

INTERNATIONAL WHALING COMMISSION

38TH ANNUAL MEETING

Malmo, Sweden, 9-13 June, 1986

VERBATIM RECORD

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Index

Agenda	Page
Item 1 Address of Welcome	1
Item 2 Opening Statements	2
Item 3 Adoption of Agenda	4
Item 4 Arrangements for the Meeting	6
Item 5 Appointment of Committees	8
Item 6 Future Activities of the Commission	10
6.1 Revision of the Convention	10
6.2 Socio-Economic Considerations	15
6.3 Scientific Permits	20, 58
6.4 Listed Species	39
6.5 Operations of the Scientific Committee	44
Item 7 Comprehensive Assessment of Whale Stocks	63
7.1 Report of Scientific Committee	63
7.2 Report of Joint Working Group	63
7.3 Action Arising	64
Item 8 Revision of Present Management Procedure	66
Item 9 Indian Ocean Sanctuary	66
Item 10 Infractions and Reports from International Observers, 1985 and 1985/86	67
Item 11 Whaling Operations Outside IWC Regulations	67
Item 12 Commission's Competence to Set Catch Limits for Baird's Beaked Whale in the North Pacific	68

Item 13	Whale Stocks	69
13.2.1	Sperm Whales	69
13.2.2	Minke Whales	70
13.2.3	Fin Whales	72
13.2.4	Sei Whales	72
13.2.5	Bryde's Whales	72
13.2.6	Bottlenose Whales	72
13.2.7	Protected Species	72
Item 14	Aboriginal Subsistence Whaling	74
14.1	Report of Scientific Committee	74
14.2	Report of Technical Committee Aboriginal Subsistence Whaling Sub-committee	74
14.3	Action Arising	74
14.3.1	Definition of Aboriginal Subsistence Whaling	76
14.3.2	Bering Sea Stock of Bowheads	75
14.3.3	Eastern Pacific Stock of Gray Whales	75
14.3.4	West Greenland Stocks	75
14.3.5	Other Stocks	76
Item 15	Second International Decade of Cetacean Research	76
15.1	Report of Scientific Committee	76
15.2	FAO/UNEP Global Plan of Action for Marine Mammals	76
Item 16	Adoption of Report of the Scientific Committee	76
Item 17	Humane Killing	79
Item 18	Register of Whaling Vessels	81
Item 19	Adoption of Report of the Technical Committee	81
Item 20	Finance and Administration	45
20.1	Review of Provisional Financial Statement, 1985/86	45
20.2	Consideration of Estimated Basic Budget, 1986/87	45
20.4	Consideration of Advance Budget Estimate, 1987/88	48
20.5	Funding the Commission	48

Item 21	Date and Place of Annual Meetings	55
21.1	Arrangements for 1987	55, 56
21.2	Arrangements for 1988	55, 56
Item 22	Adoption of Report of Finance and Administration Committee	56, 62
Item 23	Cooperation with Other Organisations	36
Item 24	Thirty-Seventh Annual Report	38
Item 25	Any Other Business	
	Credentials	55, 59, 69

VERBATIM RECORD

38TH ANNUAL MEETING OF THE INTERNATIONAL WHALING COMMISSION

OPENING PLENARY SESSION : MONDAY 9 JUNE 1986

Chairman

Commissioners, ladies and gentlemen. I declare the 38th Annual Meeting of the International Whaling Commission open.

As Chairman of the Commission I welcome you to this meeting and look forward to working closely with all of you. I welcome especially those Commissioners who are attending for the first time. I am chairing this meeting for the first time myself and I ask for tolerance and understanding of any imperfections in my chairmanship - like wine, it should improve with the passage of time. This year, incidentally, will mark the fortieth birthday of the Commission. It has changed a good deal over the period since its inception, matured may be a better word, but then, so have most of us.

We are honoured today with the presence of the Minister for the Environment and Energy in the Swedish Government, Mrs Birgitta Dahl who is on my right on the stage. I should like, on behalf of the Commission, to express our gratitude to the Swedish Government and to Mrs Dahl personally for the invitation to meet here in the historic and gracious city of Malmo and also for the very generous assistance provided by Sweden which made a meeting here possible. Sweden has been a most active member of this Commission and one of its very strong supporters. While the city of Malmo, as one sees on arrival, has its roots in the sea, indeed I believe Malmo is unique in possessing among other things an international maritime university. In any event, we are glad to be here and warmly appreciate the presence of a senior minister of the Swedish Government, who has taken time from a very busy schedule to travel to Malmo to be with us today. I have much pleasure therefore, Madam Minister, in inviting you to give the address of welcome. You may care to speak from the lectern on my right.

Mrs Birgitta Dahl

Mr Chairman, Commissioners, Ladies and Gentleman. May I first of all welcome you all to Sweden and to Malmo for this Session. I am happy that you have chosen this most beautiful part of the year to come here, I only wish the weather was better, but I hope it will be while you are here. The Swedes have a very close relation and love of nature and also access to nature and I therefore do hope that you will have time to see something of it and welcome you to take part in our resources in this field.

Sweden relatively early realised the environmental problems which modern industrial society creates in the form of air and water pollution and depletion of natural resources and this was quite natural considering our strong feelings for nature when we learned, with great concern, that our rivers and lakes and forests were dying because of pollution. We have therefore taken extensive action, nationally and in many fields by international action, to deal with these problems. We are aware, of course, that a great deal still remains to be done. Acidification and the handling of hazardous wastes for instance, concerning us all are only two examples of all that needs to be done. The management of chemicals, the environmental

consequences of intensive agriculture and forestry and the consequent depletion of the natural environment are other fields to which I would like to draw your attention.

Despite all the efforts of recent years in our country and in many other countries and what has been done through international co-operation, an evaluation of the global environmental situation makes grim reading. There are a number of critical fields where we have so far not been able to reverse the trend towards environmental deterioration. Conditions are steadily getting worse. The destruction of forests, especially in the tropics, desertification and the depletion of soils and water are all examples of such global threats. To these should, of course, be added the threats to the marine environment, which are of direct relevance to the Commission. If the present trend persists, this development may jeopardize human existence in large parts of the world. The history of whaling with its disastrous effect on the species is another illustration of this trend.

We celebrate, as the Chairman noted, this year the 40th Anniversary of the signing of this Convention. It is my sincere hope that this anniversary will mark the beginning of further progress in protecting for future generations the natural resource represented by the whale stocks.

I am happy to see that so many members have found it possible to attend the meeting. It is also encouraging that all of you have found it important to give priority to the Commission and its work at a time when public concern world-wide about the fate of whales is being so forcibly expressed. The Swedish Government regards a broad membership as being essential for the Commission. We hope that all nations view the work within the Commission as an important element in the efforts to safeguard the conservation of the whale stocks.

Whales and seals have for centuries have been among the most mistreated groups of animals in the world. We have reduced the populations of many species to the verge of extinction without any regard for their future.

Marine mammals and especially the whales have always captured man's imagination and still do in many ways. This is also true in Sweden although we have relatively few marine mammals along our coasts. Today the problems and questions in relation to the management, conservation and future of these animals are a cause of increased public concern.

Sweden's decision to rejoin the International Whaling Commission in 1977 reflected not only a growing conservationist interest at home, but also a wish to help safeguard on an international level the future of our marine environment, and in particular to preserve whale stocks. Over the last years we have witnessed a growing recognition among member nations of the need for conservation.

Mr Chairman, let me explain the basic Swedish policy on whaling. In our view, the whales should be regarded and treated as part of our common global natural and genetic resources. In line with this it must be the responsibility of each country to act both nationally and jointly with other countries to manage and protect these resources.

Our sincere concern is that the moratorium is followed by all. Many species are today threatened. It is not acceptable that a few countries exploit these resources in a way that will lead to their extinction. It is our joint responsibility to provide adequate protection to the threatened species.

These are the main reasons why Sweden strongly favoured a moratorium already at the UN Conference on the Environment in Stockholm in 1972 and even in 1982 when we voted for the moratorium.

Although Sweden strongly favoured a moratorium we have an understanding of the traditional and aboriginal rights of certain ethnic groups to catch whales off their coastal areas.

Concerning international work we very much appreciate the important work being done within this organisation as well as others like the United Nations Environmental Programme (UNEP), the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) and the International Union on the Conservation of Nature (IUCN).

Mr Chairman, ladies and gentlemen, the environmental and developmental problems now facing the world are enormous. There is a great and imminent need for a substantial reinforcement of both national and international efforts to protect and safeguard the environment and the natural resources we share. It is our responsibility to meet this need.

Allow me, then, to conclude by wishing the Commission success in the challenging work which lies ahead in the coming days.

Chairman

Thank you Madam Minister for your comprehensive and imaginative address. We shall certainly take note of Sweden's concerns and I assure you that we will work very hard here to further the achievements of the Commission.

I assure you Madam Minister there is no need to apologise for Malmo's weather, it is very like the weather I left in Wellington in New Zealand. Of course, it is the middle of winter there but nevertheless we are very familiar with it.

I only wish at this stage to repeat my thanks to Sweden and to the Minister for the outstanding assistance that has been provided to enable us to meet here today. I would ask, if I may, that our gratitude be also conveyed to the Government in Stockholm, if you would be so good.

I propose now to adjourn the plenary for a couple of minutes while I escort the Minister from the meeting. After that we will get right down to work. I'll adjourn for two minutes.

We have covered Item 1, the Address of Welcome, and we are now turning our attention to Item 2, Opening Statements. If I can have a little less talk, it 2
would facilitate the work of the session. Thank you.

There are a number of opening statements, which have been printed and circulated under the reference number IWC/38/OS followed by the name of the country or the organisation. I'd like to draw attention to these statements, which should not be overlooked because they have been printed and not delivered in person. This procedure has been adopted purely to save time but it does not in any way diminish the importance of these statements. There are no new members to welcome on this particular occasion and if there are no comments from the floor under this Item, I shall move straight on to the next one.

Are there any comments? It would appear not.

In that case we'll move on to Item 3, which is the Adoption of the Agenda. I would invite any comments on the draft Agenda as proposed, on the provisional Agenda which appears in IWC/38/2 revised. At this point I'd invite any comments on the Items that appear or do not appear on the Agenda or on the Annotations. I will discuss afterwards the order in which we shall take these Items and therefore if you would perhaps avoid raising questions of the order at this particular moment. Are there any views to express on the Agenda as such? Japan has the floor.

Japan

Thank you Mr Chairman. We are making a comment on this Agenda Item that is Adoption of Agenda. May I ask you or through you to the Secretariat to what stage should the press people be present here? I hesitate to present this issue in the presence of the people.

Chairman

After conferring with the Secretary, I would state that it is the accepted practise that the Press are free to attend for the opening session of the Plenary, that is, the Address of Welcome, Items 1 to 5; in other words, that will be this morning and I would suggest that we follow the standard practice on this occasion unless somebody sees any objection to that procedure. The Commissioner for Japan.

Japan

I am awfully sorry to raise this issue again but if my memory is wrong, please correct me, but my memory serves me that usually it is open to the public up until opening speech, not to the substantive part, including Adoption of Agenda.

Chairman

Thank you, Commissioner for Japan. The Secretary informs me that it is not quite that, that the press has remained for these 45 minutes or so until we break for coffee and I just wonder, if you have any - if you wish to change this procedure. Japan.

Japan

Thank you Mr Chairman. I follow your advice and your rule. Thank you.

Chairman

Thank you Commissioner. I am most grateful for your co-operation. Yes, Commissioner for Japan?

Japan

Thank you Mr Chairman. We have comments on Agenda Item 11. We have already submitted our comments on this Agenda Item which appears on page 11. We think this word "Outlaw Whaling" is not appropriate since the proposal refers to whaling by non-IWC countries - strictly speaking the whaling carried out by non-IWC members is not outlaw and therefore we suggest to change this wording to "Whaling by Non-IWC Countries". Thank you.

Chairman

Thank you Japan. There's a proposal before us to amend the manner in which the Item appears: to delete the words, the word "Outlaw" and to substitute the words "Non-IWC". So it would appear then as "Item 11 - Non-IWC Whaling". That, I think, is what you have proposed, Commissioner for Japan. This, I think, is a proposal by the Commissioner for St Lucia and I wonder if I could ask the Commissioner whether he would see any difficulty in this proposed change in the designation of this item. I'm sorry, the United Kingdom has asked for the floor, so I'll give the floor first to the United Kingdom.

United Kingdom

Thank you, Mr. Chairman. I just wondered whether there might be an alternative title which I think has been used in previous discussion of matters of this kind in the Commission. In the earlier resolutions and discussions that there have been the phrase was used "Whaling Operations Outside IWC Regulations" and that is perhaps an alternative formulation which could usefully be followed. Thank you.

Chairman

Thank you Commissioner for the United Kingdom. So we have another proposal now, that we might adopt the designation "Whaling Operations Outside IWC Regulations." Commissioner for the Seychelles.

Seychelles

Thank you, Mr. Chairman. We find it very difficult to hear at the back here. Something is wrong with the - maybe we could adjust the volume of the speakers so that we can hear what is being said. There is a bit of noise in the background as well which stops us from hearing. Thank you very much Mr. Chairman.

Chairman

Thank you Commissioner for the Seychelles. I will endeavour to speak up so that you will be able to hear me and perhaps those at the back of the room and in the vestibule outside could moderate their tones so that all can hear what is being said. Are there any other Commissioners who would like to speak to this item? I call on the Commissioner for St Lucia.

St Lucia

Mr. Chairman, purely to say that St Lucia has no objections to the change of this title item. Thank you.

Chairman

Thank you very much Commissioner, that is a helpful gesture on your part. Well I think we have two proposals in front of us. Candidly I don't think it's very important to waste time on this and I wonder whether Japan would be happy with the United Kingdom version or whether it wishes to continue with its own proposal. Japan.

Japan

We are entirely happy with that title. Thank you.

Chairman

Thank you very much Commissioner for Japan. In that case we will amend Item 11 so that the title will now read "Whaling Operations Outside IWC Regulations". Are there any other comments on the Agenda as such? As I mentioned earlier I am not yet ready to discuss the order of the items. Yes, Mexico has the floor.

Mexico

Thank you Mr. Chairman. I call your attention to the annotation at Item 6.4 "Listed Species", mainly to the first paragraph. As complement of such annotation I have to underline that the Mexico proposal was referred to the Commission in its role and not only to the Scientific Committee work. The Mexican proposal tried to make a substantive review of the question "if the IWC has or not competence in the species which are not listed in the Annex entitled 'Nomenclature of Whales' to the Final Act of the 1946 IWC". Thank you Mr. Chairman.

Chairman

Thank you Commissioner for Mexico. That comment is duly noted. I take it you are not proposing a change - you wish to make your position clear and we've noted that. Is that satisfactory? Commissioner for Mexico.

Mexico

Mr. Chairman, it is only to give light for the discussion. Thank you.

Chairman

Are there any other comments any Commissioner would wish to make on the Agenda or the annotations? I don't think there are any and in that case we will regard the Agenda as adopted.

I now just briefly wish to refer to the order in which we may take these items. I propose that items 7 - 19 inclusive be referred for consideration by the Technical Committee. These items have, as Commissioners will recall, customarily been considered in the first place by the Technical Committee. Is it acceptable if we follow what has become our standard procedure on this occasion also? Are there any comments? I believe there are not.

It would be my intention then to proceed now with items 4 and 5 of the Agenda and then take a short coffee break after which we would resume as Technical Committee under the Chairmanship of Mr. Haddon. The Plenary would resume at the latest after lunch on Wednesday, but I would prefer it if the Technical Committee were able to conclude its work earlier, to resume the Plenary session on Wednesday morning. I know that the Technical Committee under Mr. Haddon will pursue its work vigorously so perhaps we can start the Plenary again on Wednesday morning. When we do resume I would plan to take up first item 6, namely "Future Activities of the Commission". Is this procedure acceptable to Commissioners and are there any comments or different views? It seems to be generally acceptable so let us regard it as agreed.

4 Then we can move on to item 4, "Arrangements for the Meeting". Here I would propose, if this is acceptable to the meeting, to ask Dr. Gambell to explain these arrangements to us. Dr. Gambell.

Dr. Gambell

Mr. Chairman, the IWC Secretariat is here to service this meeting and we are ready to provide any assistance which we customarily offer. If you need to contact us please talk to one of the people at the desk in the lobby. We also have representatives from the Swedish host government who are able to help with more local or perhaps domestic affairs so if you need any kind of assistance please make your first contact at the desk out in the lobby. We will contact you always through your pigeon holes, so if there are any telephone messages, telexes, or other communications in addition to the documentation of the meeting we will always make contact through your pigeon hole, so please keep a look out for any communications from us that way.

You will already have discovered that the way to speak in the meeting is to wave your card so that the Chairman and I can see who wishes to take the floor, and by pressing the button on your own microphone you will instantly have the floor. If another Commissioner presses a button it automatically cuts off the first one. Perhaps I shouldn't have told you that! But please, for the sake of the recording of the Verbatim Record of the Plenary sessions, will you speak as closely to the microphone as you comfortably can so that we get the best quality of recording, and also so that those who are perhaps more distant from the speakers can hear what the delegates are saying.

One matter which is of burning concern to a number of delegates is the question of smoking in this room. Swedish custom I am told is not normally to smoke in meetings. Now, the building across the way from this hall where there are two small committee rooms, the building called Kompanihuset, certainly you cannot smoke there because of the fire hazard. It is an ancient building and there is no smoking in the rooms, you can smoke outside in the hallways. Mr. Chairman should I ask for a decision from you or from the meeting as to what should be done in this room?

Chairman

I would need the wisdom of Solomon to arrive at a solution that would satisfy all Commissioners here present and perhaps in the circumstances I believe we should be guided by Swedish practice and custom and I fear that that means that smoking will not be possible in this meeting.

Dr. Gambell

Thank you Mr. Chairman. For the Press, if they are still present, the plan is that we shall follow our customary practice in that the Chairman and I will hold a press conference at the end of each day's session. We do not know precisely the timings but I would hope that it is the order of five or six o'clock at night rather than too much later. But certainly I, and the Chairman if I can get him there, will go to the Press area to give a briefing at the end of each day.

Then perhaps the best point on which to finish is that the Swedish government is hosting a reception this evening and perhaps we could ask the Swedish delegation to give us the details of that since there are no formal cards of invitation, Mr. Chairman.

Chairman

Thank you Dr. Gambell. I'll call on the Commissioner for Sweden if the Commissioner is able to inform the meeting.

Sweden

Thank you Mr. Chairman. On behalf of the Swedish government I have a pleasure to welcome you all, Commissioners, delegates and observers, to a reception this night at seven o'clock pm. The reception will be held at Malmohus Castle which is situated roughly five minutes walking distance from here. Arrangements will be done to show you how to go there. You are all heartily welcome. Thank you.

Chairman

Thank you Commissioner for Sweden. I am sure the Commissioners would wish me to thank you for the invitation and say that we will all have great pleasure in accepting. Could I ask then if there are any questions arising from Dr. Gambell's explanation? If there are any further matters that are not quite clear or whether there are any comments that any Commissioner would wish to make on the question of item 4, Arrangements for the Meeting?

5

Thank you, I think that the position then must be clear to all and so we will move on to item 5 which is Appointment of Committees. You'll be aware that we have already appointed a Chairman and members of the Finance and Administration Committee.

We need now to decide on the membership of the Technical Committee and the Scientific Committee. For the benefit of Commissioners who are new to this meeting perhaps I could explain that the Technical Committee is really a committee of the whole, or perhaps we might say a working group of the whole, and it is customary for all delegations present to participate in this meeting. The main difference between the Technical Committee and the Plenary is a procedural one and that is in the voting majorities required. In the Technical Committee decisions are taken by a simple majority. In the Plenary a three-quarters majority is required for action in pursuance of Article V of the Convention, that is action which involves amendments to the Schedule. I wonder whether I may at this point follow the practice adopted by my predecessor and ask whether there are any delegations which do not wish to take part in the work of the Technical Committee? Otherwise I may assume that all delegations will participate. Do any delegations wish to refrain from participation in the work of the Technical Committee? If so would you please raise you card, your name card. No I think that, as expected, all members wish to participate. Thank you very much. And that means that the Technical Committee will have the same membership as this Plenary.

The Scientific Committee is in a different position. It continues as a body throughout the coming twelve months and normally meets in advance of the Commission, of the Annual Meeting of the Commission itself. It can meet at a different location from the Commission. I'll ask Dr. Gambell, therefore, to make any comments he feels necessary about the Scientific Committee and then if he will be good enough to poll Commissioners to determine if they desire representation on the Scientific Committee. Dr. Gambell.

Dr. Gambell

Mr. Chairman, because there is an extensive correspondence between the Secretariat and the members of the Scientific Committee we need to be quite sure which governments wish to be represented on the Scientific Committee for the next twelve months. I will therefore call the roll and ask for a response of "yes" or "no". If you say "yes" and I don't know who your scientists are and their addresses, please will you tell me or I will try and contact you so that we can be sure to maintain appropriate communication. One or two delegates have come into the room since the opening so I will call the total

roll of the Commission and we will then identify the absentees as well as those I've already been able to pick out. This is whether you wish to be on the Scientific Committee for the next twelve 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 - no. Finland - no. France - absent. Federal Republic of Germany - yes. Iceland - yes. India - yes. Ireland - absent. Japan - yes. Kenya - absent. 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 - no. St Vincent - no. Senegal - absent. Seychelles - yes. Solomon Islands - no. South Africa - no. Spain - yes. Sweden - yes. Switzerland - no. USSR - yes. UK - yes. USA - yes. Uruguay - absent. Thank you Mr. Chairman.

Chairman

Thank you Dr. Gambell. We have now established the membership of the Scientific Committee and that brings us to the end of item 5 and it would be appropriate at this time I think for us to take a break for coffee. We'll take a break for coffee and resume at quarter past eleven - sorry, I call on the Commissioner for Japan.

Japan

Thank you Mr. Chairman. I am awfully sorry to interrupt you. I think that I may have missed to hear from Dr. Gambell. What is usual meeting time. At what time does morning session start and at what time you break and at what time you adjourn for the meal and so on. Thank you sir.

Chairman

The next meeting to follow after this at 11.15 will, if Mr. Haddon as Chairman agrees, be the meeting of the Technical Committee and if you will agree to this procedure I would propose to leave it to Mr. Haddon to decide when, the hours that the Technical Committee should meet and I am sure he will cover that at the opening of the Technical Committee meeting. For the next session of the Plenary I have explained that at the latest by, well after lunch on Wednesday, but I would like to hold open the possibility of meeting earlier if the Technical Committee can achieve rapid progress and it is possible that we will be able to meet in Plenary again ...

