the proposed amendments to the Schedule are as follows, in Table 1, for the column headed minke whale, North Atlantic-West Greenland Stock, the figure which exists at the moment of 300 would be amended to 130. It would have associated with it a footnote, similar to number 4, revised so that it reads, "Total catch of minke whales shall not exceed 220 in the 2 years 1986 and 1987 inclusive". Footnote 5 would be deleted, but footnote 7, would be added, which indicates that "This catch would be available to be taken by aborigines pursuant to Paragraph 13.B(4)". That is the proposal for minke whales.

For fin whales, the West Greenland stock. The figure which stands at the moment of 8, will be amended to 10. Footnote 6 would be deleted, but footnote 7 would be retained. So that for the fin whales the proposal is a catch limit of 10 for aboriginal subsistence use.

The third element of this proposal concerns Paragraph 13.(b) of the Schedule. The proposal is that sub-paragraph 1 of Paragraph 13.(b) is deleted. The effect of which would be that there is no catch of humpback permitted in Greenland waters.

So the proposal very briefly is that the minke whale catch in any one year will be 130, with a block quota of 220 in 1986/87. The fin whale catch will be 10, both available for aboriginal subsistence purposes in terms of Paragraph 13, and that the provision for a humpback catch in Greenland waters is deleted. Thank you.

Chairman

Thank you Dr Gambell. Then if I do not see any reaction could I assume that we are adopting this proposal by consensus. Seychelles has the floor.

Seychelles

Thank you Mr Chairman. A point of clarification. May I ask if this proposal includes a Protected Stock classification for the West Greenland minke?

Chairman

I do not see this kind of amendment to be included. Thank you. Denmark has the floor.

Denmark

Mr Chairman, I think that it is easier to deal with this compromise proposal and then later return to the Protected Stock status. Thank you.

Chairman

Thank you Danish Commissioner. Is it clear then? Thank you, I do not see any other comments on this point. Yes, St. Vincent. I'm ageing you know.

St. Vincent

Thank you very much Mr Chairman. Mr Chairman, it is St. Vincent's position that if this is adopted by consensus we would wish for the records to reserve our decision. Thank you.

Chairman

Thank you Commissioner of St. Vincent. I apologise that I didn't see you immediately. Any other comments? I do not see any, then your reservation will be registered. So we have decided to approve this proposal by consensus? Thank you, I am sorry Seychelles has the floor.

Seychelles

Mr Chairman, thank you. My delegation would like to take this opportunity of making a short statement concerning the decisions we have just taken on aboriginal subsistence whaling in Greenland and clearly with respect to the West Greenland stock of minke whales. Mr Chairman, we in the Seychelles are very sympathetic to the needs of those aboriginal people who subsist largely on hunting for marine mammals. We realise that sudden discovery that the animals they have been hunting are not so numerous or so productive as they have thought, and which calls for a drastic reappraisal of their ways of life; that discovery can be a traumatic experience. We admire the speed at which the Danish delegation have taken the first step in their difficult adjustment to the news that they have had in the last few weeks about the state of the minke whale population off the west coast of Greenland. Seeing this I feel that our colleagues from Greenland will be able to face calmly the next steps in adjusting their utilisation of this species to a level that it can sustain.

When Greenlanders began to catch minke whales in 1950 or thereabouts and now as their activities expanded in the 1960s to be joined by Norwegian whalers about 1970, they could have had no idea that this activity would be so short lived. Their brief enjoyment of this marine abundance must make it doubly hard for them now to face the reality, the limits to nature's bounty as far as whales are concerned.

Mr Chairman, a few years ago we negotiated in this Commission a management procedure for the regulation of aboriginal subsistence whaling. We agreed that such whaling could continue, even on Protected Stocks provided some fundamental, biological limitations were respected. We believe that it is essential that this new procedure be made to work if there is to be any future at all for aboriginal subsistence whaling. If there is to be a future it will depend upon catches being properly reduced to below replacement levels whenever we find that they have been excessive. The sooner such reduction is achieved the easier will be the transition to a new sustained level of hunting on a recovering stock.

Mr Chairman, Seychelles would have preferred in the interests of the long-term needs of the people of Greenland a more immediate compliance with the management rules we so recently adopted, but we believe that a fair compromise has been achieved in the decision we have just taken by consensus. I would emphasise that this is not in our view a compromise between the needs of whales and the needs of people, as such arrangements are sometimes described, quite mistakenly. It is a compromise between the immediate and the long-term needs of humans. It is in that sense and with that understanding that we believe that the decision we have made is reasonable and fair. It may also be a historic one for this Commission. The Danish delegation have accepted obviously with reluctance, but with a remarkable demonstration of responsibility that there are quite narrow limits to how far whales can

indefinitely provide for the needs of growing human populations. I therefore wish to congratulate the Commissioner for Denmark and his colleagues for their swift constructive response to the events of the past few weeks. Thank you Mr Chairman.

Chairman

Thank you Commissioner for Seychelles. If I do not see any other comments I will close this particular sub-paragraph in item 13. I do not see any. Then we approve the proposal, the three of them and with the comments we have already made in agreement we have decided so? Thank you. Dr Lemche could you go to the next point please, other matters?

Chairman of the Technical Committee

Thank you Mr Chairman, I still think we left the classification business. The motion was that this stock should be classified as a Protected Stock. Denmark entered its reservation and I think that these words could also go in the Plenary record including the Danish reservation. Thank you.

Chairman

Yes, we will do that in that way, I think that I said that. Any other comments? I do not see any, so we move to the following paragraph.

Chairman of the Technical Committee

Thank you Mr Chairman. Other matters, on the bottom of page 7. First Japan considers that its small-type coastal whaling has similar characteristics to aboriginal subsistence whaling, including the nature and size of the operations, the history, and to meet the nutritional and cultural needs of the local people. It will submit a paper next year suggesting that these types of operations should be permitted to continue and asked for advice and cooperation from other members of the Commission.

Denmark reported that about 10 minke whales are taken annually off East Greenland from the Central Atlantic stock. It will prepare documentation for next year's meeting to make provision for this under Paragraph 13 of the Schedule.

In the Technical Committee, India expressed its view that there is a need to define aboriginal subsistence whaling in the Schedule, and that the humpback take off Greenland should be identified as for local consumption. It will prepare draft wording for these matter to be considered further. Thank you Mr Chairman.

Chairman

Thank you. Then we could consider other matters, the first two paragraphs, one and two? The last one I think we could consider as already solved at the beginning of this item. Thank you. Japan has the floor.

Japan

Thank you Mr Chairman. I ask for floor earlier to make some brief statement, but if you could kindly incorporate this first paragraph under other matters in your Chairman's Report, perhaps I can dispense with my additional statement, with following correction. On fourth line, after paper, add the word "on this type of whaling". A paper on this type of whaling next year, suggesting such and such, and delete on the fifth line from the top after "and

asked for advice.."and such and such and replace it by the following words, after to continue, "in order to ask the Commission's consideration on this matter, through its appropriate forum".

Chairman

Thank you Commissioner of Japan. We will do that, and Dr Gambell will check with your delegation for the right wording. I think that it is up to the Commissioner of Japan to include this wording. I will do that as well in the Annual Report. Thank you very much. Any other point in "other matters"? Then we will take note of the text and pending the item on aboriginal bowhead whales. Yes St. Lucia has the floor.

St. Lucia

Thank you Mr Chairman. Just simply a clarification, perhaps a question presented to the distinguished Commissioner from Japan. In item one, it says that Japan will submit a paper next year suggesting, on these types of operations. Will it be a paper submitted to the Scientific Committee, or a paper that will be made available to the Commission before? I would like to know what kind of paper. Is it a scientific paper, or will it be general information? Thank you Mr Chairman.

Chairman

I think that the Japanese Commissioner say in the appropriate forum, but I don't know if he is prepared to answer, yes please Japan has the floor.

Japan

Yes, at the time when we met at the sub-committee on aboriginal subsistence whaling, this matter was brought up and there was a request that this documentation should be in accordance with the format given out by that sub-committee. Therefore we will document our small-type of whaling in that manner and submit well in advance of that meeting of either the Scientific Committee or any other meeting of our next Annual Meeting.

Chairman

Thank you Commissioner of Japan. I do not see any other comments? Then I close this matter, "other matters". So the only remaining point is item 13.3.2, and I think that it is time to decide on this item. Other wise we have only the item 15. So may I open the floor for discussion of this item?

13.3.2 **13.3.2 Bering Sea stock of bowhead whales.** We have coming from the Technical Committee a first recommendation or agreement on the bottom of page 4. Is there any comments on that? I think that we can agree then with this recommendation and agreement? It is so decided. Is there any comment on the text as a whole, can we accept the wording of this particular item? I do not see any comment? Then we can approve it.

So we have to deal with the main point of this sub-paragraph, that means the last one, in the middle of page 5. That was the recommendation coming from the Technical Committee. Is there any seconder for this recommendation coming from the Technical Committee? The Technical Committee proposed a quota as a footnote. It is a recommendation that has to be seconded now, yes Ireland has seconded, thank you and United Kingdom as well, thank you. So we have on the floor this recommendation coming from the Technical Committee, any comments on that? I do not see any. Ireland has the floor.

Ireland

I misled you Chairman, I wasn't seconding that.

Chairman

You wasn't, United Kingdom was? Thank you. If I do not see any comments on that may I consider that there are not further discussions on this particular point? Ireland has the floor.

Ireland

Thank you Mr Chairman. I would like to move an amendment to the Technical Committee recommendation. It is my feeling that it is an amendment which has a substantial measure of support among delegates in discussions outside this Plenary session. In as much as it seeks to strike a reasonable balance between what is stated in the Scientific Committee's report and on the other hand the legitimate subsistence needs of the Eskimo people concerned. So the amendment that I propose sir, with your permission, is to the Paragraph 13 of the Schedule. That Paragraph 13 sub-paragraph 2 indent 1, be amended by substituting 1986 and 1987 for 1984 and 1985 respectively and 50 for 43, the sub-note 2 to remain. So in other words 13.2 indent 1 would then read, if adopted, "for the years 1986 and 1987 the total number of whales struck shall not exceed 50 provided that in either year the number of whales struck shall not exceed 27", and the sub-note 2 remains. Thank you very much Mr Chairman.

Chairman

Thank you Commissioner of Ireland. Any seconder? Oman, thank you. So we have an amendment to the original proposal coming from the Technical Committee. Any further comment on that? I do not see any, United States has the floor.