[Gap in changeover between first and second tape]

Japan

Yes, thank you very much sir.

Chairman

Well then, let us adjourn this meeting now, take a coffee break - the coffee I am told is outside in the vestibule - and resume at 11.15 and I am sure Mr. Haddon would wish me to urge you to be back here by then because we do wish to meet on time and not waste the valuable time of Commissioners by waiting for a quorum. Thank you very much.

END OF FIRST PLENARY SESSION

SECOND PLENARY SESSION : WEDNESDAY 11 JUNE 1986

Chairman

I call the meeting to order. We will resume now in Plenary session and I would ask Commissioners, when speaking into the microphone, to ensure that they speak reasonably close to the microphone so that all may hear the address they are giving.

- 6 I propose that we should commence with item 6, Future Activities of the Commission. This item has a number of sub-items which are fairly diverse in character and I propose that we should deal with them one by one, discussing as appropriate the item and then any action that may arise from that item and then move on to the next sub-item.

- 6.1 The first sub-item is 6.1, Revision of the Convention. There are no documents submitted on this item but if you will refer to page 7 of the annotations to the Provisional Agenda you will see that the item has been raised initially by the Soviet Union who has asked for the IWC to consider revision of the Convention, that at the last session, at the last Annual Meeting, a number of governments spoke to this item, and I now open the discussion to all those who would wish to express views on the question of Revision of the Convention. Would you please raise your card if you wish to speak to this item. The Commissioner for the USSR has the floor.

USSR

Thank you Mr Chairman. As you recall at the last Annual Meeting of the IWC the Soviet delegation made a proposal to introduce changes in the present 1946 International Convention for the Regulation of Whaling in order to entrust the Commission mainly with the scientific research and conservation tasks. In our view revision of the Convention may cover the following aspects. The Convention should be amended so that it included obligations of Contracting Governments with regard to their participation in joint scientific research programmes and other activities connected with the conservation of whales, development of international co-operation in the field of exploration and management of whale stocks. Such participation may be provided either by special financial contributions or by making available vessels and other equipment necessary for other scientific research works. We believe that amendment along the above lines would not only enrich the Convention but would also make the activities of our Commission more humane and would contribute to the conservation and enhancement of whale stocks. Only measures aimed at conservation and recovery of whale stocks will allow us in future to undertake their rational exploitation.

We think it is necessary to exclude from the text of the Convention those provisions which do not comply with the norms of the modern international law and first of all with the provisions of the UN Convention on the Law of the Sea. It needs to be done as the Law of the Sea has modified substantially since the 1946 Convention was adopted and those modifications have effect on various aspects of the International Convention for the Regulation of Whaling.

If we take a decision to revise the 1946 Convention we should use then this opportunity to introduce necessary modifications in other provisions and first of all in those relating to financial activities of the IWC. As we all know at present we experience substantial financial difficulties. We believe that one of the reasons for it is that the Convention lacks clear and strict provisions which define financial responsibilities of member states.

So, Mr Chairman, we favour incorporation into the Convention of such provisions which will establish principles of funding and calculation of annual contributions to the IWC by member countries. Those may include some present applicable criteria as well as others, in particular real contribution of member states into scientific research and other activities relating to conservation and protection of whale stocks. We believe, Mr. Chairman, that the Convention should also contain provisions which would establish responsibility of member states for fulfilment of their obligations under the Convention, including those obligations regarding finances.

A review of the Convention shows that it needs updating also from the point of view of procedure. International fisheries organisations have accumulated certain experience in this area. In our view we should take into account procedures adopted in the Commission for the Conservation of Antarctic Marine Living Resources. In order to review the Convention it would be advisable if the IWC convened a special group of experts which might make recommendations to the next IWC meeting with regard to revision of the Convention.

These are our considerations on this matter, Mr Chairman, and we hope that they will receive understanding from members of this Commission. Thank you Mr Chairman.

Chairman

Thank you, Soviet Union. I think the Soviet Union has suggested the desirability of the IWC convening a special meeting of experts to make recommendations on the question of revision of the Convention to the next IWC meeting. I take it that at this point at least it's a suggestion, not a motion, not a proposal?

USSR

Thank you Mr Chairman. Mr Chairman, if this suggestion of ours is supported by any members of this Commission we will be ready to participate and to prepare proposals, concrete proposals, for the IWC meeting, for the special meeting. Thank you Mr. Chairman.

Chairman

Thank you very much, Soviet Union. I think therefore it is still a suggestion at this point. I call on the Commissioner for Norway to take the floor.

Norway

Thank you Mr Chairman. My delegation would certainly like to see a consensus in the Commission on the suggestion from the Commissioner of the Soviet Union. I think a fresh look at our Convention is needed. It is timely that we take the matter up again after the Reykjavik meeting. I think it has very clearly been pointed out in the intervention of the Soviet Commissioner that things have changed since the meeting in Washington in December 1946. We have a whole new framework for the management and conservation of marine living resources in general through the extension of national zones of maritime resource jurisdiction. We have seen considerable changes in the composition and function of other international regulatory bodies within the field of fisheries management. We have experienced considerable changes in the way in which this Commission functions and it seems to my government that it would be a sensible thing for the Commission to see whether it is time to put the basic constitutional instrument in tune with actual practices. We need to define and to refine the objectives for our management policies and the procedures we apply in order to achieve those objectives.

I think it is very important to note that the work of the Scientific Committee now constitutes the most important part of the activities of the Commission, and that part of our total work is hardly reflected in the 1946 Convention. I think it is also clear that the Commission faces considerable political and financial problems in the future. The best way to deal with those problems would, in the view of my government, be through the timely modification of the 1946 Convention in a manner which would deal with the organisational features of the work of the International Whaling Commission.

As I said at the outset, Mr Chairman, I believe the report from the Reykjavik meeting of experts is well worth taking out again. A number of sensible statements are contained in that report which have a direct bearing both on our work today, on the relationship between the Commission and its member states, which we will need to bear in mind and which I believe we could put to good use as a basis for a new meeting of experts. Thank you sir.

Chairman

Thank you Commissioner for Norway. The Commissioner for Iceland has the floor.

Iceland

Mr Chairman, the Icelandic delegation would like to associate itself with the views expressed by the Soviet Union and Norway. I think all of us who have been following the work of the Commission closely can see the necessity of looking again on the Convention. There have been major changes in the management of marine resources in these forty years and I think it's very necessary to look at the Convention in the light of all these changes. Thank you Mr. Chairman.

Chairman

Thank you Commissioner for Iceland. Do any other delegations wish to speak? Japan.

Japan

Thank you Mr Chairman. My delegation would also like to support the proposal made by USSR delegation and amplified by Norwegian delegation and seconded by Icelandic delegation. But purely we are concerned with representation of the Commission. We are facing various operational difficulties but it is not simply incidental one but it has some historical background as well as legal background, or otherwise change in the international legal order. So in order to reflect those changes, changes in the operational way of the Commission perhaps as has been suggested by previous speakers, fresh look at the Commission's basic constitution is very much necessary at this juncture. Thank you very much.

Chairman

Thank you Commissioner for Japan. Do any other delegations wish to address this question? New Zealand.

New Zealand

Thank you Mr Chairman. Just to indicate that the New Zealand delegation does question the need for an exercise of this kind. One of the features of the Convention to date has been the manner in which it has been able to evolve

with time to accommodate changing circumstances, and I would question whether the sorts of difficulties or developments that have been referred to would warrant an exercise of this kind. Reference has been made to the promotion of joint scientific co-operation and it would seem to me that that is something which has been achieved and undertaken over time within the framework of the Convention that currently exists, and I would wonder whether such co-operation cannot be achieved within that framework.

With regard to development with relation to the Law of the Sea, clearly that Convention was elaborated with this Convention in mind and provision is made for that. In our view there is no inconsistency between the two and the development reflected in that Convention does not necessitate a move of the kind that is here proposed.

With regard to the financial difficulties facing the organisation, again I think that it is not necessarily the mechanisms within the Convention that are the problem that we need to address. Other international organisations have problems of this kind, they are serious problems that need to be dealt with and will receive consideration under a separate item, but I feel we can address those issues within the context of the Convention as it currently exists. Thank you sir.

Chairman

Thank you, are there any other speakers? The Commissioner for the United States.

United States

Thank you Mr Chairman. We dutifully respect the views expressed by the colleague from the Soviet Union. I believe, however, that the New Zealand Commissioner has indeed expressed a view that is important for us in the United States to embrace - that the Law of the Sea Convention has indeed allowed for the existence of the IWC in Article 65, and that we have indeed provided the opportunity through the Scientific Committee to allow for international participation, so at this time it is important for us to understand, collectively to understand, what some of the ideas and notions are that are in the minds of the members who want to support the notion for consideration of opening up the existing Convention. Thank you Mr. Chairman.

Chairman

Thank you Commissioner for the United States. Does any other Commissioner wish to speak to this item? Yes, Sweden.

Sweden

Thank you Mr Chairman. I would like to associate myself with what has been expressed by the Commissioner of New Zealand. Thank you.

Chairman

Thank you. United Kingdom.

United Kingdom

Thank you Mr Chairman. I think that the New Zealand and United States Commissioners have drawn attention to some very valid points on this matter. The United Kingdom government, I think, has no fixed position of principle or a priori position on this point. Clearly we could all imagine, and perhaps

sometime do in our dreams imagine, an ideal Convention which would operate even more effectively than the present Convention for the protection of cetaceans throughout the world. I suspect, however, that the dreams of some countries might be different from the dreams of others, and I think we should not underestimate the achievements which have been made under the existing Convention and I should be very upset to see attention diverted from making the present work of the Commission as effective as possible. But as I say, I do not have a very firm position to put forward. Thank you.

Chairman

Thank you Commissioner. Are there any other - Germany has the floor.

Federal Republic of Germany

Mr Chairman, I would like to support the view expressed by New Zealand. Thank you very much.

Chairman

Thank you. Norway.

Norway

Mr Chairman, I note that there is no consensus on the suggestion by the Commissioner by the Soviet Union to convene a group of experts to consider the possible amendment of the 1946 Convention. On the other hand I think that discussion has demonstrated that there is a difference of views within the Commission which relates to the tensions which we have experienced in its working over the past few years. On that basis I think I could appeal to fellow Commissioners for understanding that certain governments have felt in this situation that it is indispensable to utilise all the procedures which are available under the Convention, including the right in certain circumstances, to lodge objections against revisions of the Schedule which we assume to be inconsistent with the principles and objectives of the 1946 Convention. Thank you sir.

Chairman

Thank you Commissioner. Are there any other speakers? It would appear not. If you will permit me, therefore, it seems to me that we have a suggestion from the Soviet Union which has been supported by a number of speakers; a number of others have said that they do not see the need for such an initiative and one Commissioner said he was undecided. I think we would all agree that to move forward in a significant way would require a broad consensus in the Commission. This is the sort of activity which would not get very far unless there was a feeling here that this was the right step to take. I don't see such a consensus at this Annual Meeting. I do believe it's a very large question that has been raised and it's one that delegations and governments may well need time to consider. I wonder whether the next step might be simply to keep the item on the Agenda and come back to it at the next Annual Meeting and then we can see if in the intervening twelve months governments have changed their views on this question. Would that be an acceptable procedure to follow? Could I invite any views? The Commissioner for Japan.

Japan

Thank you Mr Chairman. I always respect your very wise ruling and I am in full agreement with what you have suggested. The suggestion made by the

Soviet delegation includes many important aspects. Therefore I feel I am bound to report to my government in detail what has been proposed and ask their serious consideration. Through you, I'd like to ask the Soviet delegation to submit the paper on the statement he has just made so that we can bring it back to my home government. Thank you very much sir.

Chairman

Thank you Commissioner for Japan. I take it that the further explanation of his proposal given by the Commissioner for the Soviet Union will indeed be a subject of further consideration by all delegations, and I am sure that the Soviet Commissioner would be prepared to convey it in writing or have it available for circulation. Would the Soviet Commissioner confirm that it will be available in writing?

USSR

Thank you Mr Chairman. Mr Chairman, we listened with great interest to the interventions by Commissioners from several states and I should say that we were very much sympathetic with the interventions by the Commissioners from Norway, Iceland and Japan. Mr Chairman, I would like to say that we can accept your conclusion of the discussions here and we will be ready to go along the lines which you have proposed. We also may confirm Mr Chairman that we will be ready to provide our statement in a written form. Thank you Mr Chairman.

Chairman

Thank you very much Commissioner for the Soviet Union. Then I think if there is no contrary view that we have agreed to hold the item on the Agenda for the next Annual Meeting, and our Soviet colleague has agreed to put his statement in writing and it will be available to all delegations and we will come back to it next year. Thank you very much. If there are no other comments on this particular item, nobody wants to have the floor, then we will move on.

The next sub-item is 6.2, Socio-Economic Considerations, and the documentation consists of the Report of the ad hoc Working Group, which is paper IWC/38/15, and there is now a proposal from Brazil, the Philippines and others which bears the number IWC/38/22. I would propose to call on the Chairperson of the ad hoc Working Group, Minister Quintella of Brazil to present the Report of the Group. Brazil. 6.2

Brazil

Thank you Mr Chairman. As stated in the Report the Working Group met Monday, the second day of June here in Malmo. The Rapporteur was Dr. Dean Swanson of the USA delegation and the List of Participants is attached to the Report.

The mandate of the Working Group was to establish Terms of Reference for use in evaluating the socio-economic implications of the zero catch limits, particularly for those countries which have adhered to and been affected by it.

The Working Group agreed that the socio-economic information required for such an examination could be divided in three large categories: economic input factors, economic output factors, and employment. For each category the Group listed the kind of information to be provided so as to be considered. Its lists are not exhaustive and the Group specified that other direct and indirect implications should be examined where applicable. In all cases the information should cover the current situation and trends over at least the

past five years, and implications should be identified both from a national and local perspective.

The Group further agreed that the Terms of Reference should guide both the Commission in evaluating the socio-economic implications of a zero catch limit and Contracting Governments making submissions for such an examination.

There were four other points of agreement within the Group: that the evaluation of the socio-economic implications of a zero catch limit should take into consideration the work done in 1980 by a Working Group of the Technical Committee; that Contracting Governments that submitted information to the 1980 Working Group should be encouraged to submit any new information to cover the elapsed period so as to ensure continuity; that Contracting Governments making submissions should be guided by the information needs set forth in the Terms of Reference, but that they should also feel free to include additional information describing the current and recent circumstances of their whaling operations; and finally, that Contracting Governments that have terminated their commercial whaling should be invited to make submissions describing that experience without regard to the five year time frame found in the Terms of Reference.

In the last paragraph the Report notes that it would be desirable to identify possible sources of international co-operation available to Contracting Governments implementing the zero catch limit. The idea wasn't developed at that time but the Group agreed that it should be reported as an invitation to further reflection on the subject. Thank you Mr Chairman.

Chairman

Thank you Minister Quintella. I notice that the draft proposal submitted by Brazil, the Philippines and others, incorporates in it the adoption of the Report of the ad hoc Working Group and therefore I think it would be sensible to consider both papers at the one time, and I therefore invite comments on the Report of the Working Group and on the proposal submitted by Brazil, the Philippines and others.

Excuse me - perhaps it would be a better procedure if the proposal were introduced by one or more of the sponsors and then we'll have both on the table. Thank you. Brazil has the floor.

Brazil

Thank you Mr Chairman. I hadn't asked before for the floor because I thought that perhaps there would be questions about the Report that should be answered first. But as a presentation of the proposal by Brazil, Philippines and other countries I would recall that at last year's meeting Brazil proposed the consideration by the Commission of the socio-economic implications of the zero catch limit and was glad to see the importance of such an examination recognised by the Commission. Besides this recognition it is stated in page 11 of the Annual Report "The Commission decided last year to take a first step towards the objective proposed by Brazil and appointed a Working Group to establish the Terms of Reference for such an examination". Now that the Terms of Reference have been adopted by the Working Group and presented to the Commission it is the understanding of my delegation that it is a matter of consistency for the Commission to proceed and to set up a Working Group that, using the Terms of Reference, shall examine the socio-economic implications of the zero catch limit and shall report to the next Annual Meeting. Thank you Mr Chairman.

Chairman

Thank you. The proposal has been, is in effect seconded, and is therefore on the table, and therefore I invite comments on the Report of the ad hoc Working Group or the specific proposal that has been submitted. Spain has the floor.

Spain

Thank you Mr Chairman. The Spanish delegation would like to congratulate the Working Group on elaborating this Report and would like to point out the importance it attaches to carrying out the Terms of Reference, and therefore seconds the proposal itself and hopes that at the next meeting we will have concrete results as to the objectives that are put forward in the proposal itself. Thank you Mr Chairman.

Chairman

Thank you. Seychelles has the floor.

Seychelles

Thank you Mr Chairman. The Working Group in 1980 was established in accordance with a proposal by Seychelles. We consider this to be a subject of continuing importance and are pleased to support Brazil, Philippines and others as set out in IWC/38/22. Seychelles wishes to participate in the new Working Group. Thank you Mr Chairman.

Chairman

Thank you Seychelles. Commissioner for Argentina.

Argentina

Thank you Mr Chairman. I would like to endorse the importance of this group as well as the practice that we have before in this matter, and concerning that I would like to propose that a convenor is necessary in this particular group. So if you will allow me I will propose Brazil as the Convenor because it already has experience in the last Group and is one of the performers on this particular item. Thank you Mr Chairman.

Chairman

Thank you Commissioner for Argentina. Mexico has the floor.

Mexico

Thank you Mr Chairman. First we would like to support the proposal of Brazil and we agree with the Commissioner for Argentina, that Brazil should be in charge of the follow-up of this work. Thank you.

Chairman

Thank you Commissioner for Mexico. Australia has the floor.

Australia

Thank you Mr Chairman. I would like to support the position taken by the Commissioner for Argentina. I would like to also point out that Australia is a country which has ceased whaling following a very detailed enquiry and we do have some experience of the socio-economic implications of a zero catch limit, and we would be happy to co-operate with this Working Group in order that they might benefit from our experience. Thank you.

Chairman

Thank you for your offer of co-operation Commissioner for Australia. Commissioner for Chile has the floor.

Chile

My country supports too the proposition.

Chairman

Thank you Chile. Are there any other speakers? The Commissioner for Philippines has the floor.

Philippines

Thank you Mr Chairman. As one of the proponents of this idea we support wholeheartedly this establishment of the Working Group as stated by the distinguished delegate of Brazil. Thank you Mr. Chairman.

Chairman

Thank you Commissioner for the Philippines. Are there any other speakers? Commissioner for Japan.

Japan

Mr Chairman, we also support the proposal wholeheartedly and we would like to participate in the work of the sub-committee. Thank you.

Chairman

Thank you Commissioner for Japan. Are there any other speakers to this item? If not I would say that the proposal has received a very broad ranging support. I think we can regard the Report as adopted and we may, I believe, approve the proposal by consensus. And could I thank the Chairperson and the members of the ad hoc Working Group on the work they have put in and the way they have presented this item. I have one more question to deal with, namely the Convenor of the group, but I think Brazil wants the floor. Brazil.

Brazil

Thank you Mr Chairman. On behalf of the proponents of the motion and on behalf of all the countries which have co-operated with the Working Group on establishing the Terms of Reference, I would like to thank the Commission for its understanding and invite all Contracting Governments to co-operate with the Convenor so that we may have good work done next year and present a useful Report to the Commission. Thank you very much.

Chairman

Thank you. The United Kingdom has the floor.

United Kingdom

Thank you Mr Chairman. I'm very glad that consensus has been reached on this point and I intervene not in any way to disturb it but to consider one practical and procedural point, which is whether this Working Group should be asked to report direct to the Plenary or whether, since it is in a sense a technical matter, whether it might be asked to report initially to the Technical Committee. Thank you.

Chairman

Thank you Commissioner for the United Kingdom...

[gap at changeover of tapes]

... in the first place so I suggest that it report to the Technical Committee and then of course it will come through to the Plenary afterwards.

There are two other questions. One is the Convenor of the Working Group and I believe it would be the wish of the Commission that Brazil, which has taken a leading part in this, should continue this work and with your permission I would therefore nominate Brazil as the Convenor of the Group. Is that acceptable to Brazil?

Brazil

Yes Mr Chairman - if this is the wish of the Commission. Thank you very much.

Chairman

Thank you very much. The other question is the procedure in terms of paragraph 3 of the proposal whereby member governments are invited to nominate themselves to participate in the Working Group. For those governments that have already decided to participate, perhaps they would be good enough to inform the Secretary in the course of this meeting but other delegations of course may need to consult their governments on their return. I would therefore propose to ask the Secretary to communicate with those governments which have not indicated a position after the conference to ascertain whether they would wish to participate in the work of the Group. Is that procedure acceptable? It would appear so. That I believe concludes the discussion of this item.

The next item we will consider will be 6.3, Scientific Permits, but it's just about time for our coffee break and I suggest that we adjourn now for coffee and resume promptly at a quarter to eleven.

Before you go, I wonder if we could ask the Swedish Commissioner if he would care to inform the Commissioners at this stage of the arrangements for a function which is to be held tonight, I believe hosted by the City of Malmo. Sweden has the floor.

Sweden

Thank you Mr Chairman. This night the reception will be held in this house, at the Knutshalen, upstairs, with entrance from the square. The reception is held by the City of Malmo at 7 o'clock pm, you are all welcome.

Commissioners, delegates and observers. Thank you Mr. Chairman.

Chairman

Thank you Commissioner for Sweden. We will all attend with great pleasure. We will now adjourn and resume at a quarter to eleven.

BREAK FOR COFFEE

Chairman

- 6.3 We will resume the Plenary session and the next item of business is 6.3, Scientific Permits. We have the Report of the Working Group in the form of paper IWC/38/16 and I shall ask the Chairman of the group, the Commissioner for Sweden, to present the Report.

Sweden

Thank you Mr Chairman. At the 37th session of IWC Sweden, seconded by Switzerland, proposed a draft resolution on Scientific Permits. The reason for putting forward that resolution, that draft resolution, was our worries that Article VIII could be used to circumvent the decisions of our Convention. After considerable discussion at that session, a resolution was adopted, establishing the Working Group to study the draft resolution so that a decision could be taken at this very meeting.

That Working Group met last week here in Malmo. I was elected Chairman of the Working Group and Mr Jeffrey Haun Rapporteur. The task of the head of a Working Group was no an easy one. Divergent opinions were expressed on the paragraphs of the proposed resolution, which was used as a base for the work of the Group. Especially on the trade question there was a disparity of opinions and the Group did not succeed in getting a consensus here. The Group, however, showed a spirit of compromise but not enough, Mr Chairman. The results of the Working Group are presented in the document IWC/38/16.