United States

Thank you Mr Chairman. At the time the Technical Committee met, the United States presented its position requesting 35 strikes for the 1986 season. We discussed the importance of the aboriginal whaling scheme. We discussed the responsibility and the performance of the Alaskan Eskimos in following the guidance of the IWC, and in fact taking the initiative in research activities to better understand population dynamics of the bowhead whale. At that time I expressed to this Commission that we are sincerely confident that the request for 35 strikes is not an unusually large request. In fact, the recommendation of the Technical Committee which endorses a strike of 27, for the year 1986 or 1987, is only 8 less than that requested by the United States in response to the needs of the Alaskan Eskimo populations.

I would remind the Commission that the formulation which was supported by the Technical Committee was one which was adopted at the meeting in Brighton in 1983. At that time our best population estimate for the bowhead whale was approximately 3,860 whales. Since that time considerable research has been carried out and the population is now estimated in the neighbourhood of 4,400 whales, and increase of something of the order of 560 in the estimated population of this whale stock. We believe that we are not asking for a great deal, to exceed that level of 27 by only 8 additional strikes, which would help to meet the subsistence and cultural needs of the Alaskan Eskimo population.

During the past several days we have been impressed by many examples of co-operative attitudes among the Commissioners at the IWC. Attempts to reach difficult decisions through conversation and understanding through a voting procedure by consensus. We believe that that is important. We would like to think that this is the future mode of operation of the IWC, in addressing very difficult issues, and we are confident that it will be. For this reason the United States will not propose at this time a strike of 35, rather we are confident that the Commissioners in voting on the proposals that have been tabled at this point, will recognise the needs, will recognise the basis for the request that we made in the early Technical Committee meeting. We will vote no on the proposal which is now on the floor, because we do believe that 35 is the appropriate number.

Mr Chairman, I have with me the Chairman of the Alaska Eskimo Whaling Commission, and I recognise that it is an unusual request, I recognise that it is unusual to have representations of aboriginal groups at the IWC meeting, but this is something which the United States has done in the past because we feel that it is important, not only for the Eskimos themselves to fully understand the deliberation which take place within the IWC, but we believe that it is important for the IWC to gain a better understanding of what aboriginal populations are faced with, with regard to cultural and subsistence needs. With your permission sir, I would like to ask the Chairman of the Alaska Eskimo Whaling Commission to say just a few words to this Commission, before it votes on the proposal which is on the floor.

Chairman

Thank you Commissioner of the United States. I do not see any other comments? Then you can go ahead with your proposal.

United States

Then it gives me pleasure Mr Chairman to introduce to the IWC Commissioners and delegates Mr Lennie Lane who is the Chairman at present of the Alaska Eskimo Whaling Commission.

Thank you Commissioner Byrne, Mr Chairman, Commissioners and Ladies and Gentlemen. It is a great honour to address the International Whaling Commission on behalf of the Alaska Eskimo Whaling Commission. We have tried since we have been here to present to you, offer to you our plea, individually talking to you and otherwise. A simple plea for our people and for our Commission, for our people we need at least a reasonable chance to land 26 whales. That means that we need at least 35 strikes next year. We need 35 strikes to even hope to land in the harsh Arctic environment anywhere near 26 whales. We need 35 strikes to keep the ability to be responsible resources managers and to justify our support of bowhead whale research now costing millions of dollars. We have to show our people that we are keeping faith with them. We cannot do that if the International Whaling Commission denies us 8 whales for no reason.

This science is known to our people, they know that over 300 whales are born on an annual basis. They know that 8 more strikes next year will in no way harm the present population of the bowhead whale. A failure by us to obtain the 8 whales we are asking for in addition from the previous years, will be regarded as a breach of faith by the International Whaling Commission, and in turn a breach of faith by the Alaska Eskimo Whaling Commission because we have kept faith with the International Whaling Commission's quotas imposed upon us.

Please again, again I say please search your minds and hearts, if you will, don't for the sake of 8 whales cause us to lose all that has been gained in these last difficult and trying 8 years. Please keep faith with our people, thank you Mr Chairman.

Chairman

Thank you Mr Chairman. So if I do not see any other comments on this point, I may assume that... Yes, Costa Rica has the floor.

Costa Rica

All I would like to say is that if they have 300 whales born yearly, I don't see what 8 strikes would do to that. I think that it is fair enough to give them 8 more. That is all I have to say.

Chairman

Thank you Commissioner of Costa Rica. Any other comments? I think that in the..., yes Philippines has the floor.

Philippines

Thank you Mr Chairman. Maybe at this point, when we are about to conclude our session, we should ponder deep enough and establish our priorities. I think that there is a very fundamental and basic issue involved, and that is the priority of the basic human needs of man over whale stocks. Thank you Mr Chairman.

Chairman

Thank you. I do not see any comments, then may I assume..., People's Republic of China.

People's Republic of China

Sir, we understand the Alaskan Eskimo people owing to the needs of traditional and nutritional need. So, on the US delegation they said that the resources are looking better than before, if this condition is true we say that we have no problem to increase by 8 more whales. Thank you.

Chairman

Thank you Commissioner of China. Any other comments? I do not see any. Then may I assume that the US Commissioner was proposing a vote on this matter, because we have in front of us a proposal seconded, then United States is of course asking for a vote. If I do not see any other comments then I will ask Dr Gambell to proceed on that in the usual manner. Thank you.

Secretary

Mr Chairman, the proposal before this Plenary session is to amend the Schedule Paragraph 13.B(2) part 1, so that it reads, "for the years 1986 and 1987 the total number of whales struck shall not exceed 50 provided that in either year the number of whales struck shall not exceed 27", associated with the number 50 will be the footnote 2. So this is a proposal to amend the Schedule with respect to the Bering Sea stock of bowhead whales, and as such requires a three-quarters majority of those voting to be effective.

Chairman

Thank you. Is there any comments on that. We are asking for an explanation of vote. Mexico has the floor.

Mexico

Thank you Mr Chairman. At this stage our delegation would like to explain its vote. We on the Technical Committee discussions recognised the effort and the needs of the Eskimo community. We listened today to the wording of the Eskimo representatives, but we took account in the Technical Committee the recommendation of the Scientific Committee for caution. Furthermore in the Scientific Committee Report, there is a stress that there is no confidence in predicting the likely effects of the catches on the current magnitude, on that circumstances our delegation will vote no for the amendment. Thank you sir.

Chairman

Thank you Commissioner of Mexico. Kenya has the floor.

Kenya

Mr Chairman, it seems that there is a bit of confusion. We have the proposal before us in the Technical Committee and we have the amendment moved by the US, who have indicated that they will vote no, but yet we have had the appeal also from the Eskimos and from other speakers, so where do we stand as we move to vote. Thank you.

Chairman

Thank you, I think that the proposal that we are now dealing with is the proposal from Ireland, and seconded by Oman. Thank you. Argentina has the floor.

Argentina

Thank you Mr Chairman. My delegation want to support the statement made by the Commissioner of Mexico.

Chairman

Thank you. United States has the floor.

United States

Yes, thank you Mr Chairman. If it will help the confusion at all, this proposal is not one that the United States supports, and so we will vote no on this proposal.

Chairman

Thank you. You have already said that, but I think that it is useful to remind people. Thank you. Any other comments just on explanation of vote? I do not see any, taking into account that two countries making a registration of the vote, Mexico and Argentina justified in the same way. So Dr Gambell please.

Secretary

Mr Chairman, the proposal of Ireland seconded by Oman...

Chairman

I'm sorry, a point of order from Mexico.

Mexico

Just a point of clarification. I think that there is some confusion in the explanation of our votes. We have a Technical Committee recommendation, an original proposal passed to this Plenary, on a quota which is similar to past years. It is our understanding that the new proposal is amending that to increase the number of whales to 50, with struck should not exceed 27, which for our understanding that is an increase of the number of whales. The explanation of my vote was in respect to that. My question sir is which proposal are we going to vote right now.

Chairman

It is the proposal coming from Ireland and supported by Oman, but if there is no clarification from the Chair, we can ask Dr Gambell again to read which proposal it will be. Any problem with that? Thank you, Dr Gambell could you explain again the vote.

Secretary

Mr Chairman, we are considering the amendment proposed by Ireland, seconded by Oman, that the Schedule Paragraph 13.B(2)1 sets the catch limits for 1986 and 1987 at 50 with a catch limit in any one year at 27 and the provision for review and if necessary amendment of the figure of 50. In other words the wording as you have it in the Schedule, changing the dates from 84 and 85 to 86 and 87 and increasing the number of 43 to 50. That is the amendment to the proposal from the Technical Committee.

Chairman

Thank you. Could you proceed then.

Secretary

The role starts at Denmark, abstain; Egypt, abstain; Finland, yes; France, yes; Federal Republic of Germany, yes; Iceland, no; India, yes; Ireland, yes; Japan, no; Kenya, no; Republic of Korea, no; Mexico, no; Monaco, yes; Netherlands, yes; New Zealand, yes; Norway, no; Oman, yes; Philippines, no; St. Lucia, abstain; St. Vincent, abstain; Seychelles, abstain; Solomon Islands, no; South Africa, abstain; Spain, abstain; Sweden, yes; Switzerland, yes; USSR, no; UK, yes; USA, no; Antigua, abstain; Argentina, no; Australia, yes; Belize, no; Brazil, abstain; Chile, no; People's Republic of China, abstain; Costa Rica, no.

Mr Chairman, there were 13 votes in favour, 14 votes against with 10 abstentions, and so that proposal fails.

Chairman

Thank you Dr Gambell. Then we move to the original proposal. Any comments on that? United States has the floor.

United States

Thank you Mr Chairman. There has been considerable discussion on this entire issue I think even before this Commission met. The United States again will vote no, on the proposal of the Technical Committee. If the voting follows in the manner in which it has on this past proposal, we will request a recess sir so that the Commissioners might discuss this issue in a private session, and I bring this to your attention in case there is any mechanism by which we can shorten the period of time to which we are devoting on these voting issues on the floor. I would propose that if there is any type of mechanism that we eliminate the vote on the Technical Committee, but certainly I understand that procedures may require us to do that.

Chairman

Thank you Commissioner of United States. Any further comments on that? I do not see any, then I will ask...yes, Netherlands has the floor.

Netherlands

Thank you Mr Chairman. If the Rules of Procedure don't urge us to take a vote on the proposal of the Technical Committee I would prefer to have a Commissioners' meeting now.

Chairman

Thank you. I think that the United States was asking for a vote. Sorry...

United States

No. Thank you Mr Chairman, a clarification. I was hoping that we could avoid a vote simply to save time, because my delegation is convinced that the results of the vote will be similar to that we just took.