In the first part of that paper, a new draft resolution is presented, which the Working Group recommends except for a paragraph on trade which is bracketed. In the second part of the report, the discussion on some issues are reflected and some proposed recommendations are presented, recommendations on which no consensus was reached. May I draw your attention to different proposals on the trade questions. A number of countries wanted a paragraph on trade, on banning trade, some countries didn't. I hope as the Chairman of the Group that the solution might be possible on that issue here.

In the latter part of the Report is also reflected a proposed recommendation on permits on whales taken from PS stocks. Annexed to the Report there are additional comments from the Japanese delegation. That concludes my presentation of the report. Thank you Mr Chairman.

Chairman

Thank you Chairman of the Working Group. The Report of the Scientific Committee had some references to this question also and I'm not sure whether the Chairman of the Scientific Committee felt he needed to add anything at this stage. Could I therefore ask the Chairman of the Scientific Committee to comment on that? Chairman of the Scientific Committee.

Chairman of the Scientific Committee

Thank you Mr Chairman. The Scientific Committee did discuss the question of scientific permits. Our report on that is found in section 4.4 on pages two and three. The Committee reviewed information on the scientific permits from Iceland and Korea. From the presentation of the previous Working Group, Mr. Chairman it may well be that our discussion here is not completely relevant to the Commission's discussion on this item. Thank you.

Chairman

Thank you Chairman of the Scientific Committee. The position then is that we have before us a Report by the Working Group which recommends to us a draft resolution which appears on pages one and two. We consider resolutions recommended by Working Groups as being proposed and I would ask therefore if there is a seconder for this resolution? Does anybody second the resolution contained in the Report of the Working Group? The United Kingdom has the floor.

United Kingdom

Thank you Mr Chairman. I had a number of remarks to make on this item, one of which I think would be interpreted as seconding the draft resolution, or at least one form of the draft resolution contained in the Report of the Working Group. But I did also want to say a number of other things and if you can agree perhaps I will, if all you needed is the procedure, I can assure you there will be a seconder.

Before coming on to the question of the resolution I would like to make some other remarks about scientific permits in the light of the Report, both last year's Report and this year's Report of the Scientific Committee. The first remark is more in the form of a question. In last year's Scientific Committee Report there was a reference to a scientific permit issued by the Faroese Home Rule Authority for the taking of fin whales and the Scientific Committee expressed some concern about that permit. I believe it was mentioned in the Annual Meeting last year and I wonder whether there is any information on what has happened to that permit?

I would also like to comment on the Report of the Scientific Committee in relation to the proposed permits of Iceland and Korea. In the case of the proposed scientific research programme of Iceland the Scientific Committee last year, I believe, noted that in relation to the catching of minke whales the general objectives of the intended research did not directly relate to the research needs identified for the management of this stock.

In relation to the catching of fin and sei whales the Scientific Committee noted that certain of the objectives related to the identified research needs while others did not. In commenting on the methodology proposed most members of the Scientific Committee believed that the information likely to be obtained from the proposed permit would provide only minimal improvement in our current knowledge with respect to providing management advice, although some qualitative biological information might be obtained. In commenting on the effect of catches on the stocks the Scientific Committee last year noted that there was insufficient information to give a categorical judgement but it was noted that a take of 80 fin whales represented more than 50% of the estimated replacement yield. There was disagreement also on the effect of catches of the central Atlantic minke whales.

This year I understand the Scientific Committee looked again at the programme in the light of revisions proposed to it although the discussion was I think a

brief one and is not very fully recorded. A number of additional elements in the programme were mentioned although I don't see that many of those would require the killing of whales. There was however an important development, I think this year, in the Scientific Committee's discussion of the status of the central Atlantic minke whale stock, where although there was disagreement within the Scientific Committee, some members believed that the stock had reached a level at which classification as Protection Stock was appropriate. In the Technical Committee no recommendation for such classification has been made but I think that one has to recognise that this uncertain status of the stock is part of the background to the situation.

My conclusion from this brief review of the advice of the Scientific Committee - I think I have neglected one point which I think the Scientific Committee has in particular commended, the potential benefits of sightings surveys in the context of the Icelandic research programme and indeed certain other aspects of the programme, but as I understand it these do not require the killing of whales. So in the light of the scientific advice I am left with considerable doubts as to the desirability, shall we say, of the Icelandic proposal, while I recognise that it is a proposal which falls within the competence of the Icelandic government under Article VIII of the Convention, but I think that I would ask the Icelandic government to consider very carefully the scientific advice on the potential advantages and disadvantages of its proposed scientific permit.

Turning to the proposal for a scientific permit to be issued by Korea, involving the taking of a sizeable number of minke whales from the Sea of Japan-Yellow Sea-East China stock, which is a Protection Stock. Last year the Scientific Committee, or most members of the Scientific Committee shall I say, urged Korea to refrain from issuing this permit, and again this year serious concern was expressed by the Scientific Committee that a full research plan is still lacking. I would therefore appeal to the Korean government again to reconsider its plans for the taking of minke whales from this stock.

Those are my comments in relation to the scientific permits which have been reviewed by the Scientific Committee and I now turn my attention to the proposal for a resolution which, as I said at the outset, Mr Chairman, I am willing to second. But I should point out that the text as presented by the Working Group contains some square brackets and in seconding the resolution I would wish to see those square brackets removed and the words contained in them retained. My essential reasoning in supporting this resolution is that it seems to me that, in the present state of the Commission's work with the entry into force last year of Schedule paragraph 10(e) and the continuing work on which we are now embarked on a Comprehensive Assessment of whale stocks before that Schedule paragraph can be reviewed, my feeling is that at this stage it is particularly important to insist that as clear as possible a distinction is maintained between scientific research programmes on the one hand and commercial whaling operations on the other. It seems to me that among the other useful features of the draft resolution the wording in relation to international trade in the products of whale research is an important means of reinforcing that distinction.

I have heard it argued that the provision, or the reference to international trade in some way takes the resolution outside the competence of the Commission to adopt it. My own view is that the wording of Article VI of the Convention permits the Commission to make recommendations to Contracting Governments on any matters which relate to whales or whaling and to the objectives and purposes of the Convention. In my view the provision, the passage in the draft resolution to which I am referring, falls well within that formulation.

It has also been suggested, I believe, that in some way or another the reference to international trade would cut across obligations of some or all of the Contracting Governments in terms of other international legal agreements or orders. My understanding however is that this draft resolution, which in any case will not be a binding decision of the Commission but a recommendation, which it is for the Contracting Governments themselves to consider and observe if they are minded to do so, that such a resolution in these terms would not in my view cut across or interfere with other international commitments, obligations or legal orders of which I am aware. So for that reason Mr Chairman I am happy to second the proposal for a draft resolution, for a resolution, with the wording in square brackets in relation to international trade retained and the square brackets deleted. Thank you.

Chairman

Thank you Commissioner for the United Kingdom. I think therefore we do have a resolution on the table which has been proposed and seconded and which has the square brackets deleted but the words within retained. On the other point that the Commissioner for the United Kingdom raised about the scientific permit to the Faroese Home Government, the Secretary has shown me a letter addressed to him dated 15 May 1986 from the Faroese Home Government which states that they have decided not to give any permits to take fin whales up to and including 1990, so that would appear to cover that particular question you have raised. I believe the Commissioner for Iceland has the floor.

Iceland

Mr Chairman, just for a point of order. Have you opened discussions on the Report of the Scientific Committee or have you opened discussions on the Report of the Working Group? I just want to have clarification about this before I continue.

Chairman

Thank you. I think that is a point of clarification you are calling for Commissioner. The two are to some extent linked and it I think would be difficult to divide the discussion into two completely separate parts. That is why I asked the Chairman of the Working Group and the Chairman of the Scientific Committee to present their reports at the beginning of the debate and I would open the debate in other words on both the Reports.

Iceland

May I continue Mr Chairman?

Chairman

Please continue.

Iceland

Mr Chairman I recall that the Commission had before it at the last year's session a draft resolution on scientific permits proposed by Sweden and seconded by Switzerland. The Commission then decided to refer the resolution to a Working Group which was charged with the task of studying the proposal and any relevant matters with the view to taking a decision at this session of this Commission. The Working Group met last week and we have before us its Report in document IWC/38/16. The Icelandic delegation participated in the work and could support the draft recommendation included in the Report

reflecting agreement of the Group. I should like to set out the principles on which our general attitude on the draft recommendation is based.

Firstly, the Convention, in Article VIII, specifies that Contracting Governments have an undisputed right to grant scientific permits. The work of the IWC cannot be seen to reduce that right. It is not for the Commission to revise the Convention in the guise of a recommendation. The mechanism for revision of the Convention is a diplomatic conference. Paragraph 30 of the Schedule deals with scientific permits and is carefully drafted so as not to question the right granted by the Convention.

Secondly, the Commission has decided to carry out a comprehensive assessment on whale stocks before 1990. It is essential that the recommendation not have the effect of discouraging research. In fact the United Nations Convention on the Law of the Sea can be read to require coastal states to enhance their research efforts with respect to the living resources of the sea.

Finally, Mr Chairman, the Icelandic delegation is of the view that the IWC should be wary of establishing any policy role for the Scientific Committee whose mandate should be confined to scientific analysis.

Iceland would support the draft recommendation agreed by the Working Group and therefore I could second that. But, Mr Chairman, the proposal before us makes general recommendations on the conduct of scientific research under Article VIII and is therefore inconsistent with the principles I set out above. But there are also words in brackets as has been mentioned and I would like to have some remarks on that paragraph.

This proposal is to recommend that Contracting Governments not allow the products from whales taken under scientific permits to enter into international trade. Iceland is totally opposed to this proposal which is completely contrary to the provisions of the Convention. In this connection the following should be taken into account. We regard it as one of the purposes of the Convention to ensure the carrying out of scientific research. We also regard it as an obligation under the United Nations Convention on the Law of the Sea. Article VIII of the Convention sets out the right of Contracting Governments to grant special permits for the purposes of scientific research. The Article states further that whaling under such permits is exempt from the operation of the Convention. Paragraph 2 of Article VIII states that whales taken under special permits should so far as practicable be processed. Under Article VI of the Convention the Commission may make recommendation on any matters which relate to whales or whaling and to the objectives and purposes of the Convention.

Mr Chairman, the Convention sets out no restrictions on trade in whale products. To establish such restrictions would require an amendment of the Convention. Quite contrary, if the Commission would seek to make recommendations on the matter it would be acting contrary to the provisions of Article VIII. Such recommendations would be inconsistent with the objectives and purposes of the Convention and outside the scope of Article VI. I should like to emphasise that if the Commission were to take any action in contravention of the Convention there would be severe repercussions on the attitude of Iceland to this organisation. I would also note at this stage that such action would be an unhealthy precedent to the activities of other multi-national organisations. For these reasons I would appeal to members of the Commission to avoid entering into questions which relate to fundamental principles of the Convention.

It can be noted that the motivation of the proposal on international trade is related to the concern that whaling for scientific purposes should not assume

the characteristics of commercial whaling. We are of the view that the proposal, aside from being contrary to the Convention and outside the competence of the Commission, would not have this purpose. I don't think, Mr Chairman, I should go into further discussions on the scientific permits. This matter is a very serious one and therefore I wanted to make these remarks on the very good work of the Working Group and I am very thankful to the Chairman and the others that took part in the work of the Working Group for their excellent job.

Chairman

Thank you Commissioner for Iceland. Are there other delegations which wish to speak to this item? Yes, the Commissioner for Korea.

Korea

Thank you Mr Chairman. The scientific research under the special permit is one of the important tasks that Contracting Governments carry out as far as in the IWC because it provides the Contracting Governments with the basic knowledge of the status of the whale stock. As you are well aware, since joining this Commission in 1978 the Government of the Republic of Korea has made serious efforts to abide by the IWC's decision adopted for the rational conservation and the proper control of the whale resources. Moreover I stated on many occasions my government did not raise any objection to the IWC decision of the ending of commercial whaling for the period of five years from 1986 and has been observing this faithfully.

My government has taken necessary measures to convert about 3,000 traditional whalers to other fishing industry, imposing a great financial burden and has enacted and put into force a notice on the prohibition of commercial whaling in the Korean coastal whaling from July 1 1986 as domestic legislative measures to secure the implementation of the IWC decision. The above measures have been effected from January 1 this year.

Mr Chairman, I believe that the comprehensive assessment of the whale stocks to be undertaken by 1990 at the latest should be based upon the results of the just and the scientific research which is essential to ensure proper and effective conservation and the development of whale stocks considered by this Commission. Therefore my government is planning to conduct scientific research on whale stocks in Korean waters during the moratorium period under the auspices of the Korean National Fisheries Research and Development Agency in accordance with Article VIII of the International Convention for the Regulating of the Whaling. Considering that there has been little extensive biological research on whale stocks in the region so far.

Our Government has submitted to the Scientific Committee all data that is collected to analyse the trend of the minke whale stock in the Sea of Japan - Yellow Sea and the East China Sea. Since the assessment of this stock was to be based on the catch and the effort data not only the subsequent data on biological parameters which is essentially for the stock assessment, the Korean government has a great interest in collecting biological data and the data by the sighting data as well. As was recommended by the Scientific Committee we are planning to improve our research plan and also invite scientists from any countries interested in our research programme.

I am convinced that our research programme would be able to greatly contribute to the correct and basic data so necessary for the comprehensive assessment of the whale stocks and establishing scientific foundation for the future management of the whale resources. We are ready to exchange scientific or technical information from such research with all member governments so as to

obtain satisfactory source of our research. I hope that this meeting will produce constructive consideration of proper management of whale stock. Thank you.

Chairman

Thank you, Commissioner for Korea. Are there other Commissioners who would wish to speak to this item? The Commissioner for China.

People's Republic of China

Mr Chairman, we want to make some proposals on the proposal proposed by South Korea on the minke whales caught for scientific research in the Japan Sea, Yellow Sea and East China Sea.

The minke whales in this region have been classified as a Protection Stock last year. Yesterday the Chairman of the Scientific Committee reiterated this stock as a Protection Stock. The Chinese delegation believes that the statement by the Chairman of the Scientific Committee is conformed with the status of this stock. In my opinion the scientific permit catching for the scientific research should not include Protection Stock. Thank you.

Chairman

Are there any other comments? The Commissioner for Japan.

Japan

Thank you, Mr Chairman. My delegation has participated to the Working Group this year as well as the late night session which occurred towards the end of last Annual Meeting. We continued to discuss this matter up until 3 o'clock in the last day in the morning of the last day of the last session. You were on the other side of the table at this time and very frankly speaking, from that time on our position on this particular question has not changed and as I have stated in the Working Group meeting, as well as we have circulated in the form of written comment, we believe that the issuance of special permits for the purpose of research, carrying out the research is prerogative not to be challenged by anyone, not affected by any other Article of this Convention. As it states at the beginning, notwithstanding anything contained in this convention. I think it is very clear, but by saying so we are not trying to support all the programme which is to be carried out under the name of scientific permit. But it is very delicate problem under the present situation where is no data coming in after cessation of commercial whaling.

On the other hand we have most important objective of the Convention, that is conservation, rational utilisation, management of whale resources and in that connection research on resource condition is imperative. And therefore at least some way of carrying out research, not necessary be satisfied with just so-called benign method, should be continued and for that purpose this special permit for scientific research should be utilised, should be used with conscientious decision of the Contracting Government. And from that standpoint I participated to the discussion of the Working Group and I made sometimes difficult decision vis a vis our own instruction, but we could go as far as all the paragraphs except the one which is in square brackets. After difficult consultation with my home government acceptable to us.

One thing that is this particular paragraph in square brackets. With respect to this one again, we should emphasise the fact there is provision in Article paragraph 2 Article VIII. This clearly states that even the whales which is taken under researches shall so far as practicable be processed. That is

quite positive obligation imposed on those who carry out the taking of whales for the purpose of research. Therefore I do not think that although Article VI provides that Commission can make any recommendation regarding the matter related to whale and whaling, I don't think that we shall by Article VIII could make recommendation which is contradictory to the positive provision provided in paragraph 2 Article VIII. Therefore I, my position in essence is in full accordance with what has been stated by the distinguished delegate of Iceland. Thank you very much, sir.

Chairman

Thank you, Commissioner for Japan. Does any other Commissioner wish to comment at this stage? New Zealand.

New Zealand

Thank you, sir. If I could firstly address the content of the section of the Scientific Committee's report that has been referred to and the particular proposals for research by Iceland and Korea, and essentially associate with the comments that have been made by the Commissioner from the UK. It seems to me that we have a procedure and the proposals have received consideration by the Scientific Committee, but a number of concerns and questions were raised. At this year's Committee concerns and questions were again raised and I would associate with the suggestion, or the request, that the Government of Iceland should take account of the scientific concerns that were raised, and in the case of Korea ask that they might reconsider their plans, having regard to the comments that have been made.

With regard to the resolution that has been proposed, my delegation believes that it is desirable to have a clearer procedure for proper consideration by the Scientific Committee of research plans and we believe that this resolution seeks to address that problem. We do not believe that in doing so it goes beyond the present provisions and in particular Article VIII and paragraph 30. Article VIII indeed provides the right to carry out scientific research but equally paragraph 30 provides a procedure for review and comment, and I believe that this resolution both reflects that but also clarifies the procedures in order to make them more effective, and we wonder ...

[gap for change of tapes]

With regard to the square brackets, we can support the proposal contained within the square brackets, given the need to ensure that all scientific programmes are limited to the strict requirements of science. We do not believe that this poses any problems in terms of the competence of the Convention and would associate with the remarks made again by the Commissioner for the UK. Thank you.

Chairman

Thank you. Are there any other delegations wishing to comment at this point? The Commissioner for Spain.

Spain

Thank you, Mr Chairman. The Spanish delegation, noting the division of opinions that the issue of the resolution of scientific permits has raised, wish to make some comments. We consider that the Convention should act in pursuit of its objectives of better conservation and management of whale stocks within its proper sphere of competence. The questions and doubts raised by the reference to international trade plus the fact that this issue

is already considered in other national, regional and international regulations as well as in some cases in obligations assumed by some of the countries, necessarily gives rise to the possibility of future objections based upon the lack of competence of this 1946 Convention in this matter. This could prove to be a serious obstacle to the adoption and effectiveness of this resolution which, in our belief, can be considered a significant step in avoiding improper use of scientific permits.

In this context it is necessary to point out that the conditions included in paragraphs 5 to 10, 12 and 13 of the draft resolution which reflect the competence of the Scientific Committee of this Commission, have shown by the consensus achieved to be considered effective safeguards against potential abuse. Therefore, although the Spanish delegation understands the insistence shown in this matter, considers it would be unfortunate to carry this insistence too far which might result in forcing certain delegations to vote against, abstain or eventually object an otherwise acceptable resolution on the question of principle as to the interpretation of the Commission's competence. Thank you, Mr Chairman.

Chairman

Thank you, Commissioner for Spain. The Commissioner for Mexico.

Mexico

Thank you, Mr Chairman. Mexico is agreed with all that has been expressed for the Commissioner of Spain. Thank you.

Chairman

Thank you. The Commissioner for France.

France

Thank you, Mr Chairman. The same position for France. Although we fully understood the ideas behind the proposed wording between brackets we fully support the reservations just expressed now. Thank you.

Chairman

Thank you, Commissioner. Commissioner for Norway.

Norway

Thank you, Mr Chairman. If I judge the situation in the Committee correctly, sir, the only possibility for consensus at this stage with regard to the proposed guidelines for the handling of proposals for special permits for scientific research would be to adopt the proposal of the Working Group without the bracketed revision. I would associate myself with those delegations who have suggested that procedure and if you were to follow it I would have nothing further to say at this stage. Thank you, sir.

Chairman

Thank you. Commissioner for Oman.

Oman

Thank you, Mr Chairman. Mr Chairman, I have been with a number of other Commissioners and prepared a new draft resolution which I believe has already

been distributed, IWC38/23, on this matter. We have hoped that this will meet some of the concerns expressed in the Working Groups that produced the report before us. It is in large part identical with the basic text already we have. We prefer to stay closer to the wording which is already within the Convention.

Chairman

Excuse me, Commissioner for Oman. I think the position is that you are now introducing a resolution that most delegations do not yet possess. I believe it may be in the boxes at the back so perhaps we will just have a halt of about one minute while Commissioners get a copy of the text.

I don't propose to resume the discussion just yet because I think delegations need time to read the resolution, but I wonder if I could ask the Commissioner for Oman if on a quick glance my assumption is correct that this draft resolution in practical terms is the Working Group's draft, except that the passage in square brackets in the Working Group draft is deleted and two paragraphs replace it on page 2 after the sub-items 1, 2, 3, 4. And there are two paragraphs starting with the words 'recommends'. The first says 'recommends that Contracting Governments not allow the products from whales taken under scientific research to be used for purposes other than scientific research or local consumption as human food; recommends that no permit should be issued when the stocks from which the whales are to be taken have been classified as Protection Stocks unless there is clear scientific evidence that the proposed catch will not further deplete or substantially impede the recovery of the stock.' Those paragraphs appear to be the only substitutes or changes with the deletion of the square brackets from the first. Am I correct in that assumption, Commissioner for Oman?

Oman

Very close to that, Mr Chairman.

Chairman

Thank you very much. Perhaps then we will just take another minute for Commissioners to... Yes, Sweden wishes to say something.

Sweden

Thank you, Mr Chairman. Sweden interprets Article VI in a way...

Chairman

I'm sorry, Commissioner for Sweden, I thought you were wanting to make some comment on the procedures we are following and I think it is premature to speak at this point. I would like to give Commissioners just a little more time to absorb the change that is proposed and then I will ask the Commissioner for Oman to continue with his introduction. If Commissioners are agreeable and if they have now read the two paragraphs in question could I ask the Commissioner for Oman to continue to speak to this new proposal. Commissioner for Oman.