Chairman

Thank you. St. Lucia has the floor.

St. Lucia

Thank you Mr Chairman. We would concur with the views expressed previously. However, we have a case of Mexico, have expressed one opinion and perhaps if Mexico would be happy to go along with the procedure we could refrain from a vote. I would defer my decision to the position of Mexico, who has indicated in his reasons for voting against this proposal. Thank you Mr Chairman.

Chairman

Thank you Commissioner of St. Lucia. I do not see there is any..., Mexico has the floor.

Mexico

Thank you Mr Chairman. We don't want to jeopardise the benefits of a discussion of Commissioners' meeting. Our position on this issue is known and has been stressed in this forum, and if the result of some discussion amongst Commissioners and its a consensus we may reserve our position at this stage sir.

Chairman

Thank you Commissioner of Mexico. Then we have the original proposal coming from the Technical Committee. Could we approve it? Philippines has the floor.

Philippines

Thank you Mr Chairman. I think as Chairman of this Commission you have a wide latitude of flexibility as to what should be the next procedure, but considering the logic of the results of the previous voting, my delegation feels that there is no need to go through another voting, to vote on the original recommendation of the Technical Committee since the amendment was supposed to be a much better one than the original recommendation. Thank you sir.

Chairman

Thank you Commissioner of the Philippines. I am trying to be logical, this is why I am trying to lead this meeting through the appropriate channel. I coincide with you, but it is a personal feeling I am not allowed to move here unless I need it. Thank you. So, yes United States has the floor.

United States

Mr Chairman, at the risk of confusing the issue even further, if we simply defer voting on this particular Technical Committee recommendation until after we have had a meeting of Commissioners, it may be that we will be voting on a different amendment, or that we will have another result, and so simply by deferring the vote that may be the simplest procedural way out of this.

Chairman

Thank you. If I don't see any comment on that, I think that it will be proper to do that but that means that we leave the item on bowhead whales open to a decision. Then could we pass to the item 15. Then we close the debate on item 13 except for the sub-paragraph concerning bowhead and particularly only in the Technical Committee recommendation decision. Thank you. Should I then ask Dr Lemche to introduce to us item 15? We have to have in front of us the fourth part of the Technical Committee draft report, page 2. Thank you. Please Dr Lemche.

Chairman of the Technical Committee

Thank you Mr Chairman. **Plenary Item 15, Adoption of the Report of the Scientific Committee.** In adopting the report of the Scientific Committee the Technical Committee noted the following matters: 1. Scientific Permits, to improve its effectiveness in reviewing proposed scientific permits, the Scientific Committee formulated a series of guidelines covering the information required, objectives of research, review of information on states of stocks, comments on methodology and the likelihood of achieving the stated objectives, participation by scientists from other nations, and the possible effect on conservation of the stock. Because the latter may require allocation of time at its Annual Meeting, the Scientific Committee suggested that information on proposed scientific permits should be provided to the Secretary at least 60 days in advance of an Annual Meeting of the Scientific Committee so that the proposals and supporting documentation may be sent out at the same time as the provisional agenda. 15

This procedure does not exclude the mail procedure for scientific permits proposed at other times of the year. Copies will be distributed by the Secretary to members of the Scientific Committee and their comments will be collated and forwarded to the Chairman of the Scientific Committee for decision and action in consultation with sub-committee convenors.

Permits for catches to be taken in more than one year should be reviewed in each year of their duration.

The Scientific Committee reviewed the status of a scientific permit issued by the Faroese Home Rule Authority in 1981. It reconfirmed its previous view that the current research will not yield answers to any significant questions relating to the biology or management of fin whales of the western Norway-Faroese Island stock.

An intensive research programme proposed by Iceland is intended to obtain information on the status of whale stocks and to study the role of cetaceans in the ecology of these waters. The Scientific Committee addressed only those aspects of the programme related to a scientific catch of minke, fin and sei whales, considering the proposals according to the new guidelines.

Detailed comments were provided by the Scientific Committee, although there was not always unanimous agreement on the extent to which the proposal satisfied the guidelines, and there was also disagreement as to whether it was appropriate for the Scientific Committee to provide any advice to the Government of Iceland other than commenting in accordance with the guidelines.

A scientific permit proposal by the Republic of Korea for the Sea of Japan-Yellow Sea-East China Sea stock of minke whales was found not to adequately fulfil the request for information required by Schedule Paragraph 30. The suggested catch may exceed the replacement yield of this stock.

Do you want me Mr Chairman, to continue or to stop here?

Chairman

I think that it will be proper now to deal with this first sub-paragraph. Number 1 scientific permits. Any comments? Yes, Iceland has the floor and then Sweden.

Iceland

Mr Chairman. I appreciate of having the opportunity to address the Commission, and explain very briefly the intention of the Icelandic Government with regard to our research programme. Mr Chairman, when the Icelandic Parliament in 1983 decided not to object to the Schedule amendment to Paragraph 10, it was also concluded that there was a need for intensified whale research into the stocks exploited by Iceland. This was clearly outlined in the resolution of the Icelandic parliament stating, (1) that zero catch limits for the commercial whaling should take effect in the 1986 season in conformity with the decision of the IWC. (2) That the research on whale stocks should be intensified in order to secure best scientific advice at all times, and (3) that the research would be the basis for decision on whaling up to 1990.

At my request the Icelandic Marine Research Institute prepared an extensive research programme for the period 1986 to 1989, this was done in conformity with the IWC Convention and the programme included the requirements of Paragraph 30 of the Schedule. This research programme has now been introduced and discussed by the Scientific Committee of the Commission. We regret that

the whole set of our research programme was not considered by the Scientific Committee, but instead only a part of it related to the scientific catch of whales. We regard both categories of research of great importance in our future work. Both the research independent and dependent on the catch operation itself.

During the deliberations of the Scientific Committee different meanings involved whether the scientific catch itself would result in significant increase in the knowledge of the status of the stocks. We certainly are of the opinion that continued flow of information is needed for future management of stocks. We do realise that the research catch alone will not solve all our problems of assessing the state of the stocks, but we do believe Mr Chairman, that this is an important part of our four-year research programme. It should be stressed that by presenting our ideas on future research into the stocks of Iceland at the Scientific Committee meeting, our intention was to receive suggestions for improvement of the plan and we appreciate comments already made. We note that although the Scientific Committee didn't fully agree upon the utility of the research catch, members of the Committee appreciated the opportunity for the variety of scientific research the experimental operation will offer and that some members believed that beyond doubt such a low level of catch can give answers to specific scientific problems, if the experiments are thoroughly planned and the operation is adapted to the special needs of such experiments. This will of course be kept in mind and taken into consideration when the programme will be put into effect and requests and suggestion from scientists of other nationalities have been received.

The estimated minimum cost of this research programme is above 50 million Icelandic kroners, its about 1.2 million US dollars, which is a considerable sum of money for a small nation of 240,000 people. Operating coastal vessels and other facilities are not included or facilities at the Research Institute in question.

All whales will be treated, taken under the scientific permits, will be treated in accordance with Article VIII.2 of the International Convention from 1946.

Mr Chairman, I have heard some spokesman say that our programme is only an attempt to circumvent the present ban on commercial whaling. I can assure you, Ladies and Gentlemen that our intentions are very sincere. We are not continuing commercial whaling. We are aiming at a better knowledge of whales. There are a number of parameters which need to be known for monitoring stocks' status, which we cannot get by any other methods than sampling. We must know the role of whales in the marine ecosystem around Iceland. This is of fundamental importance to my nation which is so heavily dependent on the sea for its livelihood. Thank you Mr Chairman.

Chairman

Thank you Commissioner of Iceland. Commissioner of Sweden.

Sweden

Thank you Mr Chairman. Just to seek clarification from you. When we discussed this matter at the Technical Committee we said that we would introduce a resolution on this matter, and this has now been circulated as document IWC/37/27. I just wanted to have your views on when would be the appropriate time to introduce this resolution.

Chairman

I think, unless I receive from you very strong feelings again I think that we may deal with that now, because it is quite pertinent according with the introduction as well, made by the Icelandic Commissioner. Then Sweden has the floor.

Sweden

Thank you Mr Chairman. As I said in my short intervention in the Technical Committee, my delegation views the proposal to issue scientific permits for catching substantial numbers of whales during the moratorium with considerable concern. We see that such permits might substantially undermine the scientific advantages that would be gained from the pause in whaling. In particular their effect on the comprehensive assessment of the effects of the pause, on whale stocks. We also view with concern the lack of scientific justification in the proposals examined by the Scientific Committee at this year's meeting, and we are particularly concerned that commercial considerations play too great a role in the way in which the catches will be treated.

Accordingly, we would like to commend to Commissioners the resolution IWC/37/27, which has been circulated. Thank you.

Chairman

Thank you Commissioner of Sweden. Commissioner of Switzerland.

Switzerland

Thank you very much Mr Chairman. By way of introduction to my statement of support for the draft recommendations just presented by the Commissioner from Sweden. I should like to say this. The use of animals for scientific purposes, and especially the number of animals, and the killing methods involved, have become a major issue in my country, and the Swiss delegation cannot pass over this issue when it is being addressed in international forum, such as the present one. Against this general background, permit me to make the following points very briefly.

I should most certainly not want to cast any doubts on the principle of the specific purposes for scientific research, nor of course on sovereign rights of contracting parties, far from it. Second point, the Convention and the Schedule, do however express themselves on the conditions which ought to surround such permits, and it is these conditions that are being addressed by the recommendations, and I stress recommendations. We feel that there is need for further thought on this certainly. The third point, the central aspects of these recommendations is quite simply that there should not be any, even an apparently blurring of lines between commercial whaling and whaling for scientific purposes, and that, in the interest of the latter and in the interest of the creditability of the International Whaling Commission. Thank you very much.

Chairman

Thank you Commissioner of Switzerland. Any other comments? St. Lucia has the floor.

St. Lucia

Thank you Mr Chairman. My delegation fully supports the views expressed by the delegation of Sweden and we fully support the request that the resolution be adopted. Thank you Mr Chairman.

Chairman

Thank you. Commissioner of People's Republic of China.

People's Republic of China

So, about these scientific permits. We agree paragraph number 4, so the suggested catch by South Korea may exceed the replacement yield of this stock in the East China Sea. So the catch limit for scientific research should be limited by the number of whales killed or the length of years for killing these animals. So we oppose some position, in the name of scientific research, to kill a large number of whales. Thank you.

Chairman

Thank you Commissioner of China. Commissioner of United Kingdom and then Iceland.

United Kingdom

Thank you Mr Chairman. I will try to be brief, but I cannot be too brief on this point, and I hope that if I am brief, that will not be taken as an indication that the points I am making are not extremely important to the United Kingdom.

My first point is that at a time at which the IWC is moving into the period of implementation of the moratorium on commercial whaling and comprehensive assessment subsequently of that decision, I think it is essential for the members of the Commission to insist on a very clear distinction between research work and commercial whaling. That is the reason why the United Kingdom supports the main thrust of the draft resolution which has been put forward by Sweden and Switzerland, which - the operative paragraphs of which - would recommend to Contracting Governments that they should prevent the products of such research whaling entering into international trade. That seems to us to be a very important safeguard which it is the legitimate concern of this Commission and of the members of this Commission to insist.

When I say insist Mr Chairman, I must then qualify that by saying that we accept fully that the Convention leaves the Contracting Governments with the right to act on the issue of permits, subject to the procedures laid down in the Schedule. The procedures laid down in the Schedule are designed to provide a review of the actions of the Contracting Governments by the Scientific Committee and by the Commission, and the Commission it seems to me is fully entitled and in certain circumstances, must be prepared to make its views known in the form of a recommendation or resolution of the kind that is being put forward.

Turning to the specific proposals by the Iceland Government, which I would distinguish my general remarks from my particular remarks, I have made my general remarks. I am now turning to the particular proposals of the Iceland Government, and to the statement made by the Iceland Commissioner. Clearly, as a country which attaches great importance to scientific research we must welcome any addition to the research effort on whales, if that research effort is well-founded, and we can congratulate Iceland, despite its small size and

resources, in setting out an ambitious research project. The Iceland Commissioner expressed some concern that the Scientific Committee had not looked at the programme of research as a whole.

I think that it is understandable that the Scientific Committee confined its more detailed consideration to the proposals for the catching of whales, since that is the only matter which is formally referred to the Scientific Committee, since it is only that matter which requires a permit under Article VIII of the Convention. I think in the end of the Scientific Committee's Report, there is a very clear statement that, "some members of the Committee observed that some of the proposed activities could advance the knowledge required for management of stocks, and sightings surveys were particularly singled out as being most useful, and the Committee welcomed their undertaking". So I think that we must record that the Committee has welcomed certain aspects of the Icelandic research programme, and it is not my intention to criticise those aspects.

The Scientific Committee however, well at least the majority of the Scientific Committee did make certain specific comments on the killing aspects of the Icelandic research programme. In particular, on minke whales most members of the Committee agreed that the objectives given did not directly relate to the research needs identified for the management of this stock.

I think that that is a very important statement, and I think that it is followed by a statement later on that the information obtained from the scientific catch would not materially improve the quantitative knowledge required as a basis for management. I do think that those are important statements by international scientists in the Scientific Committee, and I would urge the Icelandic Government to take them very seriously.

The Iceland Commissioner indicated his government's willingness to review the details of their research programme in the light of suggestions from international scientists. Well, I would urge him to recognise that the Scientific Committee of the International Whaling Commission is perhaps the most authoritative body of international scientists on this matter. I would draw to his specific attention the views expressed by at least a sizeable number of the members of the Committee, which having made the comments that I have already mentioned made a specific recommendation that the Government of Iceland be requested to refrain from issuing any scientific permit, until such time as a proposed research permit is developed which provides for improving the knowledge required for management, and they further expressed a willingness to assist with this.

So that, what I would like to urge the Icelandic Government through the Iceland Commissioner is that they should follow this procedure, that they should look again at the killing aspects of their programme and produce a revised proposal which more clearly meets specific scientific needs, if there are such needs which can be so served, and that that proposal should be once again considered by the Scientific Committee before it is implemented.

I would also like to comment very briefly on the research proposal for the scientific permit proposed by the Republic of Korea, and upon this point I can say that I support the views of the People's Republic of China in pointing out that most members of the Scientific Committee urged that the Government of Korea be requested to refrain from issuing this special permit. I think that that is a very important statement and one which I would hope the Government of Korea would seriously consider.

Finally Mr Chairman, before leaving this topic I would also note that the Scientific Committee expressed some concern about the scientific permit issued by the Faroese Home Rule Authority in 1981. The Committee reconfirmed its previous view that the current research will not yield answers to any significant questions relating to biology or stock management. If the catch is to continue the Committee requests more comprehensive sampling data and analyses than presented to date. I think that again is a very important request by the authoritative international scientific body which I hope that the Faroese Home Rule Authority will consider and act upon.

Finally I would reiterate my support for the draft resolution by Sweden and Switzerland. Thank you.

Chairman

Thank you Commissioner of United Kingdom. I have on the list Republic of Korea, Brazil, Japan and Spain and Norway. Point of order, yes please Norway.

Norway

Mr Chairman, would you please ask our Secretary whether he has noted all cards coming up. I distinctly believe that I saw the Commissioner for Iceland asking for the floor before any of those mentioned. Thank you.

Chairman

Thank you. Well if you allow me I was trying to explain in which way, I have Iceland as the first, but I thought that for this particular point it would be fair to concede the floor at the very beginning to different delegation, because I intend to open and I did it, to further discussion as a global approach and I thought that perhaps the Commissioner could be kind enough to allow other Commissioners to start to explain their own position before to be going down in a very particular matter. This is why I intended to do that, either I tried to help future activities, by the chairmanship and then if you look carefully to the Rules of Procedure we have on page 12, something like, the arrangement for debate. It seems that the Chairman has the right to try to refrain a long debate in some particular matters. In this one I think that we are already feeling that it could take us a long debate and this is why I was trying to take a list of different members that are asking for the first time the floor. Then I will be very firm in closing the list of debate for the first speakers and then only allow the right of reply of course, but not extend it too much, the debate. Could that be acceptable for the Commission? Thank you very much. Then I will ask again for the list of different countries asking for the floor, was Republic of Korea, Brazil, Japan, Spain, New Zealand, any other speaker like to talk, Norway, Australia. Unless I receive any other...also USA. I will close the list of debate. Are there any other, and I will come back to you if you will allow me. Do you need to speak first? Commissioner of Iceland.

Iceland

No I will come later to the matter of procedures, but I will do that later thank you.

Chairman

Thank you very much indeed. So Republic of Korea, Brazil, Japan, Spain, New Zealand, Norway, Australia, United States. Any other delegate who would like to take the floor for the first time? This is a global aspect of this particular point. I do not see any, then the Commissioner of Iceland will be

the first to take the floor again, but at that stage I will try to make easy the chairmanship in the future. I don't like to put forward now, but pay attention to the second paragraph, and (1) it seems that I can give some time to each Commissioner to speak. I'm not using that now, but I will ask you to take that into account. Then I close the list of first speakers in this matter. Thank you very much indeed. I ask then Republic of Korea to take the floor.

Republic of Korea

Thank you Mr Chairman. The plan my country proposed for scientific research purposes, is based on the relevant ruling of the current Schedule 30. Since a proposal was formulated before this meeting is convened we have admitted that it is not very much in tune with the guidelines which have been discussed. I think our Government plan for this research has already been distributed as a document IWC/37/20. However, I can assure you Mr Chairman that by the time my Government considers the issues of the special permit to the catch under this plan, we feel this strictly in the time which the detailed plan for the implimentation.

Mr Chairman as you are well aware, my Government has not raised an objection to the moratorium on commercial whaling. In this matter, my country is prepared to stop commercial whaling from 1986. We think that it is essential in this connection to continue scientific research during this moratorium period. The purpose of this research is basically to obtain relevant scientific materials necessary to forward the comprehensive assessment of the stock.

Mr Chairman, I hope therefore that my short explanation would help to understood the purpose of our scientific permit.

Chairman

Thank you Commissioner of Korea. Brazil has the floor.

Brazil

Thank you Mr Chairman. My delegation fully appreciates the intention of Sweden and Switzerland in submitting the draft resolution on research permits. Nevertheless, we do believe that this resolution raised complex legal problems which could not be analysed in the short time available after its presentation. Therefore, if the resolution is to be put to a vote, my delegation will oppose it on purely legal grounds. Thank you very much.

Chairman

Thank you Commissioner of Brazil. Commissioner of Japan.

Japan

Thank you Mr Chairman. On procedural point of view, I think that my delegation fully concur with what has been spoken by the distinguished delegate of Brazil. Particularly this resolution is a very serious one, which might affect the right of the Contracting Government as embodied in Article VIII, which has very strong rights provided for Contracting Governments and this is a very important, particularly at this stage, when commercial whaling is prohibited on the grounds that there is uncertainty. The uncertainty would not be reduced by simply stopping such kind of take associated with researches.

We want to reduce the uncertainty through the research and this right, suddenly we are one of those states who might reserve this full right guaranteed under Article V of the Convention in order to reduce or eliminate uncertainty. I am very much concerned here, that there is certain tendency in this Commission that somewhat increased uncertainty is much more welcome by some of the delegations. We have quite a positive view to that, if we look at the data available for the Scientific Committee, there are all coming those countries which are carrying out some kind of whaling, and non-whaling countries if any, submit very little data on which scientists can work. In that sense, such continuation of research will be designed. It should be well designed, is warranted from the very objective of the Convention and the very meaning of Article VIII, which supercedes even the Schedule 10(e).

Because of the late submission of this proposal, which causes some basic doubt about the consistency with the Convention itself, and also in a technical manner, doubts about the consistency with present Schedule 30, as well as Rules of Procedure of Scientific Committee. This consideration should be deferred to the next Annual Meeting. In the meantime I think that those countries who are concerned about such issuance of permits should act on their own conscience, taking into full account of those comments made at the Scientific Committee. Thank you very much.

Chairman

Thank you Commissioner of Japan. Commissioner of Spain.

Spain

Thank you Mr Chairman. Although my delegation can understand the underlying reasons for the proposal put forward by Sweden and Switzerland, the very importance of the issues involved, requires that sufficient time be given to Contracting Governments to analyse in depth the repercussions and effects that may derive from this resolution. Therefore if this resolution is put to a vote I would have to go along with Brazil's position and reserve the final position of my Government. Thank you Mr Chairman.

Chairman

Thank you Commissioner of Spain. Commissioner of New Zealand.

New Zealand

Thank you Mr Chairman. The hour is late and in the interest of brevity I will merely say that we share the concerns that have been expressed by our colleague the United Kingdom Commissioner. On the question of where do we go from here, I would recall that you encouraged the group to get together to try to reconcile the differences between the different tendencies. They were too wide to be bridged in the time available, and it's clear that there are strong views held in the Commission, and which I consider should lead us to make one more attempt to arrive at a position that would command a fairly widespread support.