Oman

Thank you, Mr Chairman. Further, Mr Chairman, we prefer to stay closer to the wording which is already within the Convention. The provisions concerning local consumption are consistent with the provisions of the Schedule paragraph 15(a) and (b) dealing with the use of certain size whales. These have been in

force for many years. They are also consistent with the provisions of paragraph 13(a)(i) and (ii) dealing with the use of whales taken for the aboriginals in the light of this Schedule's provision. I believe that there is clearly no doubt that there is ample basis for the Commissioners to make recommendations in a resolution dealing with the use of the whales. We would also include provision concerning the taking of whales from protected species stock are designed to reflect the desire to protect those whales. I am sure all Contracting Governments shall desire and hope may follow my Commission fellows, Commissioners, who support this resolution. I would ask, Mr Chairman, that an ample opportunity might be given for distribution for our draft that is already before you, that we might return to this subject later today. I would like to reaffirm that the new draft is presented as a compromise for setting forth the recommended guidelines for the exercise of the Contracting Governments' rights under Article VIII of the Convention. Thank you, Mr Chairman.

Chairman

Thank you, Commissioner for Oman. I am not sure but were you asking for the adjournment of the debate because I would wish to continue at this stage unless it is the wish of Commissioners to adjourn. I think we could make further progress. Could I ask the Commissioner for Oman whether his suggestion was a proposal to adjourn the debate or not?

Oman

That is right, Mr Chairman. If when you find a proper time whether you are going to adjourn or you are going to put forward this discussion till a later stage until other proposals. Thank you.

Chairman

Thank you very much. I think you have left it to my discretion and I would prefer to continue at this point. I think the Commissioner for Sweden had asked earlier. Do you wish to resume, Commissioner?

Sweden

Thank you, Mr Chairman. Sweden interprets Article VI in a way that IWC can make a recommendation on trade. We feel strongly that some recommendation must be made on that issue. The Oman proposal is in line with our opinion hereby and could be used in our opinion as a basis for further consideration. May I also emphasise the importance of the paragraph that new permits should only be issued when the stocks from which the whales are taken have been classified as Protection Stock. Thank you, Mr Chairman.

Chairman

Thank you, Commissioner for Sweden. The Commissioner for Switzerland has the floor.

Switzerland

Thank you, Mr Chairman. The utilisation of animals in scientific research continues to be an important question for Switzerland since the public in our country is very sensitive about animal welfare questions since our legislation, like that of a number of other countries, restricts the number of animals killed for scientific purposes to the absolutely necessary minimum. The principle that whales may be taken under special permit for scientific research is not at stake. However, in our view the Commission has the right

and the duty under the Convention and the Schedule to concern itself with the conditions and the criteria under which such permits shall be issued and to formulate its views there on recommendations addressed to the Contracting Governments. The resolution in the version which is a compromise proposed now by Oman makes such recommendations, taking into account the concerns expressed by some delegations as to the wording in brackets in the previous proposal. Therefore we second its terms. It will be of assistance both to governments contemplating and preparing the issuance of scientific permits and to the Scientific Committee when reviewing such permits and commenting on them.

We would like to recall that there remains doubt in the minds of members of the Scientific Committee on the scientific validity of projects submitted for review. We continue to feel very strongly that the emphasis must be on science and that scientific permits should not be used to continue commercial whaling under a new name. Any other course would be detrimental to the credibility of both IWC and science. Thank you, Mr Chairman.

Chairman

Thank you, Switzerland. The Commissioner for Iceland.

Iceland

Mr Chairman, I quite agree with the Commissioner of Switzerland that it's very important that commercial whaling is not continued in the name of scientific permits. But I would like to call you attention to Article I, no to Article VIII, and a little bit about the history and the will of Article VIII. It came up on the third session of the conference in Washington in 1946 and then the delegation of the Netherlands asked for the value of the whales taken be studied. And Article VIII was considered in final form at the twelfth session and it was unanimously approved and this is the history of Article VIII and its will is that the whales taken under such permits are utilised and any government has that obligation. We cannot accept any regulations or recommendations that goes against that obligation, and therefore what has been recommended now by the Commissioner of Oman is not a change in that because local consumption in some countries can...Well, I think it's very easy for some countries to follow that, but in the case of Iceland where we only depend on marine resources and are living in a very small society I don't think that wording can be acceptable to those smaller nations like we are. But I from a point of order, Mr Chairman, I understand that we have two proposals now on the table, one from the Working Group and another proposal from the Commissioner of Oman and I might on a later stage propose an amendment with the later proposal if this comes to voting.

Chairman

Thank you, Commissioner for Iceland. That is correct. As I see the position we have two proposals before us. One is the Working Group proposal which was seconded by the United Kingdom, and we have a proposal from Oman which I believe was seconded by Sweden. And as you mentioned we may have further proposals or amendments. Perhaps it would be helpful if these could be brought forward as quickly as possible. The Commissioner for Norway.

Norway

Mr Chairman, I believe my previous supposition about the prospects for achieving consensus remains valid. In the meanwhile I would merely like to observe that I understand the concerns that the issuance of special permits for scientific research should not be used as a vehicle for circumventing the Convention or abused for purposes inconsistent with the Convention, but I

think it could likewise be stated that one should avoid applying guidelines for scientific research which are intended as a means of reinforcing management decisions. My government is extremely concerned over the risk that the International Whaling Commission establishes an unhealthy precedent by establishing criteria which restrict the freedom of research by relating the practical possibilities for carrying out scientific research to matters which are not themselves material to the proposed science. That remains a concern.

Mr Chairman, I would also as a matter of clarification through you direct a query to the Commissioner for Oman. Has he given some thought to the difficulties which we have previously experienced when we have tried to define local consumption as a term of art employed in paragraph 15(b) of the Schedule? We have been through that exercise without producing a workable and constructive result. I think that is a question which I would like to have clarified. Thank you, sir.

Chairman

Thank you, Commissioner for Norway. Does the Commissioner for Oman wish to respond?

Oman

Thank you, Mr Chairman. Yes, we have put into consideration of the Article 15 and we are also putting into consideration of the Convention as well. Thank you.

Chairman

Thank you. The Commissioner for Japan.

Japan

Yes. I would like some observation to the proposed so called compromise proposal submitted by the distinguished delegate of Oman. I in a way understand that the fourth paragraph from the bottom of the second page is sort of intended compromise for the crucial discussion that took place in the proposed bracketed paragraph in the Working Group report. I can understand it although I cannot agree with it, but the way he says compromise I am not sure whether the third paragraph from the bottom which is intended as compromise, I think this is entirely new paragraph which has been somewhat discussed in the Working Group and which was sort of set aside from the agreed text. So I think that my observation is that this proposal submitted by Oman expanded the point of difference in two paragraphs or added another paragraph over which there should be difference of views. Thank you.

Chairman

Thank you, Commissioner for Japan. Are there any other delegations wishing to speak? The Commissioner for India.

India

Thank you, Mr Chairman. This is just to say that I would wish to fully endorse the viewpoint so succinctly put forth by the delegation of Switzerland and we support this draft which has been put forward by the distinguished delegate from Oman. Thank you, Mr Chairman.

Chairman

Thank you. The Commissioner for the Seychelles.

Seychelles

Thank you, Mr Chairman. I believe that the new resolution which has been drafted and proposed by the High Commissioner for Oman has quite a lot of elements in it which, in the spirit of compromise, could go a long way to accommodate many of the Commissioners here who may not be feeling quite happy about the previous proposal by the Working Group. Thank you, Mr Chairman.

Chairman

Thank you, Commissioner for Seychelles. The Commissioner for Argentina.

Argentina

Thank you, Mr Chairman. I would like to express the position of Argentine delegation in order that we share the philosophy behind this proposal coming from Oman as well as the proposal coming from Sweden and Switzerland. This is why we are in favour of the stopping of any kind of abuses and in that way deflecting the objective of the Commission concerning the resources. But at the same time Argentine delegation is sharing partially the comments made by the Spanish delegate. As a whole I think that we can think something in the line that we can put some provisional aspect in this resolution. I think will be contradictory to set up a resolution that for the future will establish a particular line without taking into account that this is a transitional period. Now we are facing a Comprehensive Assessment of the whole and then I think the national research is quite linked with this aspect of this transitional period in the IWC concerning whaling activities. This is the main point I would like to stress and I leave to you this thought in order to be inserted if it is possible in a new kind of resolution. As a whole we were always looking by a consensus in this kind of discussion. This is why perhaps it would be useful that you could convene a small group in the near future before taking a last decision on that, and perhaps through this group you could take the decision that reflects the different opinion of the various Commissioners here. Thank you, Mr Chairman.

Chairman

Thank you, Commissioner for Argentina. I was indeed thinking in those terms myself but I would like, if possible, to get the widest possible expression of views so that any small group would have the opportunity of taking into account the opinions expressed in the Committee. The Commissioner for the Philippines.

Philippines

Thank you, Mr Chairman. The Philippine delegation supports the position taken by the delegation of Spain and Argentina and Mexico. Thank you, Mr Chairman.

Chairman

Thank you. The Commissioner for Iceland.

Iceland

Mr Chairman, I can support the idea of having a Working Group but I think it would be the best way to have a Commissioners' meeting and adopt such a Working Group at such a meeting. Thank you, Mr Chairman.

Chairman

Thank you, Commissioner for Iceland. Does any other delegation wish to express views on the item before us? The Commissioner for Australia.

Australia

Thank you, Mr Chairman. I think sometimes it's important to accentuate the positive and it is clear that a number of countries have defended the right of Contracting Governments to issue their nationals special permits for scientific research; and I believe as the distinguished Commissioner for Switzerland indicated, this principle is not at stake. I think in terms of what there is agreement positively around within the Commission is that we would want to prevent the misuse of the provisions of Article VIII whereby whales taken apparently for scientific purposes were actually being used for commercial purposes. I think there's a common agreement on this point.

The second point which I would like to raise is the question of scientific freedom. As a scientist I still recognise that scientists are not free to do what they want. I think there might well have to be restrictions on scientific effort, and particularly when you are dealing with a natural resource, if those scientific efforts might place that resource in jeopardy. And I would also think from a positive point of view that there would be that agreement within the Commission that there was a need to have guidelines for that scientific research, and I think the Working Group has gone a long way to devising guidelines in that respect. So I think a lot has been achieved positively and that's why I would support this concept of a Working Group to see whether we can build on that achievement to get some statement which we could agree by consensus. Thank you.

Chairman

Thank you, Commissioner for Australia. Any other statements Commissioners wish to make? If not, then I would like to address the question of where we go from here. The fact is we have two resolutions on the table and we have a number of delegations which have expressed the view that they could not accept either of the resolutions, although in the case of the first one the opposition seemed principally to be limited to one particular clause. In this Commission we do endeavour and we try to give our best to reach a consensus; and I would certainly wish to work in that direction. I think therefore that it would be suitable to establish a small group which I might call, if I may, the Friends of the Chairman. A small group of Commissioners or their representatives who could get together and see where the area of agreement lies, where the area of difference lies, and whether there is any chance of reducing that difference. In English there is an old phrase, if the Chairman of the Humane Killing Committee will excuse the expression, 'There are more ways than one of skinning a cat', and I think that we have to find or look for other ways of skinning this particular cat if we can.

The Commissioner for Iceland has suggested that we meet as Commissioners to set up a group. If that is the wish of the meeting I would certainly be happy to convene such a meeting, but my own view is that there is now broad agreement that a small group could or might perform a useful function, and I wonder if we might short-circuit the procedure and set up a group here to work

over the period from now till the time that we resume after lunch. I would allow sufficiently ample lunch break to enable this group to get together. Would that be agreeable to the Commissioner for Iceland?

Iceland

Mr Chairman, I follow your guidance and we are willing to participate in such a Working Group, but I thought it was more convenient to establish such a group at a Commissioners' meeting, but I follow your guidance in this.

Chairman

Thank you very much. That's a very helpful comment. I do believe that if we met as Commissioners we would tend to say the same sorts of things as we are saying here, so could we agree that we establish a small group which when it has completed its work if it were useful it could report to a meeting of Commissioners, or if not back to the Plenary session. The Commissioner for Iceland.

Iceland

Mr Chairman, I think it is very important that the nations who participated in the Working Group will mostly be in that group we are talking about because I think they know best of all what we are dealing with. Thank you, Mr Chairman.

Chairman

Thank you for that suggestion, Commissioner. I would like to suggest to Commissioners that the small group should consider this question and I propose if the delegations are agreeable to nominate the following: Sweden, the United Kingdom, Oman, Japan, Iceland and Argentina. Would those delegations be ready to serve on such a group? If there is no objection then could we ask them to meet in the period between now... I'm sorry, would Norway like to join this group? Norway then is included. Is there any other delegation that would particularly wish to join the group? I would like to avoid it expanding into a duplication of the Plenary because if so we will be faced with a long wait till we get any results but for those who particularly wish to join... Yes, Spain wishes to join, and did I see Switzerland? And, there are no other candidates. Well, it's a group of nine. I suggest that the group appoints its own Chairman and perhaps they could meet after this meeting and I would propose therefore to adjourn at this point. Sorry, is Seychelles asking for the floor?

Seychelles

Thank you, Mr Chairman. Is it correct for me to make an announcement now please? When you have finished, thank you.

Chairman

Just one minute if you please. I think that to give a reasonable time for the discussion and having in mind that this group would meet and then report back to this Plenary unless in their wisdom they believe it would be more useful to report to Commissioners only, in which case I am open to proposals to convene a meeting of Commissioners. So I suggest that we might adjourn and that we should resume at 3 o'clock. And could I suggest that the group I have just appointed could get together now and decide on their own arrangements. I think Seychelles had a question or a comment to make.

Seychelles

Thank you, Mr Chairman. I just want to remind the like-minded Commissioners of a meeting at half past one, same place. Be there promptly, please. Thanks very much.

Chairman

Thank you. Then we will adjourn and meet again at 3 o'clock.

BREAK FOR LUNCH

Chairman

23

... resume the Plenary. I think my 'Friends' might still be meeting, so I wonder whether my other friends might address themselves to a different item. I wouldn't like to continue the debate on the scientific permits issue at this point, but I think we might turn our attention now to Item 23, Cooperation with other Organisations, where there is a paper IWC/38/11. It appears to concern cooperation with seven organisations, and could I ask the Chairman of the Scientific Committee if he could talk to this item. Thank you.

Chairman of the Scientific Committee

Thank you, Mr Chairman. As is customary the Scientific Committee discussed cooperation with other organisations and in particular discussed the paper IWC/38/11 in its various parts. Our report of these discussions is found in Section 5 of our Scientific Committee report, from pages 5 through 8. There are a number of sections there. The first deals with FAO/UNEP. The relevant section of the paper...

Chairman

Excuse me, Chairman. I wonder whether it would be possible to follow the sequence outlined under paragraph 23. I think it might facilitate the following of it by the other Commissioners. Thank you very much.

Chairman of the Scientific Committee

My apologies, Mr Chairman. Yes, the first item on Section 23 is CCAMLR. That is discussed in section 5.2 of our report on page 6. We had before us the report of the IWC observer at the Fourth meeting of CCAMLR. That is paper IWC/38/11 A. At the CCAMLR Scientific Committee continuing interest was expressed in the Joint Workshop on Feeding Ecology and Distribution of Southern Baleen Whales, and in particular CCAMLR had decided that it wished to consult with the Whaling Commission, particularly the Scientific Committee, with respect to the use of cetaceans as indicator species for krill availability and on the status and trends in Antarctic whale populations. They forwarded to us a number of questions in relation to that and the Scientific Committee discussed those questions. Our response to the questions is given on page 6. Largely these were discussed by one of our sub-committees, and I would recommend that our responses to the questions be passed to CCAMLR. Mr Chairman, do you wish me to stop after each item here or to go through the lot?

Chairman

I think that that would be agreed and could you therefore proceed to the next item.

Chairman of the Scientific Committee

Thank you, Mr Chairman. The second item is cooperation with ICES. That is covered in section 5.6 of our report on page 7. The Committee had before it the observer's report of the 73rd Meeting, that is paper 11 B. At that meeting a number of topics were presented concerning distribution and abundance of cetacean species in the Gulf of Mexico, off the eastern coast of the US, and also some pollution studies were discussed. At the 1986 meeting of ICES special topics are oceanographic features affecting the distribution of marine mammals in the Arctic, and the effects of disturbance on marine mammals with special reference to protected areas.

Mr Chairman, the next item on your agenda is IATTC. That is in section 5.5 and the relevant paper is 11 C. The IWC observer's report was considered by the Sub-committee on Small Cetaceans and discussion of it is found in Annex H.

Next one is the item concerned with the Convention for Migratory Species. That is found in section 5.9 of our report on page 8. The IWC observer attended the first meeting of this Convention. The paper is 11 D. The first meeting established a scientific council to advise on migratory species considered to be in danger of extinction or in an unfavourable conservation status. Implementation of protection measures will be through multinational agreements and North Sea and Baltic Sea populations of bottlenose dolphin and harbour porpoise were noted as special, as suitable subjects for such an agreement, and a Working Group on Small Cetaceans is apparently soon to be established.

Mr Chairman, the next sub-item...

Chairman

If I could just ask you to pause at this point, Mr Chairman, the Secretary would like to take the floor.

Dr Gambell

Mr Chairman, it's just in connection with the Convention on Migratory Species; the UNEP observer present at this meeting has invited scientists who are interested in a Working Group on Small Cetaceans to contact him through the UNEP mail box and an information sheet from UNEP/CMS will be distributed to all delegates. Thank you.

Chairman

Thank you, Dr Gambell. Would you therefore proceed, Chairman of the Scientific Committee.

Chairman of the Scientific Committee

Thank you, Mr Chairman. The next sub-item under Item 23 is 23.5 FAO/UNEP. The Scientific Committee's report of that is in section 5.1 and the relevant paper is paper 11 E. We had before us the report of the Second Consultative Meeting on the Protection of Marine Living Resources. The meeting had been called to review progress in implementing the FAO/UNEP Global Plan of Action and to identify priorities for 86/87. Eight projects had been selected for

catalytic funding and four had a cetacean component in it, and they are listed on page 5 of our report. The role of the Whaling Commission in implementing large whale projects in the Second IDCR was reconfirmed as a contribution to achieving the goals of the Global Plan of Action, and the contribution by UNEP to the Indian Ocean Sanctuary meeting was discussed previously.

Mr Chairman, we have received from UNEP a request to review a research proposal for them. The proposal was entitled "Natural Survivorship of Fin and Sei Whales" and that was discussed initially by the Sub-committee on Other Baleen Whales in Annex F. UNEP have provided us with a set of four criteria they wish the proposal to be measured by and our discussion of that is found on page 5, going on to page 6, and we suggest that these conclusions be forwarded to UNEP.

Chairman

Thank you, Chairman. I believe that we can agree with that. I don't see any different views. I will give an opportunity at the end of the Chairman's Report for any delegation to comment, so perhaps you might continue with the next item.

Chairman of the Scientific Committee

Thank you, Mr Chairman. Next item is 23.6, International Commission for the Conservation of Atlantic Tuna, and our report of that is found at bottom of page 7. The corresponding Commission paper is paper 11 F. The IWC observer attended the 9th Meeting of ICCAT in Spain. There was relatively little of interest to the Commission at that particular meeting.

And Mr Chairman, the final item on your agenda is ICSEAF. An IWC observer attended the 8th Session of ICSEAF and as noted in section 5.8 of our report on page 8, no matters of direct interest to the Whaling Commission were discussed.

Thank you, Mr Chairman. That completes our discussion.

Chairman

Thank you, Chairman of the Scientific Committee, for this explanation of the passages in the Scientific Committee's report and on cooperation with the organisations concerned. Would any delegation wish to comment, either on the reports presented or the broader question of cooperation with other organisations? I see no hands raised, so I will take it that we note these reports and endorse the action proposed.

24 I propose then to move on to the next item which is Item Number 24, the 37th Annual Report, where there is a paper with the designation IWC/38/12 Draft. I would ask the Secretary to speak to this item.

Dr Gambell

Mr Chairman, the Annual Report is a business document of the Commission which is published annually. The draft that you have before you, IWC/38/12, indicates that tables are to be added, and there is also a single sheet, double sided, with those tables which were distributed at a later stage. Because this material is to be published I will be grateful to receive any amendments of fact or numbers before we go to press. Thank you, Mr Chairman.

Chairman

Thank you, Dr Gambell. Are there any comments on the draft Annual Report? It would seem not, therefore the report is approved. If Commissioners will just bear with us for a minute, I am exploring the possibility of proceeding with Item 20, and I should know very shortly whether it is possible or not. We will have a two-minute break.

If we could resume the meeting. On further reflection it would seem most profitable at this point to return to Item 6 and try to complete consideration of some of the two remaining sub-items. I would propose, therefore, that we should now address ourselves to Item 6.4, Listed Species. The background to this item is given on page 8 of the annotations, where it explains at the 37th Annual Meeting Mexico requested guidance from the Commission on solving the legal aspects related to the work of the Scientific Committee in species referred to as "small cetaceans" which are not listed in the Annex entitled "Nomenclature of Whales" to the final Act of the 1946 International Whaling Conference. There are no particular Commission papers to consider at this point, and I would ask therefore if any government wishes to address itself to this question. Mexico has the floor.

6.4

Mexico

Thank you, Mr Chairman. The last year the Mexican delegation requested guidance from the Commission in order to solve the legal aspects related to the competence of this Commission with the species referred as "small cetaceans". We also pointed out when reviewing the agenda two days ago that this request was in the broader sense and not only related with the scientific work with these species. As you may recall, we had pointed out our appreciation for the biological work which will enable us to understand better the oceanic resources. But at the same time we have a clear position with respect to the competence of international bodies for the administration of the different species. That is why we have proposed last year to analyse the point and specifically the competence of the IWC with respect to species and their administration or management as it was established in 1946.

Mexico has stressed this point when the juridic interpretation of our Convention has been somehow interpreted in a flexible way by some delegations. We are convinced that the work of the IWC should be supported by its constituted Convention. This general criteria has been incorporated in the position of my country and expressed at international organisation from which we are active members. However, this is not a static position, because we have been open for the necessary change when the reality is indicated that such change are needed. For example, when the UN Convention on the Law of the Sea was approved and the international fisheries relationship were actualised, Mexico actively participate in the Fisheries World Conference of the Food and Agricultural Organisation which approved the World Fisheries guidance. That is why our delegation requested to the Commission guidance to this matter, listed species, because there are at least two different and divergent points which have to be solved.

We are sure that if we unanimously accept a procedure to analyse this matter we all will be working in favour of the IWC and its objectives. Mr Chairman, we would like to stress a point that perhaps for some delegations remains under our proposal. When we mentioned specifically, the so called small cetaceans, we don't intend to open a large and repetitive debate. We wish to reiterate that we are developing national research efforts as well as proper guidance for administration on management of these resources. This effort is our response to our obligation for the proper conservation of the resources and our programmes are coinciding with multinational programmes. To this

point it is pertinent to stress that under the work of the Latin American organisation for the development of fisheries (OLDEPESCA), we have made significant progress in the negotiations of a convention which will create the tuna organisation in the eastern Pacific. The basic text of this Latin American organisation foresees as one of the objectives of the new organisation the proper conservation of the small cetaceans associated with the tuna fisheries.