I think that on a subject of this nature with implications for the future it would be unfortunate if any decision did not command widespread support. Therefore, as you are proposing to discuss in a meeting of Commissioners the bowhead question, could I ask that you not take a vote on this but, give us a few minutes there to have a last look at this. Alternatively if you are going to break for a short lunch, give us an opportunity of a recess to see if we can't do something better than we have done up to this point. Thank you.

Chairman

Thank you Commissioner of New Zealand. Commissioner of Norway.

Norway

Thank you Mr Chairman. I was glad to note that the Commissioner for the United Kingdom in his intervention acknowledged that Contracting Governments possess a right under the Convention to issue special permits for the taking of whales for scientific purposes. It is the view of my Government that this right is exercised at the discretion of a Contracting Government, with the proviso that this right should not be exercised in bad faith. I think that this is a basic part of the law relating to the matter on which we could all agree. My delegation also concurs with the Commissioner of the United Kingdom that the Commission has every right to express its views on the issuance of special permits and on the procedures for doing so. Indeed the Commission has already established such procedures in Paragraph 30 of the Schedule. Expressions of views are of a non-mandatory nature, and could by no means be taken to be interpreted as a conservation or management measure adopted by the Commission. They are hortatory only. That I think is also a point on which we would agree and I believe an important point to carry forward.

Turning to the draft resolution before us Mr Chairman, I have certain serious procedural concerns relating to the time limit for the presentation of new proposals arising under Article VI of the Convention. I acknowledge that it is open to Commissioners to present proposals, without observing the time limit in Rule G of our Rules of Procedure, with regard to matters dealt with by the Scientific Committee, but it seems clear to me Mr Chairman, that the fourth and the fifth operative paragraphs of the draft resolution relating to trade are clearly outside the purview of anything considered in the Scientific Committee, and that the contents of these two paragraphs would clearly raise a new substantive matter, which in the view of my delegation requires advance notification in accordance with the Rules of Procedure.

Mr Chairman, I would also have an observation on one specific element of the substance of paragraph 3 of the draft resolution. In sub-paragraph 2 the draft resolution seeks to restrict the liberty of issuing scientific permits to research which would be likely to contribute information relating to management of a stock. Mr Chairman, that is both an erroneous and in my view, a highly dangerous position for the Commission to adopt. That would preclude it seems to me, the taking under a special permit of any whale for the purpose of biological research on whales not directly related to management. It would quite clearly also prohibit the taking, it would not prohibit, it would discourage the taking of whales for research purposes related to other species, and we must bear in mind the inter-relationship of marine resources. I would very much urge that if we follow the procedure suggested by the Commissioner for New Zealand, that we should also seek to exclude the implications which I have referred to from the scope of any possible resolution to come out of this debate. Thank you sir.

Chairman

Thank you Commissioner of Norway. Commissioner of Australia.

Australia

Thank you Mr Chairman. First of all I would like to make it clear that Australia would fully support essential research clearly orientated towards improving the conservation and wise management and use of cetaceans. Australia would look to the Scientific Committee of the IWC, as the prime source of advice with regard to any research proposed, particularly by a Contracting Party to the Convention. The Scientific Committee was clearly unconvinced on the merits and desirability of the proposed research programmes in their entirety. Because of the serious reservations expressed clearly by the Scientific Committee, Australia believes that there is a need as a matter of urgency to redefine the objectives and methodology before implimenting the research. Without wishing to infringe in any way on the sovereign rights of any Contracting Party, I am seriously concerned at the divisive aspects of the current proposals and the precedents that they may set. I would join with the distinguished UK delegation in appealing to the Icelandic and Korean proponants of the research to look again at their programmes and seek further comment by the Scientific Committee.

If there is any possibility of obtaining a resolution of this difficult situation, and as suggested by the distinguished New Zealand delegate, I would support, taking the opportunity of a break to see if anything further can be achieved. Thank you.

Chairman

Thank you Commissioner of Australia. Commissioner of United States.

United States

Thank you Mr Chairman. Clearly the issue is an important one. It is one in which there are many diverse opinions. I think everyone in this room respects the rights of sovereign nations to conduct research. I am sure that everyone here respects the necessity to do certain types of research on whales. The Commissioner from New Zealand has suggested that possibly discussion at a Commissioners' meeting might be helpful. The direction of the comments that I hear other than those that substantively address the draft resolution by Sweden and Switzerland, suggest that some type of continuing action is necessary with a request that research which is contentious under these circumstances be seriously considered for deferral. These in themselves are difficult issues to address.

The United States would be prepared to join with others in formulating such guidelines and in urging the governments, any governments, Iceland and Korea have been noted, but others as well, in seriously considering the comments that have been made today. I think however, that at this particular time some type of recess might be in order so that we could address a different approach to the immediate problem which is clearly a very important one. Thank you.

Chairman

Thank you Commissioner of United States. Then I do consider the list of speakers is closed for the main purpose for which I opened it. That means to approach the matter as a whole. Then I think we have two or three ways to go ahead with this matter. I think that perhaps it would help me if we had the intervention of Iceland now, because its asking for the floor, but could you wait for my own comments on that, and then if you feel it necessary you could ask for the floor. May I? Thank you very much indeed.

So my idea is that this point could be closed in terms of matter of substance, I mean in taking the floor to make a speech and to make comments in favour or against this resolution, but I feel we can do is to keep the matter of procedure of the resolution to keep the matter of the resolution itself to a vote, or then turning to the amendment or then turning to be decided in another way. That could be the only thing that we can do now, I mean we would finish this sub-paragraph saying that the Commission accept to close the paragraph, and to close all the matters concerning the matter of substance in this one. But, we will come back again to this point to discuss the resolution and the procedure concerning this resolution. I think that at time it will be helpful to have a Commissioners' meeting for this purpose. Because we have another point to deal with in the Commissioners' meeting, I mean the aboriginal whaling, what I am intending to do now is to finish with the Scientific Report in this item 15. I do not see many matters that could be controversial. Then we will have a short lunch and a meeting of Commissioners and everything you want, but we will come back here only for this particular point, to discuss the resolution and the procedure of it, plus the aboriginal question. I think that it will be proper to accept that and to finish with the item 15 now. Is there any comment on that? Iceland has the floor.

Iceland

Mr Chairman, I agree with your ruling and I will come back to this after the Commissioners' meeting. I think that that is the best way.

Chairman

Thank you very much indeed. Yes Brazil has the floor.

Brazil

Thank you. Simply to remind you that we have something under "other matter". Thank you.

Chairman

Yes, I know that, that is why I am trying to deal with them now, but if it is necessary then in the Commissioners' meeting we can deal with all of them and not to break for another Commissioners' meeting again. Thank you. So if you will allow me I hope that in a short time we can finish with item 15. So we close this sub-paragraph and we move to the following one. Future Meetings, on page 4. Dr Lemche could you introduce the matter.

Chairman of the Technical Committee

Thank you Mr Chairman. Future Meetings, the Scientific Committee discussed to hold a number of separate meetings in the future and agreed to the priority list you will see in this paragraph. I should just mention with respect to the third of them, that we decided yesterday in Plenary that we had no money this year for that one.

The Technical Committee agreed to these meetings provisionally, subject to consideration by the Finance and Administration Committee.

Number 3, Strandings. The Working Group established last year concluded that the collection and review of information on existing arrangements for reporting strandings have been a valuable exercise, and that strandings in conjunction with other information are an increasingly valuable source of information for some aspects of the management of cetaceans. The Scientific Committee supported six specific resolutions, which you will see on page 5.

Point 4, Habitats. The Scientific Committee noted that monitoring in the strict sense of global ocean pollution, is in most cases not feasible using cetaceans. There is a need for studies on the effects of pollutants, but there is little information, either at the individual or population level, and the Scientific Committee recommended that the Commission endorses and encourages suitable studies. Tissue banks were discussed and attention was drawn to their value for long term pollution studies, and a small workshop of biologists active in this field to examine the practicality of establishing a tissue bank was encouraged. If tissues from stranded animals are collected it was recommended that they should be accompanied by a detailed description of the state of the animal and information on pathology. Next year the Scientific Committee intends to discuss debris and noise pollution in addition to chemical pollution.

Point 5, Initial Agenda for the 1986 Annual Meeting. The Scientific Committee recommended that the length of its Annual Meeting be restored to 13 days when it would consider priority stocks subject to whaling under objection, aboriginal subsistence whaling and catches under scientific permits.

The Technical Committee supported restoration of 13 days for the meeting and agreed to the priority stocks proposed. It noted that Dr Tillman had finished his 3-years' term of office and that the Scientific Committee had elected Dr Kirkwood from Australia as Chairman and Dr Brownell from the United States as Vice-Chairman.

The Seychelles expressed its appreciation, having sat in the meetings of the Scientific Committee, of the long and hard work of the scientists and the expert management of their discussions, and many other delegates joined in this expression of appreciation.

Mexico wished to associate with the Seychelles in its recognition of the efforts of the Scientific Committee and its Chairman; but the Mexican delegate wished to note its concern and reservation on the resolutions and recommendations derived by the small cetaceans sub-committee, and especially to those points which are requesting information from Contracting Governments on species outside the competence of this Commission; also to the recommendations to use Commission funds for attendance at meetings which are not directly related to the objectives of this international organisation (referred to in Annex I and Item 9.2 of the Scientific Committee Report, p.16), and to consider for the future work to continue activities with species outside the competence of this Commission.

A number of countries associated themselves with the Mexican position.

Norway noted that this is a political problem that must be addressed by the Commission, and several countries expressed their view that the 1946 Convention covers all cetaceans and referred to the Resolution of the IWC in 1980 with respect to small cetaceans.

Thank you Mr Chairman. I think Mr Chairman, we have a few recommendations here, on the bottom of page 4, on the top of page 7 and I think that is our recommendations, thank you.

Chairman

Thank you. I think to finish with your report Dr Lemche we have in page 11 some matter dealing with it, but I think that the Commission as a whole could take note of that. We are referring to point 4, initial agenda for the next Annual Meeting, and work programme for the coming year. Point 5, election of

Chairman, point 6, election of Vice-Chairman and 7 and other business. If you allow Dr Lemche and myself not to introduce this matter because it is quite simple. Could I then consider that we finish with the Report of the Technical Committee and we have in front of us as a Plenary session this matter to be considered. I do not see any comments? Then I will take the matter to discuss with you. Yes, Philippines has the floor.

Philippines

Thank you Mr Chairman, my delegation can go along with your ruling, but there is a slight amendment which we should like to introduce on page 11, under the item any other business. I think that it was a joint proposal of Brazil and the Philippines that the social and economic effects of the moratorium should form part of the comprehensive assessment. We would be happy to have this sentence amended accordingly. Thank you sir.

Chairman

So we move then to analyse the different points on item 15. I think that it will be proper then to take the first one, that is, the future meetings, mid page 4. We have the following point to deal with, future meetings. Any comments on that? I do not see any, then we can agree as the Technical Committee agreed before to these meetings, provisionally subject to consideration by the Finance and Administration Committee. Thank you, I do not see any.

Then we pass to item 3, strandings. Any comments on the wording? I do not see any, then we could take note of it as a Plenary session. I am talking concerning page 5. Thank you very much.

Then we pass to page 6, Habitats. Any comments on this particular point? Then we will take note of that and note the wording and approve it. Thank you very much indeed.

Sub-paragraph, initial agenda for 1986 annual meeting. Any comments on that? Then we pass to the top of page 7, and "the Technical Committee supports the restoration of 13 days for the meeting and agreed to the priority stocks proposed". So the Plenary accepts that and adopts it, the support from the Technical Committee. Thank you very much.

There are some countries which have made statements, on page 7, they will be recorded according with this first draft, but they could make some clarification if needed, not affecting the matter of substance. Thank you very much indeed. So this point is finished at the top of page 8, I do not see any other comments and so we approve sub-paragraph 5 as a whole including the recommendation of the Technical Committee on restoration of 13 days? Thank you very much indeed.

Then we move to page 11, this is the final part of our report. "The Technical Committee agreed that these matters will be developed as appropriate during the year". It think that it is appropriate in that way to take note of that and approve it.

Concerning the election of Chairman and election of Vice-Chairman we take note of that. I think that this matter could be dealt with when we come to the item in the Plenary, which means 24 and 25, and we take note of that at that moment. Any comments on that? Thank you very much indeed.

Then we move to sub-paragraph 7, any other business. We take note of India and we have already dealt with this matter. Then we take note of the first paragraph. The second one is precisely this procedure, and the third one we take note of the Philippines modification, including Brazil. I think that on this particular point, we have already the resolution coming from these two countries. I think it was analysed both other countries as well, and I think that we have a document on that, and if you allow me and you feel that you could get a consensus on that I will open this question asking Brazil to introduce this matter. Would this be possible? Thank you very much indeed. Then Brazil has the floor.

Brazil

Thank you Mr Chairman. I believe that all the delegates have the document IWC/37/28, which contains the amended proposal by Brazil and the Philippines on the need for consideration of the socio-economic implications of a zero catch limit. I should say that this is the result of consultations among many delegations and on behalf of my delegation and the Philippines, we do hope that it could be accepted by this Plenary. Thank you.

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Chairman

Thank you Commissioner of Brazil. Any comments on that? Thank you. Philippines has the floor.

Philippines

Thank you Mr Chairman. My delegations simply wants to second the motion of our distinguished colleague from Brazil. That this text has already negotiated successfully that this be adopted by consensus. Thank you sir.

Chairman

Thank you very much madam. Any other comments? So we approve by consensus this document IWC/37/28? Thank you very much, it is so decided. So we have as well I think it was St. Lucia at a very early stage, he thought it would be workable to introduce a matter. Is it in any other business here or in any other business as a whole? Thank you, will be in the last item of our agenda then.

So it is just a question of finishing our work now. We have two remaining points in our agenda, that we can take now and approve it if you allow me. This is **15 adoption of Report of the Scientific Committee**. I think that we only have pending the question of scientific permits, and we agree that as a whole I think that we can adopt the Report of the Scientific Committee. Any comments on that? I do not see any, then we could approve then the Report of the Scientific Committee and allow me again on behalf of the Commission to thank Dr Tillman and people who work in the Scientific Committee for this valuable and very efficient work. Thank you very much. So, it is decided to close item 15 with the adoption of the Report of the Scientific Committee. Thank you very much in deed.

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Then there is another report that we may adopt now, it is number 18 on our agenda, **Adoption of Report of the Technical Committee**. I do not see any further comment on that, I think that we have exhausted the matter, and we have in Plenary to deal with the remaining point. Then I suggest to adopt the Report of the Technical Committee. Any comments on that? I do not see any

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then the Commission decides to approve the Report of the Technical Committee? Thank you. If I may then again thank Dr Lemche for his valuable work with the Technical Committee, that is really a full session and I really commend you for your work. Thank you very much indeed.

So, I think that we can get lunch now. At this stage we have only to come back here for the following points, if I may just sum up in order to be clear. First of all there is item 13, concerning bowhead, and secondly item 15 concerning the scientific permits in both aspects. Considering the resolution as a matter of procedure, but as well the resolution itself. Thirdly, we will have the item 24, 25 election of Chairman and Vice-Chairman as well and the third member of the authorities in this Commission. This will be the third remaining point. Fourth we have any other business, and the only recollection I have is the proposal from St. Lucia to deal with some particular aspect.

Is anybody in knowlege of this proposal from St. Lucia, I am sorry to ask that, but I would like to know if we could deal with that later on or we prefer to finish now? Perhaps it will be useful., the document is number IWC/37/30. Excuse me, perhaps I am going to far, but my idea is that you feel this question must be dealt with in the Commissioner's meeting? Then I will ask to delay the consideration of this point, otherwise we can do that now. May I ask St. Lucia to intouduce this matter to see what we should do? Please.

St. Lucia

Thank you Mr Chairman. In fact there are two points in reference to IWC/37/29 and IWC/37/30. The one addresses infractions, but we would propose that it be a Schedule amendment at another agenda item. So in fact it refers to infractions, it is not to be considered in infractions. So that is a proposal that addresses the infractions and outlaw whaling. The other one was agenda item 16. We had attempted to follow point B of the rules of debate in hoping that the resolution would be circulated and be made available for 24 hours. Unfortunately at the time that agenda item 16 was discussed and closed yesterday we were not here at that specific moment. Therefore, I would like to address the item of the infractions and outlaw whaling in other business, and if it were possible to state our case on agenda item 16 in view of the circumstances that we waited for 24 hours for distribution, but unfortunately the item was closed. If I could I would address it, this time or perhaps after lunch. Thank you Mr Chairman.

Chairman

Thank you. I think that it will be useful if I feel some reaction from other Commissioners on this particular point. Otherwise I will intend to deal with that now. Do you feel that this is a controversial issue that we need to discuss deeply or we could accept the proposal coming from St. Lucia, if someone is seconding them? First of all, any seconder? New Zealand.

New Zealand

Mr Chairman. I would wish to second IWC/37/30.

Chairman

Thank you Commissioner of New Zealand. Commissioner of Switzerland.

Switzerland

Thank you Mr Chairman. I would like to do the same thing. In other words second IWC/37/30.

Chairman

Thank you. Any seconder for the other one? Yes Antigua is seconding and the Netherlands as well. So we have two proposals in front of us /29 and /30, with seconders. Could we approve this one? Yes Iceland has the floor and then Japan, and then Soviet Union.

Iceland

Mr Chairman. I think we cannot accept this resolution. Maybe I think that it would be better to wait, that is 37/29. We can accept 37/30 and I think that it would be better to wait with this resolution and talk about it in the Commissioners' meeting.

Chairman

Thank you Commissioner of Iceland. Commissioner of Japan.

Japan

I am in full agreement with the distinguished Icelandic delegate. I am somewhat confused with IWC/37/29, it says resolution to consider in 1986, that is the beginning of this proposal, and therefore I thought that it is some advance notice for consideration for next Annual Meeting.

Chairman

Thank you. USSR has the floor.

USSR

Thank you Mr Chairman. Mr Chairman, the Soviet delegation cannot support any of those resolutions. Thank you.

Chairman

Thank you Commissioner of the USSR. So we have resolution? Any other comments on that? Yes, Norway has the floor.

Norway

Thank you Mr Chairman. I believe that part of the contents of draft resolution 37/29, deals with matters other than infractions and would therefore I think, validly be said to be subject to the 60 day rule, as bringing in a new item. Thank you sir.

Chairman

Thank you Commissioner of Norway. If I do not see any other comments...yes, Philippines has the floor.

Philippines

Thank you sir. My delegation will be prepared to examine these draft resolutions when we get back to Manilla, just to give us amply time to study them. Thank you.

Chairman

Thank you Commissioner of Philippines. So if I may feel what you are feeling now, I would say that you could accept both subjects to be discussed here, but you are not in full agreement with the procedure of them. Concerning the 29, I received strong feelings again, it is not the same concerning the 30, unless I receive from Soviet Union that they can't support. Do you feel that this is a matter of consideration at a Commissioners' meeting? I feel that we can solve this matter here, because one of the observations coming from the Japanese Commissioner is to consider in 1986, but I think you are, I mean the Commissioner of St. Lucia proposing now the resolution, and in 1986 the amendment. Then I think that the resolution is trying to be approved in this meeting and not in the next one. Perhaps, I don't know, if it would be helpful, could we for instance concerning the 29 approve I wouldn't say by consensus, but largely by consensus with some reservations that this could be an item for the next meeting, and we could take the 60 day note and we will use this document as background for the next meeting. I think that the outcome will be the same, because we will have in attention that the 29 next year is a proposal to amend the Schedule and will be enough 60 day, more than that in advance. Then we can approve that as a matter of a new item in the agenda in 1986, with this background, and taking into account that it could be an amendment to the Schedule. The background will be this document. St. Lucia has the floor.

St. Lucia

Thank you Mr Chairman. I would fully accept that solution. We would like to introduce the title of that agenda item as outlaw whaling. Thank you Mr Chairman.

Chairman

Thank you Commissioner of St. Lucia. Then may I decide concerning 29 that we could accept this decision? Thank you, and the background will be this draft resolution.

Concerning the other document /30, I heard some delegates approving it, but I heard as well one delegate not convinced on this resolution and because of that, rejecting that. Are there any other countries feeling that this resolution is not suitable? Because, otherwise perhaps we could move in a way that we used to do, approving by consensus while registering the reservation of the USSR Commissioner. Yes Commissioner of USSR please.

USSR

Thank you Mr Chairman, it is not that we reserve our position, we object to it. Thank you Mr Chairman.

Chairman

Thank you Commissioner of the USSR. I am sorry to have misunderstood you. So we have this resolution in front of us, and I think that the procedure could be taken in the way that it is a formal resolution with two members seconding it. So there is one delegation against. Could I ask you to enlighten me as to whether anyone is asking for a vote, or could we register that one delegation is against this resolution. Unless this..., Japan and then Ireland.