In summary, Mr Chairman, Mexico is proposing with its request for guidance, to identify a procedure which enable us to deal with this theme because we believe that this is the time that the Commission requires to analyse this, and we hope that the debate towards a decision in accordance with the objectives of this organisation, taking into account our proposal.

Mr Chairman, in consequence our proposal has two elements. To maintain this time in the agenda of future work and for a proper analysis of the subject. Therefore, Mr Chairman, we wish the Commission's guidance. Thank you very much.

Chairman

Thank you, Commissioner for Mexico. Do other delegations wish to speak on this subject? Spain.

Spain

Thank you, Mr Chairman. The Spanish delegation would like to second the proposal made by Mexico as to the importance of obtaining guidelines on this matter. The Spanish position on the question of competence is already well known so I will not bother to repeat it now, but we do wish to second the proposal as far as keeping this item within next year's agenda in order to continue and follow up on it. Thank you, Mr Chairman.

Chairman

Thank you, Commissioner for Spain. Are there any other delegations? Iceland.

Iceland

Thank you, Mr Chairman. The Icelandic delegation wishes to associate itself with the views expressed by the Mexican Commissioner. Thank you, sir.

Chairman

Thank you. The Commissioner for Japan, and then Norway.

Japan

Thank you, Mr Chairman. Likewise. Thank you, sir.

Chairman

Thank you, Japan. Now, if you would...

Norway

My delegation also supports the proposal of Mexico. Thank you.

Chairman

New Zealand.

New Zealand

Thank you, Mr Chairman. I would like to take the opportunity just to explain New Zealand's position on this issue. There are only two legal texts to which member governments have subscribed and which govern our actions under this Convention. One is the International Convention signed in Washington on 2 December 1946. The other is the Schedule to the Convention which, together with its amendments, is stated by the Convention to be an integral part of that Convention.

Turning to the Convention itself, throughout it refers to whales. It states that this is 'a convention to provide for the proper conservation of whale stocks and thus make possible the orderly development of the whaling industry.' The Convention does not attempt to define a whale. It assumed that the parties involved knew a whale when they saw one. It does not say that the Convention applies only to whales over a certain size. It applies to whales generally. The Schedule does give on pages 5 and 6 a list of the alternative names employed for certain species of whale. It does not say either that only the animals listed are whales. It is not restrictive in any way, but it obviously does assume that the species listed come within the competence of the Commission in one way or another, otherwise there would have been no point in including them in the Schedule. The list, incidentally, includes Baird's beaked and pilot whales.

Reference has been made in the past to the Annex entitled 'Nomenclature of Whales to the Final Act of the 1946 International Whaling Conference'. This has no binding force in our view. It does not form part of the Convention or of the Schedule. The background as we understand it is that at the International Whaling Conference in 1946 different national delegations were using different names to describe certain species of whale. This led to confusion. In an effort to clarify the situation the Secretariat produced a list of all the names commonly used to describe certain species. This was the origin of the Nomenclature. It was used as a guide, and as a conference document was annexed to the Final Act, the record or minutes of the discussions at the meetings. But to the best of our knowledge, the Nomenclature was never debated much less adopted as a definitive list of the species of whale to be regarded as coming within the competence of the Commission. Since then some delegations have sought to accord it that status. New Zealand does not agree that a Secretariat paper produced for guidance purposes should somehow be used to restrict the range of the Commission's activities today.

Sir, that explains our attitude towards the question envisaged and encompassed by this item. We can also see retention of this item. Thank you, sir.

Chairman

Thank you, New Zealand. Commissioner for the Netherlands.

Netherlands

Thank you, Mr Chairman. I would like to express that my delegation adheres to what has been said by the distinguished representative of New Zealand. Thank you, Mr Chairman.

Chairman

Thank you. Sweden has the floor.

Sweden

Thank you, Mr Chairman. I would like to associate myself with what just has been said by New Zealand, seconded by the Netherlands. In the opinion of Sweden small cetaceans now need far better conservation strategies than they are given today. In our understanding the small cetaceans are included in this Convention. Realising, however, that all the other threats to them than whaling like capture and fishing operations and also habitat, we are not sure that IWC is the only Convention to protect small cetaceans. IWC could be complemented by other organisations. We therefore note, Mr Chairman, with appreciation that the Bonn Convention has set up a Working Group on small cetaceans. Thank you, Mr Chairman.

Chairman

Thank you, Sweden. I will now call on the Commissioner for the United Kingdom, who will be followed by the Commissioner for Finland.

United Kingdom

Thank you, Mr Chairman. The position of the United Kingdom on this point is in substance the same as stated by the Alternate Commissioner for New Zealand. We believe that the Convention applies to all whales irrespective of any listings associated with the Convention.

Chairman

Thank you. The Commissioner for Finland.

Finland

Thank you, Mr Chairman. I would like to associate myself with the previous speakers. Thank you.

Chairman

Thank you. The Commissioner for France, followed by the Commissioner for Brazil.

France

Thank you, Mr Chairman. Just to recall the position of my government concerning the competence of the Commission on the small cetaceans, and recall that according to our understanding small cetaceans are not covered by the IWC. Thank you.

Chairman

Thank you. Commissioner for Brazil.

Brazil

Thank you, Mr Chairman. For the time being, from speaking to so many delegations it is clear to me that we have no consensus about what we have the capacity to regulate or not under the Convention, there being at least two different views on the matter. That's why I would support the proposal of the

Mexican delegation that we should try to clarify this matter so that we all of us would have the same view about what we can and what we can't do under the present Convention. Thank you.

Chairman

Thank you. The Commissioner for Argentina.

Argentina

Thank you, Mr Chairman. Just to endorse fully the intervention of the Mexican delegate as well as the Brazilian one. Thank you.

Chairman

Thank you. Did Australia ask for the floor?

Australia

Mr Chairman, the position of Australia is that the Convention applies to all whales and there is no reason why the IWC cannot exercise its functions under the Convention with respect to small cetaceans. Thank you, Mr Chairman.

Chairman

Thank you. Switzerland has the floor.

Switzerland

Thank you, Mr Chairman. Switzerland would like to be on record that it repeats its consistently expressed opinion that all whales fall within the competence of the Convention and would also like to take this opportunity to thank the New Zealand delegation for having presented the case for that argument. Thank you very much.

Chairman

Thank you. The Commissioner for the Philippines.

Philippines

Thank you, Mr Chairman. The Philippine delegation support Mexico and Brazil and others on the idea that we should really define what we are talking about on this Commission. Thank you, Mr Chairman.

Chairman

Thank you. The Commissioner for Denmark.

Denmark

Thank you, Mr Chairman. In principle the Danish delegation would like to support the idea of establishing a working group. We don't mind having such a group but let me take the opportunity to underline that the position of the Danish delegation is that the IWC has no competence regarding cetaceans not mentioned in the Schedule. Thank you.

Chairman

Thank you. Commissioner for India.

India

Thank you, Mr Chairman. My delegation would like to extend its support and we are in harmony with the opinion expressed by the delegation of New Zealand, Australia and some of the others with regard to the competence of the Commission to extend itself to the small cetaceans as well. We are concerned with all whales. Thank you.

Chairman

I think the debate has demonstrated the wide difference of views held in the Commission by different governments. There are really two schools of thought and I don't want to be pessimistic but I fear that one is unlikely to convince the other. Mexico has proposed first that we keep the item on the agenda and secondly, if I understood correctly, that we set up or ask for guidance as to whether we might set up some sort of group to examine the problem and report. I am in the hands of the Committee. If that is the formal proposal I will certainly put it to the Committee. My own view would be that one would probably find in such a group simply a reflection of the views that have been expressed here today.

Does Mexico wish to maintain the second part? As I see it there are two parts to the proposal. First to maintain the item on the agenda and I would assume that Commissioners would be agreeable to this, although I would verify that. The second part is whether we agree to establish some sort of group to consider the question and report. Perhaps Mexico could explain a little more precisely please what it has in mind.

Mexico

Thank you, Mr Chairman. As was expressed by Brazil, the debate of all the matter has been repeated so we insist that the item remains in the agenda. Thank you.

Chairman

Thank you very much, Commissioner for Mexico. Mexico proposes that the item remain on the agenda. Is there any opposition to that proposal? I see none and therefore I think we can decide now that the item remains on the agenda for the next conference. Can we leave it at that point? I think we probably have gone about as far as we can go. Thank you. Mexico agrees. So if there are no other comments I think we can regard Item 6.4 Listed Species as covered.

- 6.5 Could we now turn our attention to Item 6.5, Operations of the Scientific Committee. The Report of the Scientific Committee deals with this, and I will ask the Chairman of the Scientific Committee if he will speak to this item. Thank you.

Chairman of the Scientific Committee

Thank you, Mr Chairman. I'm not quite sure how you wish me to deal with this. Judging by the annotation to your agenda the subject matter for this agenda item principally relates to the work of the Committee and its relationship to the Comprehensive Assessment. In reporting to the Technical Committee these topics were covered firstly under Item 7 of your agenda and also under Item 16 of the agenda. How do you wish me to report at this stage, Mr Chairman?

Chairman

I think on reflection that it would be advantageous to defer consideration of those questions until we take up Item 7 Comprehensive Assessment, which will appear in the Technical Committee Report. So I think we have temporarily run out of items and we can adjourn for coffee, and could we resume again at 4.15. Thank you.

BREAK FOR COFFEE

Chairman

Could we resume the Plenary meeting. I would propose that we should now turn our attention to Item 20, Finance and Administration, and I would ask the Chairman of the Finance and Administration Committee if he would present the report of the Committee; and I would ask him to present it in sections, pausing where appropriate if any action is needed by the Plenary. The Chairman of the Finance and Administration Committee and Item 20. Thank you.

20

Chairman of the Finance & Administration Committee

Thank you, Chairman. The Finance and Administration Committee met on 4 June and on subsequent days and adopted its final report on June 10. This report has been made available to all Commissioners and a List of Participants is attached as Annex to that report.

The first issue which has been substantially discussed was the financial outcome of the budget 1985/1986. The members of the Committee expressed serious concern about the critical financial difficulties occasioned by the continuing pattern of late or non-payment of contributions by some members. In this respect I have to state that the overview of outstanding contributions as shown in Appendix 3 of this report represents the status as of 7 June 1986. It has not been possible to take into account developments which may have occurred after the closure of the meetings of the Finance and Administration Committee. Having expressed its concern about the outstanding contributions the Committee could not but commend the Secretariat for the prudent handling of its funds which led to much better financial outcome than could have been anticipated. The Committee recommends therefore that the Commission accept the provisional financial statement subject to audit. Would you like me now to interrupt?

20.1

Chairman

Thank you, Chairman. Perhaps I could clear that point. I think I am pleased that you drew attention to the passage in the report which commended the Secretariat's prudent handling of funds. I think that's important in an organisation such as ours; and the recommendation that the Commission accept the provisional financial statement subject to audit, I take it we can approve that. No problems? Agreed. Would you proceed.

Chairman of the Finance & Administration Committee

Thank you, Chairman. Our second major item was the consideration of the estimated basic budget 1986/1987. The Committee proceeded on the assumption that all member governments will pay their required contributions in that budget period. At the same time the members of the Committee were conscious that the IWC would have very limited capacity to absorb further non-payments of contributions. The Committee therefore had to make every effort to reduce expenditure during 1986/1987 to the lowest possible level still compatible with the continued effective operation of IWC. I shall now inform the

20.2

Commission expenditure item by expenditure item on the recommendation of the Finance and Administration Committee in that respect. There is no need to say the recommendations are made subject to the approval by the Commission of its work programme for the coming year.

The first recommendation touches the Secretariat Costs, where the Committee agreed to recommend that the Secretariat Costs should be reduced from £318,000 to £300,000 allowing the Secretariat discretion to allocate funds within this item.

The second recommendation... Should I stop after every recommendation?

Chairman

No, I think you can proceed.

Chairman of Finance & Administration Committee

OK, thank you. The second recommendation is on Printing and Copying, where the Committee agreed to recommend that the provision for this item be reduced from £41,570 to £25,000 - it being left to the Secretariat's discretion as to how best this might be achieved.

The next major expenditure item was Scientific Research. The Chairman of the Scientific Committee presented funding requests for 1986/1987 of a total of £280,200 only £67,600 of which had been anticipated in the provisional budget. After lengthy and thorough examination of all the components of the request, the Committee has succeeded in a reduction which results in a final impact on the budget of £153,700. The breakdown of this figure and of the recommendation related to it are as follows:

(a) The Committee agreed to the inclusion of the sum of £6,600 to cover the attendance of invited scientists at meetings of the IWC's Scientific Committee, noting that the figure had been reduced from £11,000 in 1983. The Committee wishes to appeal to member countries to make every effort to fund attendance of their own scientists.

(b) The Committee agreed that £62,100 should be included in the budget to fund the IDCR cruise and that a reduced contribution of £10,000 be provided for the sperm whale proposal.

(c) The Committee agreed to the funding of a person to be employed to work on the IDCR cruise data entry as a short-term appointment, subject to review, at a total cost of £15,000 including provision of £10,000 for salary, £2,000 for related overheads, £3,000 for travel and subsistence. The Committee expressed some doubt as to whether a suitably qualified data person could be secured for the amount proposed.

(d) The Finance and Administration Committee agreed also to the funding of two further computer data entry persons on twelve month contracts to work on the entry of remaining BIWS catch data at a total cost of £15,000.

(e) As far as the proposal is concerned that reviews be professionally contracted on three key areas of methodology at total costs of £45,000, it was agreed that the proposal be funded subject to guidance from the Commission on work on the Comprehensive Assessment and to offers from member governments to undertake part of this work. In addition to this the Committee agreed that, again subject to the Commission's decision on the Comprehensive Assessment, two workshops be held on management and CPUE at a cost of £15,000. This finishes the request for the scientific research.

Chairman

Thank you, Chairman. You have heard the proposals or the decisions by the Finance and Administration Committee. Does any delegation wish to speak to them? I take not. Thank you, they are agreed. Will you proceed. Sorry, the Commissioner for Argentina.

Argentina

Thank you, Mr Chairman. I don't know if I am wrong. I think it is the right moment perhaps to reflect again the position of our delegation concerning the invited scientists. Yesterday afternoon we decided, I think, that the way to receive some information supplied by the Chairman of the Scientific Committee in order to pay a look to those invited this year, and particularly concerning the criteria for the future in this invitation. I think we are here allocating some for that, and perhaps would be wise for the Commission to wait before allocating this amount of money to invited scientists - to hear from the Chairman of the Scientific Committee some explanation and some additional information about this particular point. Then I don't know if it will be proper to suspend this allocation till the moment that the matter will be discussed here. I would like to receive some comments if possible.

Chairman

The Commissioner for the United Kingdom.

United Kingdom

Thank you, Mr Chairman. I intervene as Chairman of the Technical Committee simply to remind the other Commissioners that we have yet to deal finally in the Technical Committee with a request from Argentina and certain other delegations for some additional information on the selection of invited participants. There is a document which is in course of being copied, I understand, which will be circulated and which will form the basis of any further discussion in the Technical Committee. But I think I would be right in saying that that document and the discussion which we have had so far in the Technical Committee did not specifically relate to the question of any financial support for invited participants to the Scientific Committee; and it may be that if you judged it right, Mr Chairman, this discussion of Item 20 might be an appropriate place to make any information available that delegations wanted on the financial aspects, but the other aspects remain to be discussed and concluded in the Technical Committee. Thank you.

Chairman

Thank you, Commissioner for the United Kingdom. I think the position then is that the Commissioner for Argentina has asked if we could defer consideration of the allocation of the sum of £6,600 requested by the Scientific Committee to cover attendance of invited scientists, and I would suggest that perhaps we could put that to one side and approve it at a later stage of the proceedings if that's agreeable. Thank you. The other recommendations I believe are approved. Yes, could you continue therefore.

Chairman of Finance & Administration Committee

Thank you, Chairman. As far as the next expenditure item, Other Meetings, is concerned, for the reasons given in detail in the report this Committee was able to recommend that the budget provision for other meetings be reduced from £25,000 to zero.

If I may I would like to turn now to the income side of the budget estimates. The Committee noted that in view of the payment of some arrears the earning of interest would see an additional income of £5,000. It was also noted that the registration fee for Non-Governmental Organisations attendance at the Annual Meeting has remained unchanged since it was first set in 1982. It was considered appropriate that the level of the fee should be revised in the light of present circumstances and the Committee agreed to recommend that the NGO registration fee be increased to £150 with effect for the 1987 Annual Meeting, to £200 for 1988, and that in future the fee should be reviewed each year.

Chairman

Thank you, Mr Chairman. Are there any comments on that? If not it is agreed. Thank you. Will you proceed.

Chairman of Finance & Administration Committee

As a final recommendation in relation to the 1986/87 budget estimates the Committee recommends that this budget as detailed in Table 3 of IWC/38/9 be accepted by the Commission in the amended form shown in Appendix 4. Detailed consequent member contributions are set out in Appendix 5.

20.4

Before I interrupt now again I could quickly add, in order to finish the budgetary items, that the Committee recommends to take note of the forecast budget for the year 1987/88 revised as shown in Appendix 4. The Committee emphasised that if the pattern of non-payment of contributions remains unchanged, this would result in depletion of cash reserves by half by the end of 1986/87 and to total exhaustion by the end of 1987/88.

Chairman

Thank you, Mr Chairman. Are there any comments on these proposals? They seem to be acceptable. They are agreed. If you could proceed.

Chairman of Finance & Administration Committee

20.5

Coming now to the item, Funding the Commission. Following last year's decision of the Commission to undertake an assessment of possible alternative arrangements the Secretary had presented a paper which included an analysis and comparison of present and possible alternative methods of funding the Commission, bearing in mind inter alia the terms of the Convention and the objectives of IWC. The Committee had this paper, circulated as IWC/38/20, before it for consideration together with written observations received from the UK and from Mr van Reenen, former Chairman of the Committee, who wrote in a personal capacity. A wide-ranging discussion ensued in which a number of different ideas were expressed. There was general agreement that the present situation was serious and unsatisfactory. Several members emphasised that any proposal which proceeded on the explicit assumption that some member governments would not pay their required contributions was unacceptable.

From the discussion emerged four different elements of the problems facing the Commission: the budgetary accounting problems of including as expected income contributions which almost certainly will not be received; the need to devise a scale of contributions which is fair and equitable and might result in a better record of payments by members; the previously stated view of one member government that there is no obligation to pay at all; the question of how to deal with the political and financial implications of the mounting arrears of those members who appear to have no intention to pay but whose annual

contribution continues to be added each year to the existing debt. The view was expressed that the last two elements of the problem were principally matters for the Commission itself.

There was some discussion of the reasons for non-payment, one factor mentioned being the financial circumstances of some of the countries concerned. It was suggested that a formulation might be devised which provided for much reduced contributions from members who were less active than others. The view was expressed that it should not be possible for some members to pay a merely nominal contribution and to retain a full voice in the Commission. There was general agreement that a formal two-tier system was not desirable but that it was necessary to determine a formulation whereby meaningful budget projections of income and contribution might be arrived at. An informal sub-committee was therefore formed under the Chairmanship of the UK to consider whether it would be possible for the Finance and Administration Committee to recommend a key for the allocation of shares by building on the framework suggested by the UK paper.

The Chairman of the sub-group reported that after much debate the group had not been able to reach agreement on a formulation to be recommended but had produced two examples of allocations which could be compared with the examples shown in Appendix 2 of the Secretary's paper. A comparative table is included as Appendix 8 to the report. Those delegates who spoke in favour of this approach favoured the allocation in Formula A which is in Appendix 6, as this has the effect of allocating less than 9% of the contributions to those countries which were regular defaulters and at the same time recognised the differing economic situation of member countries. During the course of discussion it was pointed out by some delegates that there were risks in drawing up a scheme of contributions which provided for substantially lower payments for some countries whilst increasing payments due from others. In particular it was felt that such an arrangement might result in an increasing number of countries who were not paying and might encourage other countries to withdraw from full participation. It was also considered that a re-allocation of contributions would not necessarily have the effect of persuading countries which currently did not pay their contribution to do so and a fear was expressed that the option for low levels of contributions might encourage opportunistic voting.

Although the subject of national research expenditure was not specifically addressed in the context of share allocation, the view was expressed in the sub-group that the fact that some countries carried out research of wide interest and application, sometimes at the behest of IWC, should not be overlooked when financial aspects were being considered.

Finally, having regard to the differing views expressed during its deliberation, the sub-group proposed that the Finance and Administration Committee should recommend to the Commission that a small Working Group be established to consider intersessionally whether any new formulation for calculating contributions could be devised, and to report to the Finance and Administration Committee next year so that the Commission could be in a position to take a decision at the next Annual Meeting.

The Finance and Administration Committee accepted the report of the sub-group and agreed to recommend to the Commission that an intersessional Working Group should meet not later than 90 days prior to the next Annual Meeting to allow its report to be circulated and considered in a timely fashion. The Committee considered that the Working Group should be charged to consider the elements which may contribute to the development of a scale of contributions which is fair and equitable, that reflects the community of interests of all Contracting Governments in the effective functioning of the Commission that

might result in a better record of payments by members, and to review proposals submitted by members of the Commission with a view to presenting proposals to the Finance and Administration Committee at its next meeting. The view was put that the Working Group might consider the possibility of providing a range of proposals to the Finance and Administration Committee. The need for the Commission to take a decision on this question at the next Annual Meeting was expressed by a number of delegations.

Chairman

Thank you, Mr Chairman. We have here before us a recommendation from the Finance and Administration Committee that an intersessional Working Group should meet not later than 90 days prior to the next Annual Meeting to consider the points that are outlined at the bottom of page 7, with the aim of reporting back to the Finance and Administration Committee in time for the Commission to take decisions at the next Annual Meeting. I wonder if I may put a question to the Chairman of the Finance and Administration Committee? It occurs to me it might be useful if any members were free to submit views or proposals to this intersessional Working Group if they had something to contribute. Would that be acceptable as a procedure?

Chairman of Finance & Administration Committee

The view was expressed in the Finance and Administration Committee that this would not be only acceptable but very welcome in order to make sure that every proposal could be taken into account when this intersessional Working Group is working on the new formula, and for those who will not be able to attend it would be the only possibility of assuring that their views are taken into account.

Chairman

Thank you. Does any delegation wish to speak to this proposal? Netherlands followed by the Soviet Union.