Japan

Thank you Mr Chairman. I thought that this resolution was only related to aboriginal subsistence whaling, but if it relates to commercial whaling I think that the second sentence, the last part of the second sentence, "and remain little changed for those in use six years ago", is quite different from what is happening in my country. Therefore I cannot go along with this resolution, if this covers commercial whaling. Thank you.

Chairman

Thank you Commissioner of Japan. Commissioner of Ireland.

Ireland

Thank you Mr Chairman. I do of course support the thrust of this resolution, but I have reservations with the wording of the final paragraph, and I have little doubt that St. Lucia who proposes it, would probably agree with my reservations if we had an opportunity over lunch to talk about it. Thank you sir.

Chairman

Thank you Commissioner of Ireland. Could we then after these comments asking the Commissioner of St. Lucia if he is prepared to make a comment on the present situation, and enlighten the Chairman what will be your next step in this situation. Yes please St. Lucia has the floor.

St. Lucia

Thank you Mr Chairman. We will be happy to entertain the suggestion from the delegate from Ireland as to what might be appropriate in his view, as long as it doesn't change the basic thrust of the proposal. With respect to the comments made by the distinguished Commissioner from Japan, the intent in the wording was not in reference to commercial whaling, but rather to aboriginal methods. Thank you Mr Chairman.

Chairman

Thank you. Then the resolution could contain some wording explaining that it is only concerning aboriginal whaling, and you could accept as well this slight modification, taking into account the Ireland comments. Thank you. That would mean that Japan is not against the resolution in that way? Thank you very much Commissioner of Japan. So if I do not see any one asking for a vote, perhaps we could register a consensus, but with the strong rejection from USSR. Could we? Any comments? Yes, Norway has the floor.

Norway

Mr Chairman, I have made no comments on this draft proposal, but I would very much warn against adopting anything by consensus for further redrafting at a later stage by two of our colleagues. Thank you.

Chairman

Thank you. I was perhaps unprudent in that way, but I thought that it just was a wording saying that its applying to non-commercial whaling, or aboriginal one, and secondly modifying slightly the last paragraph. But, if you feel that it is necessary to take this matter...yes please, St. Lucia has the floor.

St. Lucia

Thank you Mr Chairman. We would propose that in the second paragraph, on the second line of the second paragraph after the word employ, insert "in aboriginal whaling, and remain little changed from those in use six years ago." Then incorporate perhaps the changes that the delegation of Ireland would like to introduce, and proceed. Of course I would like before prejudicing my position, I would like to know what the changes that Ireland proposes. I am sure I can live with it. Thank you.

Chairman

Thank you. Commissioner of Ireland.

Ireland

Thank you Mr Chairman. Perhaps I can help, and leave it to Dr Gambell to put the English on it. The words which cause me problems are that they are urging governments and that would include my government, to reduce cruelty and waste. There is a direct implication that my government and others might be guilty of cruelty, whereas I think the proposer intends something, "to act with despatch to reduce waste and ensure continued humane methods of whaling". Something along those lines. Thank you sir.

Chairman

Could I suggest to put after member governments the word "concerned"? Ireland has the floor.

Ireland

No Mr Chairman, because its an indictment of other sovereign governments, and I don't have evidence of this in front of me of acting in a cruel way, and I couldn't support that. I don't really think that that is what the proposer has in mind, perhaps it is? Well, if it is then I couldn't support that sort of general indictment of sovereign governments. Thank you.

Chairman

Thank you Commissioner of Ireland. Yes, Commissioner of St. Lucia.

St. Lucia

Thank you Mr Chairman. The specific wording refers to reports of the Commission in 1981 and 1982, IWC 31/5, in which the Technical Committee Working Group on Humane Killing addressed this issue. We were referring here to practices by some countries, and not wishing to identify or addressing this resolution to any one country but rather stating it as a matter of principle. I decided to urge the reduction of cruelty and waste we just addressed member governments. We would be happy with the fine solution that you have introduced by saying "those governments concerned". Therefore, having stated the background for it, and the procedures of the Technical Committee of past years, it would be clear to those that are familiar with the procedures of the Commission what is implied without having necessarily to identify any one country. Thank you Mr Chairman.

Chairman

Thank you Commissioner of St. Lucia. Then we could decide that the word "concerned" will be introduced after governments and we will register the comment from Ireland in the way that they interpreted this. This is not a resolution affected to other countries and concerned, and you could put the wording from a personal point of view of Ireland. Yes, Commissioner of Ireland.

Ireland

Sorry Mr Chairman, I want to make it clear that I cannot support a resolution that is indicting any government of acting in a cruel manner. I don't think that it is necessary, I think that what may well be necessary is that we continue to urge governments to act in a humane way, which is the more positive way. I just don't want to be a party to condemnatory statements. Thank you.

Chairman

Thank you Commissioner of Ireland. Commissioner of St. Lucia.

St. Lucia

Thank you Mr Chairman. I think we can find a solution for this. We are not implying that its the governments that are conducting cruelty or proceeding in a cruel manner, it is the practices that take place in those countries, in some instances might be cruel. It is not an indictment, it was not intended as an indictment of governments, it is specific reference to a practice that takes place in one country, or two. I hope that perhaps the clarification might obviate the reservations that Ireland might have.

Chairman

I am afraid not. Then I will suggest what we can do is to keep this matter for, I mean after the lunch break, and ask the Commissioner of St. Lucia to contact the Commissioner for Ireland and find the right wording for this resolution without modifying the matter of substance. Is it possible? Thank you very much. Then is there any other comments? Philippines asked for the floor.

Philippines

Thank you Mr Chairman. We would like to say that we share the concern of the distinguished delegate from Ireland. We would like to see this operative paragraph without any reference to governments whatsoever, either concerned or not concerned. So we were at the point of suggesting a slight reformulation of this operative paragraph, but by perhaps simply saying "the Commission the immediate adoption of efficient methods of hunting including improvement of weaponry in order to reduce cruelty and waste from whaling", fullstop. So it is a matter of you know, advocating a principle and not making any reference to governments. Because the moment that word is reflected in the operative paragraph I am sorry to say that my delegation cannot also accept that formulation. Thank you sir.

Chairman

Thank you very much madam. Then I will ask if you are so kind Commissioner of Philippines to join Commissioner of St. Lucia and Commissioner of Ireland and to try and find a final wording for this particular resolution. Ireland wanting the floor?

Ireland

Thank you Mr Chairman. As I heard the distinguished delegate from Philippines, her wording was quite acceptable to me. Thank you sir.

Chairman

Thank you. So we will need that in writing it seems and then we postpone the final...yes St. Lucia has the floor.

St. Lucia

Thank you Mr Chairman. I believe if you give us sixty seconds we might be able to resolve this point, because we have a drafting that is agreeable to the Philippines and perhaps it will be agreeable to Ireland, and we might resolve it. Its here.

Chairman

Could I do that. By the way, may I inform you that the idea is to meet again at 3.30pm I would say, unless you are prepared to have another break afterwards, but I think that it will be useful if you think that it will be necessary to have another break later on, to reduce the time now for lunch. If it is your intention to break twice, perhaps I will ask you to convene here 3.15pm. May I have some reaction on that? United States has the floor.

United States

Thank you Mr Chairman. Are you proposing that we break for lunch and re-meet as Commissioners in private session?

Chairman

Yes.

United States

Thank you.

Chairman

My idea is to convene you all at 3.15pm after lunch. We convene here at 3.45pm I should say. Will this be acceptable? I think that we can do that and to finish somewhere in the order of 5.00pm. Is this acceptable for you all? So the sixty-second expires and I'm sorry, I think that we could deal with this matter, and we will distribute a small piece of paper that I think will be the correct way to do it. Then we adjourn the meeting and I convene you, the Commissioners at 3.15pm in the Wimbourne Room and the Plenary in principle will meet here at 3.45pm. Thank you. I'm sorry, Sweden has the floor.

Sweden

Thank you Mr Chairman. Could I ask the Commissioners from the like-minded countries to meet in the Wimbourne Room in say 10 minutes time.

[LUNCH BREAK AND COMMISSIONER'S MEETING 2.30-6.20]

Chairman

So we resume now the Plenary meeting. In its last session, I hope, so we move then to the pending points and if you will allow me I will suggest to deal first with item 13. Strictly considering the question of the bowhead recommendation coming from the Technical Committee. It is the only point pending in this item 13. Any comments on that? I do not see any. Then I think that it will be proper for the Chair to recall you that after some conversations I have had with some members, and as well through the Commissioner's meeting, I was prepared to propose to the Plenary a solution that could be workable for all the Commissioners here and would be accepted by consensus. Then if I may, I don't see any comments or objections to that, allow me to propose from the Chair the following solution for item 13 concerning bowhead. Dr Gambell, please could you read the proposal that I put on the table to be considered.

Secretary

Mr Chairman, the proposal is an amendment to the Schedule Paragraph 13.(b)(2)(i) where instead of the existing words referring to 1984 and 1985 the following text will replace the whole of that paragraph. "For each of the years 1985, 1986 and 1987 26 whales may be struck." There is a footnote 2 associated with that figure 26. "However, strikes not used in any one year may be transferred to the subsequent year provided that no more than 32 whales may be struck in any one year". Footnote 2 will read "Each year this figure will be reviewed and if necessary amended on the basis of the advice of the Scientific Committee."

Chairman

Thank you Dr Gambell. If I do not see any comments on that I will assume that we can approve it by consensus, unless some countries would like to make any consideration on that. Mexico has the floor.

Mexico

Thank you Mr Chairman. For the reasons that we expressed in the Technical Committee and the earlier discussions this morning our delegation would like to reserve its position to this decision. Thank you.

Chairman

Thank you Commissioner of Mexico. I do not see any other comments. So we approve by consensus this decision proposed from the Chair, and we adopt it with the registration of Mexico in that matter. Thank you, it is so decided. The item 13 is closed without any pending matters.

We move then to item 15, concerned only with scientific permits. In the subject of the resolution that was put forward this afternoon and it was in document /27. Only on the approval or not of this resolution and procedural matter. Any comments on that? I do not see any, then I may perhaps inform you, I think that you are all informed already, that through some negotiation that different member have had as well as the Chair, in the Commissioner's

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meeting we are prepared to offer for this 37th Annual Meeting the following proposal as a recommendation, hoping that we can take it by consensus. I will ask then Dr Gambell to read it. It is a long one, but I think you have already read it, and you could approve it without any necessary documents put forward to you. Thank you, Dr Gambell please.