Netherlands

Thank you, Mr Chairman. I would like to say something about the intersessional Working Group and the timing. Is that due now?

Chairman

Yes please, go ahead.

Netherlands

Thank you. My delegation, Mr Chairman, supports the recommendation of the Committee to the Commission that a small intersessional Working Group of the Finance and Administration Committee will be established to consider whether new formulations for calculating contributions can be devised. Aware of the urgency to solve the problems we like also to underline the importance that on the basis of the work of this intersessional group of the Finance and Administration Committee our Commission next year will be able to come to a final decision on the funding problem.

Chairman

Thank you. I'm sorry...

Netherlands

Having said this, Mr Chairman, I believe that the timing of a meeting of the intersessional group is very important. To our opinion such a group ought to be convened six months before the next Annual Meeting in order to have enough time to prepare solid suggestions for a real solution. Furthermore, the results must be circulated to all member states well in advance, that is to say at the same time that the draft agenda for the next Annual Meeting of the IWC will be circulated. This in order to enable the Commissioners to give written comments on the proposals. Thank you, Mr Chairman.

Chairman

Thank you, Commissioner for the Netherlands. I note that the proposal is that the Working Group should meet not later than 90 days prior to the next Annual Meeting, therefore your proposal certainly could be achieved within that framework. The Commissioner for the Soviet Union.

Soviet Union

Thank you, Mr Chairman. Mr Chairman, the Soviet delegation would like to just present its views on the financial situation in the Commission and in this regard with respect to the Working Group proposed by the Finance and Administration Committee. As the Chairman of the Finance and Administration Committee introduced, there was a considerable discussion with respect to possible ways of funding the IWC during the previous week, but there was no consensus as to how to overcome our present financial difficulties. My government is deeply concerned with those difficulties and that pattern of non-payment which is unacceptable for our government as we see to many other countries. With this in mind we are ready to participate actively in the Commission activities aimed at normalisation of the situation in this Commission with due regard to interests of member states and taking into account the decisions adopted by the Commission earlier.

As is stated in the report of the Finance and Administration Committee, the Committee identified several problems in the area of finance and it stressed that some of them are of a political nature. Nevertheless, it would be next to impossible to resolve the problems we are facing successfully without reviewing that problem in all its complexity. So we expect, Mr Chairman, that the Working Group which is proposed by the Finance and Administration Committee will also look into all aspects of this problem. Mr Chairman, the Soviet delegation will be ready to participate in the work of that group and will be ready to present its proposals. Thank you, Mr Chairman.

Chairman

Thank you, Commissioner for the Soviet Union. The intersessional Working Group will, I am sure, take account of those views. The Commissioner for the United Kingdom.

United Kingdom

Thank you, Mr Chairman. I have not intervened earlier on Item 20 but I would like before turning to the particular point which we are on to pay tribute to the Secretary for his handling of the financial situation of the organisation despite the continuing problems of non-payment of contributions. Clearly we are very beholden to him for his prudent handling of funds as reported by the Finance and Administration Committee. We are also very grateful to the Finance and Administration Committee for their usual very painstaking and thorough work in preparing the budget of the organisation for the coming year.

We do attach great importance to improving the financial stability of the organisation, and first of all must express our concern that whatever the difficulties facing a number of countries in the financial area that nonetheless we are very concerned at the size and continuation of the outstanding financial contributions recorded in this report. It is perhaps unfortunate that the one member government which has stated the view that there is no obligation to pay at all is not present to explain that view to us, but it is not a view which my government shares and I hope it is not a view shared by any other government present at the Commission.

We are ready to play our part as necessary in the further examination of methods of improving the funding arrangements for the Commission and in particular support the setting up of the proposed intersessional group. A certain number of approaches to be considered have already been identified by the Finance and Administration Committee and I should say that both of those approaches seem to my government to be positive ones and worth working on; and I endorse the plea by the Netherlands delegation that this meeting should be held sufficiently early to circulate solid proposals well in advance of the Annual Meeting so that the very important decisions should be taken next year. Thank you.

Chairman

Thank you, Commissioner for the United Kingdom. I call on the Commissioner for Japan.

Japan

Thank you, Mr Chairman. My delegation actively participated in the discussion of this matter at the Finance and Administration Committee and we shall be happy to participate in the intersessional Working Group if it is held, but in doing so I would like to make a few remarks regarding the basic position on this matter.

As it was pointed out, the financial situation of the Commission is very serious and all member countries should be strongly urged to pay their dues promptly. Also there was much discussion on the new funding formula. We really don't know whether this problem that we are faced with now can be solved by simply changing the funding formula or not because, in our view, the problem that we have now is more fundamental and has more deep-rooted cause, but we can discuss this matter at the Working Group.

If I reiterate a few points regarding funding matter it will be as follows: the first point is that IWC is organisation of countries which are interested in the proper conservation of whale stocks and of the orderly development of the whaling industry. Therefore all countries should pay certain amounts of their contributions. In this regard it is entirely different from such organisations as the United Nations and some other organisations which is more universal and multipurpose in its nature, and in that sense there was a suggestion which was made at the Committee to take into account the United Nations formula in assessing the scale of contributions, but it is not appropriate method.

Our second point is that there was suggestion that the burden of countries in arrears should be reduced and countries which have been paying their contributions, that their burden should be increased. But this is also an inappropriate way of solution because it penalises the countries which have been faithfully paying their dues, and it does not contribute to the solution of the problem either.

The third point that I want made is there is one of the formulas which is also listed in the Appendix, that is a kind of widening gap between the lowest share and the highest share. This can encourage the tendency of some countries which may nominally stay with the organisation but do not actively participate in the discussions or activities of the organisation, and such formula will never contribute to the normalisation of the Commission but it will rather contribute to the further erosion of the organisation. Thank you very much.

Chairman

Thank you. I think it would be fair to say that all options are open to this intersessional group and nothing is committed and that the views of Japan will, of course, be able to be heard through participation. Thank you. New Zealand has the floor.

New Zealand

Thank you, sir. Very briefly, just to say that my delegation shares the concerns that have been expressed by certain previous speakers about the level of arrears and the continuing pattern of arrears, and we hope that further efforts will be made over the intervening period to reduce them. At the same time we recognise that we face a problem in the Commission with funding and the pattern of arrears that we have had. We have been provided with a year's grace by virtue of the level of reserves, but it is necessary that we address the question in the intervening period available to us and identify a way of overcoming the problem next year. We believe that it is necessary to look at the scale of contributions and determine whether a fair and equitable formula can be identified, and we believe in this regard that the proposals developed by the Finance Committee are helpful, though obviously it's open for any other proposals to be considered at the intersessional group. We support that proposal and would join with those that have already commented upon the importance of the work of that group, and would reiterate the point of importance that a decision be taken by the Commission next year on this issue. Thank you.

Chairman

Thank you. Mexico.

Mexico

Thank you, Mr Chairman. Mexico had the opportunity to participate in the consultation on budgetary questions. We will be ready to continue providing our opinion and ideas in the intermeeting negotiations. We are convinced that any review of criteria on which the IWC budget may be calculated should take into account the need for full participation of all member states of this organisation. We don't want to limit the review only to the criteria that some member states would not participate further in this Commission. Thank you.

Chairman

Thank you, Commissioner for Mexico. Commissioner for Norway.

Norway

Thank you, Mr Chairman. Very little remains to be said after what has been stated in the report of the Finance and Administration Committee and the

previous speakers. I want to underline that when a very large number of Contracting Governments are in continuing arrears with their contributions, that is not only a cash flow problem for the Commission, it is a political problem for the Commission, and it is a problem which the Commission must address with regard to its future. We also feel that in addressing those political problems the Commission must bear in mind that all member states have a shared interest in the work of the Commission and must carry a share of the financial burden which also corresponds to that interest. To address these problems, Mr Chairman, I think it is entirely appropriate that the ad hoc Working Group should meet in sufficient time as suggested by the Commissioner for the Netherlands to enable all member states to take full account of the suggestions from the Working Group. Thank you, sir.

Chairman

Thank you. The Commissioner for Spain.

Spain

Thank you, Mr Chairman. My delegation also wishes to endorse the interventions of other delegations on the importance of establishing the group in order to find solutions for the future. If I may be permitted to end on a lighter note, I believe I can make an initial contribution which I hope is positive. The Secretariat has just informed me that they have received the Spanish contribution for this year. Thank you, Mr Chairman.

Chairman

Thank you. The Commissioner for Denmark.

Denmark

Thank you, Mr Chairman. I just would like to support the statement made by the Norwegian delegation. Thank you.

Chairman

Thank you. Are there any other speakers? It would appear not. I think all speakers have been in favour of the establishment of an intersessional group and we can take that recommendation as approved. Will the Chairman of the Finance and Administration Committee continue, please.

Chairman of Finance & Administration Committee

Thank you, Chairman. Under the same item we had two other recommendations. The first one was in order to strengthen the position of the Secretary with a view to enable him to obtain a better contribution performance. This led the Committee to agree that the Secretary be authorised to make direct representations to relevant Ambassadors and Heads of Missions in London to seek payment of arrears in excess of one year.

The next point was that the Secretary indicated at the 37th Annual Meeting that he would need to seek guidance from the Commission on the treatment of whaling under objection and special permits for the purpose of calculating member contributions. It was agreed that this aspect should also be included in the paper to be prepared at the intersessional meeting and accordingly the Committee agreed to defer consideration of this question to next year's Meeting.

Coming now to Plenary Agenda Item 21 ...

Chairman

Just before you do, Chairman, could I ask if there are any other comments up to this point? I see none, therefore we can regard both of those proposals as approved. Thank you.

Chairman of Finance & Administration Committee

Turning now to the agenda item 21, Date and Place of Annual Meetings, 21.1 21
concerns the arrangements for 1987 and there the Committee, pending a final 21.1
decision of the Commission on the venue of the next meeting, especially with
regard to the uncertainty about the invitation of a member country, noted that
provisional bookings and financial provisions had been made for the meeting to
be held in Bournemouth, UK. As far as sub-item 21.2, Arrangements for 1988, 21.2
is concerned, the Committee noted that here again provisional bookings have
been made at Bournemouth for June 1988 ...

(gap for changeover of tape)

... the New Zealand delegation indicated that New Zealand was looking at the possibility of inviting the Commission to hold the 1988 Annual Meeting of the Commission in New Zealand, and that they would be in a position to give a firm indication at the 39th Meeting of the Commission.

Chairman

Thank you very much, Chairman. I think all we need to do at this point is to note these two points. Is there any discussion? We will be considering at a later date the question of the venue. Thank you, then, would you...

Chairman of Finance and Administration Committee

There's not much left to be said. There was not any other business, but since I still have the floor let me finish by a personal remark. Coming myself from the Ministry of Finance of my country, I think I am in a particularly comfortable position to state that I have been very impressed by the competence in financial matters both by the Secretariat and by the Committee members which has made it very easy for me to bring the work of the Committee to a satisfactory solution, and I would like to express through you, Mr Chairman, my deep gratitude to all those who have contributed to that achievement. Thank you, Mr Chairman.

Chairman

Thank you, Chairman of Finance and Administration Committee. Just two points. We have Item 5.1, Consideration of Credentials. I would like to report that the credentials are acceptable, and I think that I would like to comment too on the concern that has been expressed by so many Commissioners about the state of finances of the Commission and in particular the arrears of payment. I think we are all agreed here that finance is the life blood of the Commission and that we are in some danger of asphyxiating the patient unless we keep a constant supply of oxygen in the form of finance. Also as somebody who has represented his country in numerous international organisations, I am constantly amazed at the small size of this budget and the way that we earnestly address ourselves to saving a few hundred pounds here and a thousand pounds there. Most other international organisations wouldn't consider anything under a million pounds as being worthy of their attention. So I think the Secretary does produce minor miracles with the very limited fund that is available and I think he is to be commended.

Credentials

21.1 I think at this point, since the Chairman of the Finance and Administration
21.2 Committee has covered the financial aspects in his report, we should address
ourselves also to Item 21.1, Date and Place of Annual Meetings, Arrangements
for 1987, and I think we could formally agree here to meet in Bournemouth in
June 1987. Is that agreed? Thank you. And I think we can note the situation
for 1988.

22 I think that brings us therefore to Item 22, Adoption of the Report of the
Finance and Administration Committee, and we have gone through it passage by
passage and approved it. Can we now formally endorse the complete report?
Would any delegation have anything further to say on the report? Subject to
the reservation until later of the allocation of £6,600 to cover the
attendance of invited scientific advisers. Yes, Switzerland has the floor.

Switzerland

Thank you, Mr Chairman. A very brief comment on Appendix 8. It should be
noted that the UN scale applies also to states which are not full members of
the United Nations. In the case of Switzerland one would have to insert an
amount of £5,650. In the case of Korea and Monaco I don't know the figures
but roughly the contributions under the UN scale would be reduced for all
other parties by about 2%.

Chairman

Thank you for completing the gaps in our understanding of the situation,
Commissioner for Switzerland. Are there any other comments? In that case I
think we could consider the report of the Finance and Administration Committee
adopted, and could I add my compliments to the Chairman and to the members of
the Committee who I think have produced a very good report and which has
facilitated our business considerably. Thank you.

Could we then consider our future arrangements. The question of scientific
permits has not been resolved, and I would like to propose to Commissioners
that they join me immediately after this meeting in the room upstairs to see
if we can make any further progress towards a consensus resolution. So when
this meeting is concluded if Commissioners would be good enough to proceed
immediately to the upstairs meeting room and we will give some further
consideration to that question there.

My thought at the moment as far as tomorrow is concerned is that we should
meet at 9 o'clock, and if the Chairman of the Technical Committee would be
agreeable, that we should perhaps start working through the report of the
Technical Committee. Could I invite his comment? Thank you. He seems to
regard that as acceptable. Obviously in my eagerness to move ahead and
knowing that some of my fellow Commissioners are suffering greatly from the no
smoking ban, I slightly overlooked the fact that the Technical Committee
report has not been approved by the Technical Committee and it may be
advisable therefore with the consent of my colleague, the Chairman of the
Technical Committee, if we met at 9 o'clock as a Technical Committee, approve
the report and we will resume the Plenary session afterwards. Chairman of the
Technical Committee.

Chairman of the Technical Committee

Thank you, Mr Chairman. I am sorry. I thought that was what you were
suggesting earlier, and I think it would be the most sensible way of
proceeding. In addition to adopting the Technical Committee's report, there
is, as we mentioned earlier, one outstanding point of the Technical

Committee's consideration of the agenda on Item 16 and relates to the procedure for the invitation of scientific participants in the Scientific Committee. We will deal with that before we deal with the adoption of the report. Thank you.

Chairman

Thank you. Is this procedure agreeable to Commissioners? If so, agreed. In that case I would remind you that at 7 o'clock tonight there is the function being provided by the City of Malmo at 7 o'clock, and we will meet here at 9 o'clock as a Technical Committee. Thank you very much.

END OF SECOND PLENARY SESSION

THIRD PLENARY SESSION: THURSDAY 12 JUNE 1986

Chairman

I am calling the meeting to order, but we are within a few minutes of receiving a draft resolution which I believe will facilitate our business, and so if you will bear with me for a few more minutes we will then start. Thank you.

Could we open the afternoon session. I propose that we should first address ourselves to Item 6.3 of the agenda, Scientific Permits. There is a resolution headed 'Resolution on Special Permits for Scientific Research' which has just been circulated. I regret to say that in my haste I left out a few words, and on the first page after the end of the preambular passage where the words in large case appear reading 'Now therefore the Commission', there should be a comma; and afterwards these words appear 'until the Comprehensive Assessment under Schedule paragraph 10(e) is completed,'. I will read again the whole of the two lines involved: 'Now therefore the Commission, until the Comprehensive Assessment under Schedule paragraph 10(e) is completed,' and then back to the text.

If that change has been made, I believe the position is that we have formally two draft resolutions before us, and I would like to present this third resolution from the Chair. That would lead me to ask the sponsors of the two earlier drafts if at this stage, with the approval of the Plenary, they would be prepared to withdraw their drafts. Could I ask Sweden if it is prepared to withdraw its draft? Thank you, Sweden. Could I ask Oman if it is prepared to withdraw its draft? Thank you. I take it that there is no contrary opinion from any delegation? In that case I would like to put forward from the Chair the draft that has just been circulated (IWC/38/28) and I think all Commissioners will know the one to which I am referring, and I would like to ask whether there is any opposition to this draft? It would appear not, and I would then ask Commissioners whether they would be prepared to adopt this draft by consensus. I see general agreement. In that case, I declare this proposal adopted. I believe that that concludes our consideration of the item on Special Permits. Sweden.

Sweden

Thank you, Mr Chairman. We have in the spirit of consensus agreed to accept the recommendation on the use of whales taken under special permit for scientific purposes. We hope that all whaling nations will implement the recommendations conservatorily so as not to make a special permit for scientific purposes a cover for continued commercial whaling. We would like to have this statement reflected in the report. Thank you, Mr Chairman.

Chairman

Thank you, Commissioner for Sweden. That will be reflected in the report. Does any other delegation wish to speak? Oman.

Oman

I associate with the speech of the distinguished delegate.

Chairman

Thank you. Well, I think it only remains for me to congratulate Commissioners on their ability to seek compromise and to arrive at the point where a text in

a difficult area can be accepted by consensus. It obviously does not please everybody, and I have no doubt there are mental reservations on both sides of the spectrum, but I think it's a tribute to the way this Commission operates that this result can be achieved. So, thank you. The Commissioner for Japan.

Japan

Thank you, Mr Chairman. This is a kind of point of order, so it doesn't fall under a particular agenda item. I would like to ask through you, Mr Chairman, ask the Secretary, if all credentials have been checked and they are satisfactory to you? Thank you. Credentials

Chairman

Thank you, Japanese delegation. I would have to say at this point that there is one delegation about which I have doubt as to the credentials, and perhaps I would ask the delegation concerned to perhaps inform the Plenary of its position. Could I ask the delegation of Antigua to speak.

Antigua

Thank you, Mr Chairman. It has been the tradition in this Commission, as in other international Commissions, to assume that member governments are acting in good faith. The government of Antigua/Barbuda has duly appointed Mr Richard Baron as Commissioner and Mr Paul Spencer Alternate Commissioner and myself as Scientific Adviser. I have acted in this capacity for the past two meetings. No instructions to the contrary have been communicated to the Secretariat. Thus my presence at this meeting is in compliance with Rule A.1 of the Rules of Procedure. I have been instructed by my Commissioner to attend this meeting in my usual capacity as Scientific Adviser. Our government has unfortunately been unable to keep our contributions up to date and thus we are unable to receive documentation or to vote at this meeting. Because of this situation I have refrained from participating in any discussions, either in the Technical Committee or in the Plenary, except when called upon by the Chairman to express my government's wish to continue to be represented in the Scientific Committee. It is our understanding that a Commissioner and/or members of his delegation retain the right to be present in meetings of the Commission even if circumstances are such that he cannot vote. I understand that this statement and any following debate will be included in the verbatim record of the meeting, and I request that it also eventually be reflected in the Chairman's Report of the meeting. Finally, Mr Chairman, I would like to know if it is the wish of this Commission to have me removed from this room.

Chairman

Thank you. I would have to say that if you base your attendance on Rule A.1, then I do see that as having a different character. I would regard it as applying to the appointment of Commissioners who are accredited to the organisation and who remain as Commissioners until the organisation is notified of a change. I think that is of a different character from attendance at sessions of the Commission where the rules have been amplified by decision of the Commission in past years, and these have been explained to delegates before this meeting in a letter dated 9 April from the Secretary to all member governments, and they do require the notification to the Secretary of the accredited representatives at the conference. And I distinguish between being accredited to the organisation and attendance at a conference, and I regret to say that we have had no communication from your government over attendance at this conference. I find this a very painful subject to have to deal with, but I believe we must resolve it, and I would be grateful

for assistance from my colleagues and especially if they disagree with my view of events. I don't think any Commissioner wishes to speak, and I would have to conclude therefore with regret that the... Sorry, Seychelles, you want the floor?

Seychelles

Thank you, Mr Chairman. I do understand the procedural dilemma which this presents, also your wise explanation of what has been happening regarding Dr Roger Payne, and apart from being a personal friend of mine and also the fact that for many years he has been involved in conservation and the IWC, I would like to say a word simply to say that I would be very grateful, and maybe some others would be, if you could possibly readjust your decision and save all of us the displeasure of seeing him being asked to leave the room. Thank you, Mr Chairman.

Chairman

Thank you, Commissioner for the Seychelles. I assure you I don't enjoy the necessity to address this question, but I believe I must apply the rules as they are laid down. In the circumstances, I regret very much that I do need to ask the representative of Antigua to withdraw from the meeting. Yes.

Antigua

Mr Chairman, I appreciate your position. I ask indulgence of the Commissioners to appreciate mine. I have been asked by my Commissioner to attend this meeting and it is the understanding of my Commissioner that this paragraph A.1 is the only Rule of Procedure which governs representation. May I have your permission to read this paragraph?

Chairman

I believe that all Commissioners are familiar with A.1, but if you wish to do so, yes.

Antigua

Thank you, Mr Chairman. A.1 states that "a government party to the International Convention for the Regulation of Whaling 1946, hereafter referred to as the Convention, shall have the right to appoint one Commissioner and shall furnish the Secretary of the Commission with the name of its Commissioner and his designation and notify him promptly of any changes in the appointment. The Secretary shall inform other Commissioners of such appointment." My Commissioner has instructed me, as his scientific representative, to attend this meeting, and it is his understanding that since there has been no communication to the Secretariat to the contrary, that I am in order attending this meeting. As I said, I have made no interventions except when called upon by the Chairman.

Chairman

Thank you. It is clear in my mind that this paragraph relates to the appointment of Commissioners. I don't think we are considering at this point the appointment of Commissioners or the changes of Commissioners. We are talking about representation at a conference where some authoritative document is required from the member government so that we can be assured that the representatives here do indeed represent that government. I think if we set aside that rule and did not require a message from an appropriate authority, then we would have chaos, and therefore I am sorry but I must ask you to

withdraw. Sorry, I have asked you to withdraw, please. I am sorry, you leave me with no choice but to adjourn the meeting while you withdraw. I would ask you, please, in the interests of the conduct of our business that you would accept my ruling and withdraw from the meeting.

I will adjourn this meeting for a few minutes and I would ask Commissioners to join me in the Kompanihuset. I would like to know whether they support my ruling or not, and I find it too difficult to debate the issue on the floor here. So I would ask you, Commissioners, at the adjournment, to proceed immediately to the Kompanihuset so that we can take a decision that reflects the views of the meeting. Yes, Argentina.