Secretary

Resolution on scientific permits. Whereas Article VIII of the International Convention for the Regulation of Whaling, 1946, exempts from the operation of the Convention the killing, taking and treating of whales in accordance with special permits issued by Contracting Governments for the purposes of scientific research and whereas Paragraph 30 of the Schedule provides for all proposed permits to be reviewed by the Scientific Committee. The Commission (1) notes the draft resolution proposed by Sweden and seconded by Switzerland on the subject of scientific permits and recalls the discussion thereon; (2) decides to set up a working group to study this proposal and any relevant matters with a view to taking a decision at the next session of the Commission; (3) urges any Contracting Government proposing the issue of scientific permits in the intervening period to take account of the serious concerns expressed in the Commission at the possibility of whaling for scientific purposes in the period referred to in Article 10(e), assuming the characteristics of commercial whaling; and (4) invites Contracting Governments to ensure that any whaling under such permits is conducted strictly in accordance with scientific requirements and in particular to take account of the advice and guidelines of the Scientific Committee.

Chairman

Thank you Dr Gambell. Then, may I consider that this resolution could be adopted by consensus without prejudicing any reservation of any of the countries here involved with this resolution? I think that it will be proper that Dr Gambell registers as well in the Annual Report that some members registered reservation on this particular item and the resolution adopted by consensus. Thank you. I do not see any comment on that. I think that Dr Gambell will give the appropriate wording in English, but this is the matter of substance to decide that. I do not see any comments, then we approve it by consensus with this reservation in the Annual Report. Thank you, it is so decided.

Then we move to the two remaining points. One of them is 24-25, concerning election of Chairman and election of Vice-Chairman. But at the same time we have another pending matter, this is 26 Any Other Business. Allow me, if I may to put this last item first in order to discuss this resolution, because I consider as well this is a matter that deserves more attention in that way that all Commissioners could intervene in some way on that.

- 26 Then we pass directly to **item 26** of the agenda of the Plenary, **Any Other Business**. I will ask to introduce the proposal, revised after the intervention of Ireland in particular and the Philippines concerning the St. Lucia resolution. I will ask then Dr Gambell to read again if you are so kind. It is a document, but I don't know if everybody has read it. Well I think that everybody has it, under 37/32. If I do not see any kind of comment we will approve it and take into account that USSR has already stated its objection and reservation on this resolution, and Dr Gambell will take note of this reservation for the Annual Report. Any other comments? Thank you. I see it is very unusual, but could I ask if there are any other business before going to 24 and 25? I do not see any, then I will close...I'm sorry, USSR has the floor.

USSR

Thank you Mr Chairman. Mr Chairman last year the Commission adopted two amendments to the Rules of Procedure which had to deal with Rule B.2(b) and Rule F.2(e). Mr Chairman, we will, if this is an appropriate moment to inform the Commission that the Soviet Union withdraws its reservations towards them. Thank you Mr Chairman.

Chairman

Thank you Commissioner of USSR. Dr Gambell will take account of that and it will be registered in our Annual Report as well. Any other comments on this item 26? Thank you.

So may I pass then to **items 24 and 25**. Thank you. I think that we have already decided that when we were considering the Technical Committee Report, coming from the Technical Committee that in this point we are concern each other and we were deciding on this question although together. It is a pleasure for me to inform the Plenary that after consultation we have decided by unanimity the following authorities for the coming years. That the election of the Chairman, has been elected Mr Stewart, the New Zealand Commissioner; as well we have elected the Vice-Chairman of the Commission, and Chairman of the Technical Committee, Mr Haddon from the United Kingdom; and as well may I say that as Vice-Chairman of the Technical Committee was elected Mr Fleischer. Then may I say to you that this is a decision of the Plenary by unanimity to give the rank in the coming year to the two Commissioners and one delegate of the Commissioner of Mexico. So I think that this is a matter taken by unanimity and I ask if there are any comments on that? Yes, New Zealand has the floor.

24. 25

New Zealand

It would be appropriate for me to make a few remarks at this point Mr Chairman?

Chairman

Yes please do.

New Zealand

I would simply wish through you to express my thanks to my colleagues for the honour they have bestowed on me. It's with trepidation that I seek to follow the footsteps of a Chairman, who has been outstanding in his skill and ability. If we have weathered so successfully the storms through which we have passed during the past few years, it's largely as a result of your wise guidance and readiness to pursue compromise even if I may say up until 5 o'clock in the morning. In all this you have been ably supported by Dr Lemche who has been a tower of strength and indefatigable in carrying out the work of this Commission. We owe a debt of gratitude to him. I look forward with enthusiasm Mr Chairman, to the next few years and am confident that this Commission will maintain the progress which it has enjoyed under your chairmanship. Thank you sir.

Chairman

So if there are any other comments? I will close the 37th Annual Meeting. Yes, please Denmark has the floor and then Philippines and the United States.

Denmark

Thank you Mr Chairman I am not sure this is appropriate, but since this has to deal with election. We had an outstanding question of finding a Chairman of the Aboriginal Subsistence Whaling Sub-committee, Dr Ovington has served very efficiently and carefully during the last, I think three years and all of us who have participated in that group owe him very much for the success of that group. Dr Ovington indicated in the beginning of our group meeting this year that he would like to be replaced. It was not possible to find a Chairman, therefore Dr Ovington took upon him to prolong his duties during this Annual Meeting. But Dr Ovington now finds that it is time for him to retire and we have in the mean time found our candidate who I think is acceptable for this job. The reason why I think that it is essential to make this election now Mr Chairman, is that there is a lot of work during the year as the Chairman of this group. So, if it is appropriate for me to nominate this candidate now. Thank you Mr Chairman. I propose Mrs Blackwell from the United Kingdom. Thank you sir.

Chairman

Thank you. Any comments on that? I do not see any. Then I do consider that the Plenary is accepting this decision and nomination, and proposal by unanimity taking this decision on that, and congratulations to the new Chairman. I was asking Philippines and then United States has the floor.

Philippines

Thank you Mr Chairman. I hope you do not vote me out of order, when I say that the IWC and particularly my delegation will miss you in the subsequent years. Since this year is your last meeting with us we would like to convey our deepest gratitude and our appreciation for all your effort and for all the hard work which we believe has brought the IWC to some very meaningful and historic decisions. Mr Chairman, this particular session is coming to a successful conclusion again because of your diplomatic expertise, your accomodating character, your sense of fairness and justice but most of all your very, very pleasing and gracious personality. I would like this vote of appreciation and thanks to be recorded in the minutes in the Annual Report of this particular session so that the work of Mr Iglesias will forever be an earnest, a good token for the brighter future of the IWC. Congratulations and we wish that you will have a happy year and a more meaningful assignment elsewhere which we do not know yet. Anyway Mr Iglesias, one of the highest points in my foreign service career perhaps, is to have made a decision to come here just before the moratorium and to have met you. I have learnt so much from the way you have handled the Chair, Mr Iglesias and I am sure that we will remember you in many pleasant ways. Congratulations and all the best, thank you sir.

Chairman

Thank you very much madam. I will address some few words afterwards, but I wouldn't like to pass these small minutes before giving the floor to the United States, that as I said to you in another Commissioner's meeting, my latin approach to your words is multiplied because you are a lady. Then that means really that I have very indebted of your intervention and thank you very much. Really, thank you very much. Please United States has the floor.

United States

Thank you Mr Chairman, I would like to associate the United States delegation with the comments of the distinguished Commissioner from the Philippines. She neglected to add that you are good looking too! But more than that I hope that the last several years, certainly since the epic decision in 1982, and the achievement of the IWC during this period, stands as a tribute to your leadership. I hope, and I know that you will, take satisfaction in what has been accomplished over this period of time and I commend you for that. I would also like to take this opportunity to express appreciation to the distinguished Commissioner from Denmark for his leadership under very difficult circumstances as Chairman of the Technical Committee. Beyond that I think it would be an oversight not to express appreciation for each colleague, each Commissioner and delegate who has contributed so much to the progress that has been made, at least in our judgement, since that historic decision in 1982. And so on behalf of the United States delegation we wish to express our appreciation to all of you, to all of us, for what we consider to be a job being extremely well done under very trying circumstances. Thank you sir, we wish you God speed, following seas, fair winds and all of those other good things to all of you. Thank you.

Chairman

Thank you very much. Thank you very much indeed. So I have to, Norway has the floor.

Norway

Thank you Mr Chairman. So much has been said and I could not hope to say it better, but let me just say that I have had more reason than any to thank you for your fairness and your even handedness, and allow me also specifically to single out one quality of your performance as a Chairman, and that is your sensitivity to the collective needs of the Commission and to the individual needs of the Commissioners. I think that it would be appropriate in this forum also to thank Einar Lemche for his singular effectiveness as a Chairman of the Technical Committee. For his friendliness, for his guidance and at times for the toughness with which he has conducted our work. Thank you.

Chairman

Thank you Commissioner of Norway. So allow me to speak a little bit please. So I would really like to address you for the last time as a Chairman, but in a personal capacity. As a professional I would say that my country was very in an honour to receive this nomination some years ago, and it was proud as well to receive from you all confidence enough to work in that way. Besides that, in a personal approach I am quite touched with that, you know as a diplomat we have so many far away as the stars are in the sky, someone said some day. My parting is really perhaps forever, I am not sure, but it is perhaps for the first time in my career that I really was involved emotionally with the subject discussed and to represent my country. This is why I am really very touched with this situation now. Perhaps I will forget many things to say to you, I didn't prepare any farewell speech because I would like to be as always very spontaneous and open to everything and to make the same error in English syntax and so on. But it is something that I will take forever. Besides that really I would like to thank Dr Lemche for all the help he provided me during so many years. We were working very closely and I was proud to work with him and at the same time as you well know how I appreciate him in order to be helped for you in many of the instances of this Commission. Allow me as well to thank you all for so much great support that I received during these four years, and really I am very, very emotionally on that.

Beside that I would say some words about Dr Gambell, that really proved to me that he is an incredible man in many ways. He was advising me all the time, helping me trying not to make so many errors as I have a tendency to do. Then I really fully appreciate his cooperation and many thanks to him. At the same time of course to the staff of the Secretariat, I would say Martin and Greg, because I allow myself to call them in that way, because I do consider them as friends, and as well Daphne of course and Denise who is running now the boutique of the IWC. For all of them thank you very much indeed.

I think that it is time to finish this meeting and to wish as well Mr Stewart great success in the future meetings of the IWC. Then all the best for everybody and thank you very much again for all what you did in helping me and trying to get alive and improving this IWC body. Thank you very much indeed. So the meeting is closed. Thank you.

END OF FINAL PLENARY