Argentina

Thank you, Mr Chairman. If you allow me to say that you already have ruled on this particular matter, and the Commission itself as a whole didn't question your ruling. Then I think you have all our confidence and all our support in this particular item that you already decided. Thank you.

Chairman

Thank you very much for your support. In the light of the statement by the Commissioner for Argentina could I enquire whether any Commissioner disagrees with the ruling I have given? It would seem that I am supported by the Commissioners as a body, and I would ask you therefore once again, please, to withdraw from the meeting. I adjourn the meeting for a brief period.

Resume your seats please. To conclude, I hope, the item we have just been discussing - the position is that Dr Payne is accredited as an observer for a Non-Governmental Organisation and is now transferring into that capacity. Are there any further comments that any delegation wishes to make? Japan.

Japan

Thank you, Mr Chairman. I appreciate your fair ruling on this matter. I would like to ask you just one question, that is in the official documents that were distributed, there are some references to the remarks made by Antigua and Barbuda's representative, and I wonder what is the legal status of these portions of the report? Thank you.

Chairman

I would have to say that the legal status would be that they should not be there, but the practical status is that it would be a monumental task to try to remove them, and since there has been no voting or substantive issues involved, I hope I could ask your indulgence that we don't ask the Secretary to recast every document that has been produced since the opening of the Scientific Committee, particularly as other delegations' comments have related to it. I would simply observe from the Chair that although we do have certain rules relating to the accreditation of Commissioners and delegations, a certain flexibility in timing is sometimes required otherwise we would start the conference with perhaps half the membership. A fair number of Commissioners have difficulty in producing their accreditation at the beginning of the conference and therefore it is customary to proceed with their attendance and to expect that the situation will be regularised as quickly as possible. So I hope Japan will accept the position over the documentation. I realise it is not very satisfactory but it would be very difficult to do otherwise. Thank you, Japan, that's helpful. Are there any other comments that any Commissioner wishes to make? Thank you. Well, can we proceed with our business.

Next, I would like to refer to Item 22, Adoption of Report of Finance and Administration Committee. On page 3, just past the halfway point, under 'Allocation for Research', there is a proposal from the Committee that the sum of £6,600 requested by the Scientific Committee should be approved to cover the attendance of invited scientists. We deferred this when we went through the report because several delegations raised a question relating to the attendance of the scientists. We have since had a discussion of that in the Technical Committee. Could I ask if the problems that impeded the approval of this item have now been resolved, and could we proceed to approve it? Australia.

Australia

Thank you, Mr Chairman. I believe that that is the case, that I think the information that was requested has been provided. There has been an examination of that, and I would recommend that it be approved.

Chairman

Thank you very much, Australia. Any different view? I think not, so could we therefore approve the allocation of £6,600 for this purpose? And with that we can formally approve the report of the Finance and Administration Committee. I'm sorry, the United Kingdom has the floor.

United Kingdom

Thank you, Mr Chairman. A point has been brought to my attention which I am not sure whether we ought to consider before concluding the adoption of the Finance Committee's report, and that is in relation to the intersessional Working Group. We agreed, I think, in the discussion of the report to set up this intersessional Working Group which I understand would be chaired by the Chairman of the Finance and Administration Committee, but I am not clear whether sufficient arrangements have been made for the membership and arrangements for that Committee. Thank you.

Chairman

I am sorry, Commissioner for the United Kingdom, were you referring just to the membership or the cost or both?

United Kingdom

The membership.

Chairman

Thank you. I think the best solution is for the Secretary to communicate with Contracting Governments and invite those that wish to participate to nominate their representatives. Thank you. I think that now completes the consideration of the report of the Finance and Administration Committee.

The next, and I believe the final item of business, is the report of the Technical Committee, Item 19, and a clean text... We will proceed through the report on an item by item basis. Considering that there has been a discussion this morning I would hope that the same points could be avoided here and that as far as possible any comment should relate to new or additional points.

The first concerns Plenary Item 7, Comprehensive Assessment of Whale Stocks. It starts on page 1 and goes through to page 4. Are there any comments on this section of the report? Forgive me. I am overlooking the desirability of the Chairman presenting the report. I wonder if I could call on Mr Haddon to present it to the Plenary.

7

Chairman of Technical Committee

Thank you, Mr Chairman. I was hoping for a minute that you had relieved me of this task, but it seems not. I take it, Mr Chairman, that the report of the Technical Report will as a whole be read into the Chairman's Report of the Annual Meeting, and that the purpose of my presenting the report is to bring out very briefly the essential elements, in particular any recommendations or decisions taken. And on that basis I will turn to Item 7.

The Scientific Committee reported on their very detailed and thorough consideration of the question of the Comprehensive Assessment of Whale Stocks, both at a special meeting and at the meeting preliminary to the Commission's Annual Meeting. The Scientific Committee agreed that comprehensive assessment could be considered as an in-depth evaluation of the status of stocks in the light of management objectives and procedures. It identified three major elements: the review and revision of stock identity, assessment methods and data quality and availability; plan and conduct collection of new information; examine alternative management regimes. The Scientific Committee saw the carrying out of the Comprehensive Assessment as an iterative process with interaction between these elements.

7.1

The Scientific Committee developed an outline work plan both of scientific work and of joint scientific/technical work. Seven major steps in the scientific work were identified, and on the Joint Scientific and Technical Committee this concerned the management objectives of the Commission and their scientific implications. The Scientific Committee developed an outline timetable to complete work for at least the major stocks by 1990, although it was not able at this stage to present a detailed timetable given the iterative nature of the work plan. It pointed out that the Comprehensive Assessment will make substantial additional demands both on the Secretariat and on member governments.

A start was made on implementing this total plan at the 1986 meeting and a specific work programme for the coming year was identified and put forward. It included in particular two special workshops, one in relation to scientific aspects of alternative management procedures and one on the use of CPUE data. It also included three reviews of scientific matters: cytogenetic and biochemical techniques for examining stock identity, census techniques, and mark-recapture techniques.

The Technical Committee also considered the report of the Joint Working Group of the Technical Committee and Scientific Committee which with certain comments from the members of the group endorsed the proposed work including the two workshops and the three reviews. In the Technical Committee there were a number of views expressed by certain delegations about the work on the Comprehensive Assessment, and following those comments the Technical Committee agreed to recommend that the Scientific Committee should divide its time at its annual meetings between work arising under the Comprehensive Assessment and with reduced time spent on its regular items. Finally the Technical Committee formally endorsed the Scientific Committee's work plan for 1986/87 as well as the outline proposals for future activity. Thank you, Mr Chairman.

7.2

Chairman

Thank you. Are there any comments? Japan.

Japan

- 7.3 Thank you, Mr Chairman. I shall be very brief. Since Comprehensive Assessment is most important task before this Commission, since Scientific Committee has already started its programme, I would like to propose to have a Joint Working Group of Scientific Committee and Technical Committee again immediately before the next Annual Meeting to review the progress and to advise for future action if necessary. Thank you.

Chairman

Thank you, Japan. Are there any other comments? Norway.

Norway

Thank you, Mr Chairman. We felt that the Joint Working Group did very useful work and we feel that it is essential that the process be kept under review as closely as possible. We therefore second the motion. Thank you.

Chairman

Thank you, Norway. Iceland.

Iceland

Thank you, Mr Chairman. Iceland would like to support the previous speakers. Thank you.

Chairman

Thank you. Seychelles.

Seychelles

Thank you, Mr Chairman. I should like to make a statement on this item 7.3. Four years have passed since my government proposed and the Commission adopted a delayed pause in commercial whaling. At the same time the Commission agreed to undertake by 1990 at the latest a comprehensive assessment of the effects of this decision. Since the decision has not yet been fully implemented it will be more difficult than we envisaged at the time, if not impossible, fully to assess its effects on whale stocks. In this situation we welcome the decision of the Commission to instruct the Scientific Committee to undertake the Comprehensive Assessment of whale stocks that is the subject of paragraph 7 of our agenda this year. We also think it appropriate that the Committee has proposed a deadline of 1990 for this work. It is unfortunate, but in the circumstances necessary, that the Scientific Committee now has the double task of performing the Comprehensive Assessment and continuing year by year assessments of particular stocks which continue to be exploited insofar as improved methods and new data will allow.

The 1982 decision gave us 8 years to put our house in better order. We are now halfway through that period and it is, we think, instructive to look back at some of the things that have happened in the first four years. In that time the tables in the Schedule which record the Commission's decisions about the classifications of stocks have been amended 19 times, always on the basis of some advice from the Scientific Committee. These amendments have an

absolutely consistent pattern. In three cases stocks thought in 1981 to be Initial Management Stocks have been redesignated as Unclassified. In 7 cases classifications as Sustained Management Stocks have been changed to Unclassified. Three previously unclassified stocks have been classified as Protection Stocks. And 3 stocks which were classified as Sustained Management Stocks have been successively redesignated first as Unclassified and then as Protection Stocks. Not a single amendment on the basis of improving scientific advice has been in an optimistic direction. We think these facts speak eloquently to the wisdom of the 1982 decision.

In many cases where, in 1982, we thought that the stocks were in a condition that justified commercial exploitation at levels then advised by our scientists, we are now unsure and our scientists agree they can give no advice on appropriate catch levels or about the effects on these stocks of continued catching. In other cases where we were unsure in 1982, we now agree that the stocks are depleted to below protection level, and in 3 cases we have moved all the way from being sure that the stock is not depleted to being sure that it is depleted.

The decision for an indefinite pause in whaling stems largely from a growing conviction that, despite the best efforts of the Scientific Committee, the Commission was not in a position to base sound management decisions on the basis of available scientific findings, as is required under Article V(2)(b) of the 1946 Convention. Since then the scientists have made substantial improvements in their methods of analysing data. In the cases where the minimum data have been available to them, their reanalysis has tended to confirm our worst fears about the states of the stocks concerned. This emphasises, Mr Chairman, the urgent need for our scientists to devote their time, skills and resources to the profound reappraisal that has now begun. I will distribute the statement after, Mr Chairman. Thank you.

Chairman

Thank you, Commissioner for the Seychelles. Your views will be recorded. Are there any other comments under this item? Then I think we should first look at, on page 4, the recommendation from the Technical Committee that it should divide its time, etc. I take it that we can approve this? Then we have a proposal from Japan, supported by Norway and Iceland, that the Joint Working Group of the Scientific and Technical Committees should meet again just before the next Annual Meeting. Does anybody else wish to speak to that proposal? The Soviet Union.

Soviet Union

Thank you, Mr Chairman. Mr Chairman, we would like to make just a very short remark concerning comprehensive assessment. This work of comprehensive assessment is a highly complicated one and will require considerable efforts and financial basis. In this connection, Mr Chairman, we would like to stress that the successful and speedy realisation of the comprehensive assessment can be provided for only if all Contracting Governments will contribute to its realisation. This may be done by various means, including provision of equipment, scientific personnel, or financial contributions. We would like to urge all member governments, Mr Chairman, to consider this possibility and to participate actively in the fulfillment of the Comprehensive Assessment. Thank you, Mr Chairman.

Chairman

Thank you. Those views will be recorded. Any other comments? Adverting to the proposal that the Joint Working Group should meet, a number of delegations spoke in favour. I didn't hear any delegations speaking against. Can I assume it meets general acceptance? I think I can, therefore that is agreed. United Kingdom.

United Kingdom

Thank you, Mr Chairman. It is agreed that there should be a Joint Working Group to meet before the next Annual Meeting. Would it be sensible also to agree who should convene that meeting? And if the Commission can agree I would propose that this task might be taken by Dr Fleischer, the Vice Chairman of the Technical Committee, if he is willing to do so.

Chairman

Could I ask Dr Fleischer if he is prepared to continue in this task? Mexico.

Mexico

Thank you, Mr Chairman. I feel flattered for the nomination. At this stage I can say that I will accept to convene this meeting and if there are any changes during the year I will advise as soon as possible to the Secretariat. I also would like to get some guidance from the Commission for terms of reference for this Working Group. Thank you.

Chairman

Thank you, Dr Fleischer. I think you have drawn attention to a lacuna in our arrangements, and we will draft some terms of reference and put them before the Commission a little later, and I think you have been elected with enthusiasm to the post of Convenor. Thank you. I think that covers Item 7 and that section of the report is therefore approved. Would the Chairman of the Technical Committee therefore proceed.

Chairman of Technical Committee

8

Thank you, Mr Chairman. On Item 8, Revision of the Present Management Procedures, the Technical Committee recognised the link between comprehensive assessment and management procedures and agreed to approve further endorsement of the procedures and continuation of the discussions started by the Rome Working Group in 1981. Thank you.

Chairman

Thank you. I think that will be noted by the Plenary. Could you continue.

Chairman of Technical Committee

9

On Item 9, the Indian Ocean Sanctuary, I think I can take this as a whole item. The Scientific Committee reported on this matter and in their report agreed to establish a Steering Group to plan a scientific meeting in the Indian Ocean area. There was also a report from a planning sub-committee held to consider the scientific meeting and other matters, including administrative aspects of the Indian Ocean Sanctuary. The Planning Committee recommended that there should indeed be two meetings in preparation for the general review of the sanctuary: first a scientific meeting as proposed by the Scientific Committee, and secondly a meeting to consider an administrative framework

whereby to achieve better coordination of IWC activities within the sanctuary. The sub-committee elaborated the proposed agenda and recommended the establishment of a Steering Group to continue preparations.

The Technical Committee recommended that the two meetings identified should be held as planned and endorsed the agendas and other arrangements proposed. It agreed to set up a Steering Group as noted in the report. Finally the Technical Committee recommended that the two meetings to be held in the Seychelles, hosted by the Seychelles government, should report to the 39th Annual Meeting, when the Schedule provision concerned could be further considered. Thank you.

Chairman

Thank you. Does any delegation wish to speak to Item 9? There are two recommendations: that the two meetings identified should be held as planned, and that they should be held in the Seychelles and report to the 39th Annual Meeting. Can I take it that those are agreed? Then they are approved. Thank you. Could you continue?

Chairman of Technical Committee

Item 10, Infractions and Reports from International Observers. The Technical Committee heard the report of the Infractions Sub-committee. This contained a number of recommendations. First, that governments which have not submitted infraction reports for 1985 should be urged to do so, that governments whose operations still use cold harpoons should implement the use of explosive harpoons as a matter of urgency, and the sub-committee also recommended that the government of St Vincent and the Grenadines should provide full details of the takes of humpback whales in 1986 at the next Annual Meeting which the Commissioner indicated would be done. Finally, the Infractions Sub-committee recommended that details of an apparent take of a right whale associated with a whaling vessel from the Republic of Korea should be submitted next year. The Republic of Korea advised that it would investigate the matter and report. 10

Finally on this item, the Technical Committee adopted the report of the Infractions Sub-committee with its recommendations which I have mentioned, and noted the statement from St Vincent and the Grenadines that it will attempt to fulfill its obligations under the Convention and the Schedule, as well as an amendment to the text (I think this must be of the Infractions Sub-committee report) by Norway. Thank you.

Chairman

It's clear that something has slipped somewhere down the line and a little bit of tidying up will need to be made to the last line of that passage. If you will leave that to the Secretary to go back on his records, I think I can ask whether there are any comments on this particular passage? If not, then Item 10 is approved. Could you continue?

Chairman of Technical Committee

Item 11 entitled Whaling Operations Outside IWC Regulations. St Lucia, which had made a proposal under this item last year, did not wish to pursue Schedule amendments at this meeting, and certain statements were exchanged and no action arose. Thank you. 11

Chairman

Thank you. Any comments? Item 11 is approved, then. Would you continue?

Chairman of Technical Committee

12

Item 12 concerns the Commission's competence to set catch limits for Baird's beaked whale in the North Pacific. Netherlands expressed the view that the present inconclusive situation on this matter was unsatisfactory and suggested that the item be retained on the Commission's agenda until it could be resolved. This position was supported by a number of delegations, while other delegations expressed different views. The Technical Committee recommended, in the absence of agreement, to retain this item on the agenda for the next meeting.

Chairman

Thank you. Are there any comments? The Netherlands.

Netherlands

Thank you, Mr Chairman. On our request during the Technical meeting of today, the report has been something added to the report and omitted to my surprise at this moment. And the text was on the table this afternoon and was approved by Technical Committee. Thank you, Mr Chairman.

Chairman

We will just check that point if you will bear with us.

Dr Gambell

Sorry, Mr Chairman. I see what has happened. The Netherlands indeed did give us a text to replace the original wording. It looks as though someone's pen fell across the page and the typist understood it to have been crossed out. I will for the record read out the full text that should have been there. On the fourth line the sentence ending 'the lack of conclusion is unsatisfactory' should be the following wording: 'In its view there is no doubt that the IWC does have legal competence to regulate this species. The Netherlands refer to Article I paragraph 1 of the Convention, to section 3 table 3 of the Schedule, and to section 1(b) of the Schedule, viz definition of bottlenose whale'. The text then continues 'It furthermore expressed its concern.' Thank you, Mr Chairman.

Chairman

Thank you. Can we regard this inadvertent omission of this text as included, and consider it in that light? Are there any other comments to make? If not, could we regard as agreed the recommendation that the item be retained on the agenda for the next meeting? Thank you.

13

We have now completed up to Item 12. Item 13, Whale Stocks, is quite a large one, and it is now after 5.30. My thought would be to adjourn at this stage and to resume tomorrow morning to complete the approval of the report of the Technical Committee and for the closing session. I suggest that as there should be less need tomorrow morning for delegations to meet together we could perhaps meet at 9 o'clock and that would enable us, I would hope, to conclude our business by late morning, and those who have made arrangements to leave around lunchtime or later should be able to do so. Would that be satisfactory? It would appear so. So we will adjourn now and we will meet here at 9 o'clock tomorrow morning. Thank you.

END OF THIRD PLENARY SESSION

FINAL PLENARY SESSION: FRIDAY 13 JUNE 1986

Chairman

I call the meeting to order. I apologise to delegations for deferring the opening of this meeting. I asked Commissioners to consider the question of credentials related to the representation of Antigua and Barbuda, following the receipt of a telex from the Commissioner for Antigua and Barbuda stating that Dr Roger Payne is acting as Scientific Adviser to the delegation and regretting that the Secretariat had not received a written communication to that effect sent some time ago. This telex has been considered by Commissioners in the light of the Rules of Procedure, and I regret very much to say that it doesn't quite comply in the sense that, although the telex is acceptable as an interim acknowledgement, because telexes have some uncertainty attaching to them, they are required to be confirmed in writing within a short space of time and during the course of the meeting. Since there is no possibility of this telex being confirmed in writing in the course of this meeting, I regret that the telex is not fully acceptable as credentials for Dr Payne, who I recognise as a distinguished scientist, and therefore I find it not the most pleasant of the tasks of the Chairman, but that is the position. The rules are there. The view of Commissioners is that they do need to be observed, and this is simply by way of explanation of that position.

Credentials

We will now proceed with the examination of the report of the Technical Committee. I will ask the Chairman, Mr Haddon, to continue, starting with Item 13, and in view of our late start and because I know a number of delegates have made onward travel reservations around lunchtime, perhaps it might be acceptable if the presentation were compressed a little so that we could save a little time. The Chairman of the Technical Committee.

13

Chairman of Technical Committee

Thank you, Mr Chairman. I will be as brief as possible in presenting the remainder of the report of the Technical Committee, but I think on Plenary Item 13, Whale Stocks, it would be appropriate to proceed stock by stock. The Technical Committee took note of the advice from the Scientific Committee and reached the conclusions that I will mention as they arise.

On sperm whales from the western North Pacific stock, the Technical Committee noted that the Scientific Committee had been unable to recommend a classification for this stock. Thank you.

13.2.1

Chairman

Thank you. Are there any comments? There would appear to be none. Would you proceed.

Chairman of Technical Committee

On the North Atlantic stock of sperm whales, the Technical Committee noted the information provided by the Scientific Committee and some concern was expressed over marine pollution affecting the stock.

Chairman

Thank you. I wonder, Chairman of Technical Committee, that perhaps it would be acceptable to you if you proceeded with your presentation through to the next decision which I think is under (d). So perhaps if you could proceed up

to including (d) and then I will invite comments on the preceding paragraphs. Thank you.

Chairman of Technical Committee

Thank you, Mr Chairman. I will do that. On the further point on sperm whales, the Technical Committee noted the Scientific Committee's recommendation for support for a research proposal 'Continued Studies of the Social Organisation of Sperm Whales' and I believe that the Technical Committee endorsed that recommendation, although this is not mentioned at this point in the report.

- 13.2.2 We then moved to discussion of the minke whales. We noted that the Scientific Committee had, in connection with the southern hemisphere stocks of minke whales, been most concerned with the analysis of data collecting during the 1984/85 sightings cruise in Area IV, and recommended that results from earlier cruises be analysed in the same way. The Scientific Committee further recommended a further cruise in 1986/87 in Area II. The Scientific Committee was unable to recommend classification for these stocks. In discussion in the Technical Committee it was established that the results of the experiments carried out on the 1985/86 cruise will be analysed before plans for the next cruise are made.

On the northeastern Atlantic stock of minke whales, the Scientific Committee had a considerable discussion on a number of scientific aspects of the stock which led some members of the Committee to believe that the stock is depleted to below the threshold for the Protection level, while other members of the Scientific Committee believed it not possible to classify the stock. The Scientific Committee made recommendations for further analysis requiring new information, particularly on age and length data, and the continuation of sightings surveys. A number of statements were made in the Technical Committee, particularly in relation to the provision of information. Norway confirmed that she was ready to provide the Commission with the further information requested.

On the central North Atlantic stock of minke whales, the Scientific Committee had followed the same procedures as in relation to the previous stock, but had come to no unanimous agreement on the appropriate data to be used. Some members believed the stock should remain without classification while others believed it should be classified as a Protection Stock. Different views were expressed on this matter in the Technical Committee, but no recommendation was made.

On the Okhotsk Sea-Western Pacific stock of minke whales, a new assessment had been submitted to the Scientific Committee. The Scientific Committee recommended that a revised analysis should be presented next year. The Scientific Committee noted that there is no scientific basis for classification of this stock or for estimating current replacement yields at present. In the light of this advice the Technical Committee agreed by consensus that the stock should be unclassified. This is a recommendation for a change in the Schedule.

Chairman

If we could stop at that point. Are there any comments on the items that have been presented? There is a recommendation that the Western Pacific-Okhotsk Sea stock should be unclassified. This was agreed by consensus in the Technical Committee. Can we approve it? Thank you. That's agreed. Could you proceed, please, Mr Chairman.

Chairman of Technical Committee

Mr Chairman, before I proceed may I make an intervention as the Commissioner for the United Kingdom?

Chairman

Yes, go ahead, please.

United Kingdom

Thank you, Mr Chairman. I would like, I think, to comment on the position of the northeast Atlantic stock of minke whales. The report of the Technical Committee records the discussion of the provision of information and the United Kingdom was among those delegations which expressed disappointment that information required under the Schedule had not been provided in the past, and that this had led to some difficulty at this point in the stock assessment. But I'm glad to note that Norway has undertaken to make good the outstanding information, which is, I think, an important matter.

The position on this stock is that the stock was classified last year as a Protection Stock, but it is also the case that commercial whaling is continuing on it under objection. I would not wish to let this pass without some comment. At last year's Annual Meeting the United Kingdom Minister of State emphasised the importance of the moratorium decision in Schedule paragraph 10(e) and, while recognising the difficulties which some countries faced in complying with this decision, expressed the hope that those countries which had maintained objections would be able to withdraw them as soon as possible and rally to the majority view.

In discussions at last year's Annual Meeting and subsequently, a number of countries which had faced some difficulties in complying with the moratorium decision have taken specific steps which have been notified to us or have clarified their policy, and have confirmed their intention to abide by the decision; and certain other countries which have objections to the decision have given indications about the cessation of commercial whaling operations at a future date. This is, however, not the case with Norway, which continues to take whales from the northeast Atlantic stock under objection. I would not want this Annual Meeting to pass without taking the opportunity to urge the Government of Norway to consider its position very carefully in the light of the damage which it may be doing, not only to this particular whale stock, but also to Norway's international reputation as a country of high environmental concern. Thank you, Mr Chairman.

Chairman

Thank you. Are there any other delegations wishing to speak? Commissioner for Norway.

Norway

Thank you, Mr Chairman. I can assure Commissioners that Norway sees no reason for being ashamed of our record in this Commission during the years when we have been a member. I can understand the feelings of Commissioners over the present situation, which we feel is not of our doing. I have to recall that there is a deep divergence of views over the scientific basis for the Commission's decision on classification of the northeast Atlantic minke stock last year. My government felt compelled to avail itself of the procedures which are open to us in this respect. I can assure the Commissioner for the United Kingdom that our decision was taken with the greatest seriousness.

Thank you, sir.

Chairman

Thank you, Commissioner for Norway. Any other comments? It would seem not. Would the Chairman of the Technical Committee proceed with his presentation?

Chairman of Technical Committee

13.2.5 Thank you, Mr Chairman. I think I can now proceed to the remainder of this item. On the stock of Bryde's whales in the western North Pacific, the Scientific Committee had recommended that this stock should be given priority at its next meeting; and the Technical Committee noted that there were no new
13.2.3, assessments of fin, sei and bottlenose whales; and in relation to all the
4,6,7 other stocks, the Technical Committee noted the summarised information on the stocks not specifically considered by the Scientific Committee this year.

Before leaving this item there is one addition which should be made to the report of the Technical Committee, in that the Technical Committee did also agree to amend or to recommend that the Commission should amend the dates in the headings to Tables 1 to 3 of the Schedule so that they should now refer to the 1986/7 or 1987 seasons respectively. This decision also has a bearing on certain catch limits pursuant to paragraph 13 of the Schedule in relation to aboriginal subsistence whaling. Thank you, Mr Chairman.

Chairman

Thank you. Are there any comments up to this point? It would appear not. It is approved. Would you proceed, please.

Chairman of Technical Committee

Thank you, Mr Chairman.

Chairman

I'm sorry. Switzerland had asked for the floor and I didn't see it from this vantage point. Switzerland.

Switzerland

Thank you very much, Chairman. We ask the floor to make a brief statement on this point 13, if you permit me. Thank you. There will be agreement, I suppose, in the Commission, I am sure, that the advice of the Scientific Committee is absolutely crucial for the work of the Commission and its members, and this is particularly true for countries such as ours that have so far not been in a position to participate actively in the Scientific Committee. We should very much like to express through you, Mr Chairman, to the Scientific Committee and its Chairman, our appreciation and gratitude.

We were struck on reading the Scientific Report and its Annexes, especially as regards the very difficult item that the Commission has just dealt with, and during the discussion of the scientific recommendations in the Technical Committee we were struck, I say, by the repeated direct and implied references to incomplete data, to incomplete statistics, to incomplete information. We wish, therefore, to urge upon Contracting Governments, inasfar as they might be responsible for this unsatisfactory state of affairs, to rectify this with all good speed and to do everything in their power to comply with the respective requirements of the Convention and the Schedule. Thank you, sir.

Chairman

Thank you, Commissioner for Switzerland. Netherlands has the floor.

Netherlands

Thank you very much, Mr Chairman. Mr Chairman, my delegation endorses the views expressed by the distinguished Commissioner for Switzerland, and therefore we would urge that such submission be done as early as possible in order for the data to be available to members of the Scientific Committee before their next meeting. We feel that it would facilitate the work of the Scientific Committee in giving advice to our Commission by enabling analysis to be completed prior to the meeting of that Committee. I also support this request, Mr Chairman, in the light of the heavy workload of the Scientific Committee with the Comprehensive Assessment, and in accord with the procedures endorsed by the Technical Committee to attempt to have assessment work developed before the Scientific Committee's annual meeting. Thank you very much, Mr Chairman.

Chairman

Thank you, Commissioner for Netherlands. Your views will be noted. United States.

United States

Thank you, Mr Chairman. I would like to add a few observations and concerns on this point. In paragraphs 27 and 28 of the Schedule they provide respectively for the mandatory submission to the Commission of certain types of data, and the optional submission of certain other types of data. We have some difficulty responding to the concerns of the Scientific Committee because we do not have the information about exactly what kind of data are in the hands of the Secretariat and which are not. We must recognise that national scientific groups do provide important analyses and summaries of statistical data. We are concerned now with a prompt and regular systematic submission of basic data. Could we ask the Secretary to provide the Commission, for consideration at the 1987 meeting, with a document setting out exactly what detailed data are available to date and arriving regularly? Historical as well as current data are needed by the Scientific Committee, but perhaps for the present it would be sufficient to confine the Secretariat's review to data pertaining to a period since the adoption of the New Management Procedure and the setting of catch limits for minke whales, that is 1976-1986. Thank you, Mr Chairman.

Chairman

Thank you, Commissioner for the United States. You have asked a question of the Secretary which perhaps I could ask him to reply to. The answer is yes. Are there any other Commissioners wishing to speak? Sweden.

Sweden

Thank you, Mr Chairman. I would like to express my support for the views expressed by Switzerland and the Netherlands. Thank you.

Chairman

Thank you. Any other comments? I see none. The report's approved up to this point. Would the Chairman continue, please?

Chairman of Technical Committee

- 14 Thank you, Mr Chairman. We now proceed to Item 14 on Aboriginal Subsistence Whaling. The Technical Committee noted a good deal of advice from the Scientific Committee, and there are, I think, two decisions to deal with which I will come to in turn. On the report of the Scientific Committee, as regards
- 14.1 the Bering Sea stock of bowhead whales, the Scientific Committee had no reason to recommend any change in classification as a Protection Stock or the advice to set any catch limit with caution.

On the northeastern Pacific stock of gray whales, the Scientific Committee noted a significant increase in the population size from 1967 to 1980 and recommended further censuses to determine the trend in population growth since 1980. There was no agreement on the appropriate classification of the stock, but no change in the present catch level was recommended. The Technical Committee made no recommendation on this stock.

On the West Greenland minke whales, most members of the Scientific Committee believed that the present classification as a Protection Stock was correct, although other members believed that the stock should not be classified.

On the West Greenland stock of fin whales, the Technical Committee noted the absence of any further information on which to classify the stock or to apply the provisions of the Aboriginal Whaling Management Procedure in the opinion of the Scientific Committee.

- 14.2 Turning to the report of the Technical Committee's Aboriginal Subsistence Whaling Sub-committee, the Sub-committee considered the report of the Humane Killing Working Group on the killing methods used in aboriginal subsistence whaling operations, and looks forward to receiving a further report from the Working Group at a future meeting.

On the method of calculation used to quantify the annual need for Bering Sea bowhead whales, as presented by the United States, the Sub-committee agreed that, given the constraints of the data, the US calculations were as good a method of calculation as any that could be identified by the Sub-committee.

On the use of whale products by the aboriginal population of the Chukhot region of the USSR, USSR explained that the information requested would be provided as soon as possible.

On the Danish paper submitted on the central Atlantic minke whales, the Sub-committee considered this submission in detail and concluded that the hunt could be recognised as being aboriginal subsistence in nature.

The Sub-committee also considered a Japanese submission concerning its view that certain domestic whaling has similarities to whaling in other countries in terms of subsistence, nutritional and cultural considerations. This submission was given detailed consideration. Additional information was requested for future consideration, which Japan was willing to respond to and will prepare a new submission for next year's meeting.

The Technical Committee agreed to a request by Denmark that the catch limit of 10 for the West Greenland fin whale for aboriginal subsistence purposes should be retained for 1987 and this request was agreed. There is no need for any further action on that point since the change in the dates in the tables has the effect required.

Chairman

I think that it would be appropriate to just pause at this point and ask if there are any comments any delegation wishes to make on the items that have been presented? I see none. I think it would be proper for the Plenary to confirm the Technical Committee's agreement on an increase in the West Greenland... To retain the same figure, I'm sorry. Quite right. For 1987 a figure of 10. Can I assume that is confirmed? It would appear so. Thank you. Perhaps you could proceed. 14.3.4

Chairman of Technical Committee

Thank you, Mr Chairman. On the Bering Sea bowhead whales and the eastern North Pacific gray whales, no changes were required in the catch limits. Denmark requested that the catch limit of 12 minke whales from the central Atlantic stock should be permitted to be taken by aborigines pursuant to paragraph 13(b)(3) of the Schedule. This request was agreed to by the Technical Committee, and this represents a recommendation to the Commission. 14.3.2 14.3.3 14.3.4

Chairman

Thank you. That constitutes a Schedule amendment. Can I assume that it can be approved by consensus? The amendment to the Schedule will consist of the figure 12 being inserted against Central Stock of minke, with a figure 4 against it to relate to the footnote. There seems to be no comment so I think we can approve that by consensus. Thank you. I'm sorry. The Soviet Union has asked for the floor.

Soviet Union

Thank you, Mr Chairman. Mr Chairman, as it is stated in the Technical Committee report, the Technical Committee noted that no change was required for eastern North Pacific gray whales. Mr Chairman, it is quite correct in respect of the present catch quota, but I think that there will be a necessity to amend the Schedule as the present provision deals only with 1986, Mr Chairman. And in order to provide the same level for the next year there should be an amendment. Thank you, Mr Chairman. 14.3.3

Chairman

The Chairman of the Technical Committee.

Chairman of Technical Committee

Thank you, Mr Chairman. I think this point is, in fact, covered by the additional point that I mentioned at the end of Item 13, that the agreement of the Technical Committee to amend the headings so that in relation to northern hemisphere Table 1 will read 1987 season and the figure will remain for the catch limit, so I think this point is already covered by that.

Chairman

Thank you. I will ask the Secretary to speak to this item.

Dr Gambell

Mr Chairman, given that the Commission has accepted this proposal for the change of date in the table as an editorial amendment, we would change all the dates in the text so that they corresponded. By the same token, concerning the central Atlantic minke whale catch of 12 which has just been agreed, we

would make an editorial amendment to paragraph 13(b)(3) to insert the name of that stock in the appropriate paragraph to conform to the decision which has just been reached.

Chairman

Thank you, Dr Gambell. Are there any other comments? I take it that the explanation is satisfactory to the Commissioner for the Soviet Union? Thank you. Could you then proceed, Chairman of the Technical Committee.

Chairman of Technical Committee

- 14.3.1 Thank you, Mr Chairman. On the question of the definition of aboriginal subsistence whaling, the Sub-committee had noted the possible conflict between traditional whaling techniques and the desire to utilise the most humane methods in all killing operations. The Sub-committee, however, suggested that the matter should be deferred to the next meeting to permit clarification of the issues involved, and this suggestion was noted.
- 14.3.5 On the item, Other Stocks, St Vincent and the Grenadines requested a quota of whales to support its aboriginal subsistence whaling on the island of Bequia. The Technical Committee agreed to consider this matter next year on the basis of the report of the Aboriginal Subsistence Whaling Sub-committee. Thank you, Mr Chairman. That completes that item.

Chairman

Thank you, Mr Chairman. Are there any comments that any Commissioners wish to make? I see none, therefore this passage is approved. If you could proceed.

Chairman of Technical Committee

- 15 Item 15 concerns the Second International Decade of Cetacean Research. The
- 15.1 Technical Committee endorsed two proposals by the Scientific Committee for research projects. One concerns the Southern Hemisphere minke whale sightings cruise in Antarctic Area II, the other concerns the social organisation of sperm whales around the Galapagos Islands which I referred to under Item 13.
- 15.2 On the FAO/UNEP Global Plan of Action for Marine Mammals, the Secretary reported on a meeting held in October 1985. Thank you.

Chairman

Thank you. Are there any comments on Item 15? I take it then that we can approve the two proposals in 15.1? It is agreed. Could you proceed, please.

Chairman of Technical Committee

- 16 Thank you, Mr Chairman. Item 16 concerns the Adoption of the Report of the Scientific Committee and deals with a number of detailed items in the report of the Scientific Committee which were not dealt with under earlier agenda items. The Technical Committee took note of a number of recommendations by the Scientific Committee which I think for the most part do not require any action by the Commission. The first concerns national progress reports on research, where the Scientific Committee recommended that the Commission urge member nations to ensure that they submit progress reports to the Committee, and that they are available for the first day of the meeting of the Scientific Committee. I think that recommendation was agreed by the Technical Committee and the Commission should therefore urge member nations to do that. I don't think this will cause any difficulty.

The next point concerned missing statistics, where the Scientific Committee recommended that the Commission urge member states to submit the data required for whales taken under the Schedule promptly to the Secretary at the latest early in the year following the end of each season and to do so in the standard format provided. The Technical Committee agreed to this recommendation. There were comments by certain members in relation to certain aspects of the data.

No change was proposed to the existing mail procedures for circulating scientific permits for review by the Scientific Committee. On improvements to Scientific Committee procedures generally, the Secretariat will develop a working paper to be reviewed at the next meeting of the Scientific Committee. On the item of small cetaceans, information and advice were reported by the Scientific Committee on two stocks of pilot whales. On pollution, the Scientific Committee recommended continuing monitoring of pollutant levels and drew attention to the problems of interpreting them in relation to stranded animals.

The Scientific Committee recommended that existing contracts for data coding should be extended for a further period to cover the remaining work, and that additional staff should be employed to speed up the availability of data required for the Comprehensive Assessment.

There was a discussion of the question of the format for the publication of catch statistics on which the Scientific Committee had agreed to a revised format for the data previously published in volumes of the Bureau of International Whaling Statistics. Certain delegations had some difficulty with the proposed format, and it was agreed that a Working Group should be established for the next Annual Meeting to review the style and format of the volume of International Whaling Statistics, having regard to the views expressed, and Norway agreed to convene this Working Group.

Seven computing projects were assigned high priority by the Scientific Committee to be completed during the coming year to facilitate their further work. The Chairman of the Scientific Committee and its sub-committee convenors will circulate a list of proposed priority stocks for further attention by the Scientific Committee at its next meeting for consideration by members of the Scientific Committee and this will help to identify stocks where the Scientific Committee can make real progress in its assessments.

There was discussion of the question of invited participants to the Scientific Committee. In response to requests for information about the criteria for the selection of these invited participants a paper was presented by the Chairman of the Scientific Committee, and it was proposed that such information should be provided each year in future. A number of other comments were made. The Technical Committee agreed to consider the matter further next year, recommending that a provisional list of invited participants and the sub-committees to which they would contribute should be circulated 60 days before the next meeting, with a final list to be attached to the report of the Scientific Committee. That concludes our discussion of Item 16, Mr Chairman.

Chairman

Thank you very much, Mr Haddon. I will quickly run through the sub-items and invite comment and we will approve or endorse particular recommendations as we go through. Item 16.1, National Progress Reports on Research. Any comments? Could we then approve the recommendation that the Commission urge member nations to ensure they submit progress reports to the Committee and they are available on the first day of the meeting? Agreed. Thank you.

16.2. There is a recommendation that the Commission urge member states to submit the data required, and this was agreed by the Technical Committee. Can we endorse that agreement? Any comments on that? I see none. Agreed.

16.3, Mail Procedures. Any comments? No. Approved.

16.4, Improvements to Scientific Committee Procedures. Any comments? Thank you.

16.5, Small Cetaceans. Yes, the United States.

United States

Thank you, Mr Chairman. The United States delegation wishes to also reaffirm its longstanding support for the Small Cetaceans Sub-committee of the Scientific Committee. This Sub-committee continues to make significant contributions to our understanding of several small species of whale. This year several important scientific contributions were presented on the biology of pilot whales, a species which has received a great deal of attention at this meeting. Thank you very much, Mr Chairman.

Chairman

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

16.6, Pollution. Any comments? It is agreed.

16.7, Data Collection. Any comments?

16.8, Format for Catch Statistics. Any comments? There is a proposal to establish a small Working Group and the terms of reference are provided. Can we confirm that decision? Thank you. A paper will be circulated by the Secretary on this question and it is anticipated will proceed on the basis of correspondence.

16.9, Computing Needs. Any comment? Agreed.

16.10, Priority Stocks for 1987. Any comment? Agreed. It's anticipated that the Scientific Committee would circulate its list of proposed priority stocks before the meeting so that members will have the benefit and will have time to study them. 16.9 is agreed. 16.10, I'm sorry.

16.11, Invited Participants. Any comments? Yes, the Commissioner for the United States.

United States

Thank you, Mr Chairman. The United States delegation supports and appreciates the efforts of the Scientific Committee to provide the best possible advice to the Commission to assist it in its management decisions. We note that invited experts have made a major contribution to the work of the Scientific Committee in the past and their potential contributions will be even more important as the Committee moves into the very difficult analysis and model building required in the Comprehensive Assessment. We also reiterate the advice adopted by the Commission in 1983 which is outlined by the Chairman of the Scientific Committee in IWC/38/25 concerning the selection of invited participants. In particular the adopted guidelines clearly provide for open nomination of experts by all member countries...

(gap for change of tapes)

Chairman

16.11. Sorry, on page 20 there's a recommendation that a provisional list of invited participants and the sub-committees to which they would contribute should be circulated 60 days before the meeting, etc. Can we approve this recommendation? It's agreed. Thank you, perhaps we could then continue with Item 17.

Chairman of Technical Committee

Thank you, Mr Chairman. Item 17 on humane killing is divided in the report into two sections, the Report of the Working Group on Humane Killing and the Action Arising. Nonetheless I think it would more convenient for the Commission if I was to proceed to divide the item into three in relation to the different whale hunts concerned, and to take the report and the action arising together for each one. 17

The first is the Alaskan bowhead whale hunt on which the Humane Killing Working Group had considered a document presented by the United States on various aspects of the hunt. The Working Group requested further information and recommended that the subject should be kept under review. Under Action Arising the Technical Committee noted the report of the Working Group and accepted its proposals.

Chairman

Thank you. Are there any comments on Item 17.1(a)(1), Alaskan bowhead whale hunt? It would seem not. We note the passage in 17.2 about the report and I think we can approve that section of the report. Thank you.

Chairman of Technical Committee

Thank you, Mr Chairman. The next section relates to the Greenland aboriginal whale hunt. Although Denmark had provided some information to the Humane Killing Working Group, grave concern was expressed by the Working Group at the lack of information and absence of programmes for training of crews and the development of more humane weaponry. The Working Group agreed to consider this issue next year and invited Denmark to provide a further report on various matters material to it. Denmark indicated that in cooperation with the authorities in Greenland it would develop procedures to answer these matters next year, including the investigation of improved weaponry. The Technical Committee noted the report of the Humane Killing Working Group and accepted its proposals in relation to these matters.

Chairman

Thank you. Any comments on the Greenland aboriginal whale hunt? We can agree, then, that the Working Group should consider the issue next year and we note the invitation to Denmark. The report is approved. Would you proceed?

Chairman of Technical Committee

The next section relates to the Faroese pilot whale fishery. The Humane Killing Working Group considered information on this fishery and recent changes to Faroese legislation. Very strong concern was expressed about the methods employed in this fishery and, following discussion in the Technical Committee, the Technical Committee adopted a proposal in terms of wording to be adopted by the Commission asking the Danish government to convey to the Faroese government the concerns expressed, recognising that some progress had

been made already in measures taken by the Faroese government. The Commission is asked to urge the Danish government to encourage the Faroese government to make a number of further improvements in matters relating to the killing methods and the humanity of the killing concerned. This wording would also invite the Commission to recognise the undertaking of the Danish government to report progress to the Commission. In relation to this proposal, certain reservations were recorded which I believe relate to the competence of the Commission to take regulative decisions in relation to pilot whales. Thank you, Mr Chairman.

Chairman

Thank you. Are there any comments on the section of the report or the proposal that is contained in 17.2? Yes, Mexico has the floor.

Mexico

Thank you, Mr Chairman. Relating to this point, we share the aim of the proposal adopted by the Technical Committee in relationship with the resolution of the Humane Killing Working Group. However, we wish to note for the record our concern to the specific recommendations to further reduce the number of authorised bays, because that it might look as a precedent which limits catching grounds within areas subject to jurisdiction of coastal states. Thank you, Mr President.

Chairman

Thank you. Your comments will be noted in the record. Any other comments? Iceland.

Iceland

Thank you, Mr Chairman. There is one minor adjustment. In chapter 3, Other Business, third line, the word 'mammals' should be deleted and the word 'animals' inserted.

Chairman

I'm not sure that we have covered item (c) yet, but I will ask the Chairman of the Technical Committee if he has any comment.

Chairman of Technical Committee

Thank you, Mr Chairman. I had not yet covered Other Business. But I think the correction which has been suggested is a necessary one. I don't know if we have concluded the Commission's consideration of the Faroese pilot whale fishery?

Chairman

No, we haven't, but if that suggestion is acceptable to the Chairman of the Technical Committee and Commissioners then could we just take it and then return to the Faroese pilot whale fishery. Are there any other comments on the passage in the report at the top of the page (b), Faroese pilot whale fishery, or the passage in 17.2, Action Arising, starting with the words 'with respect to the Faroese pilot whale fishery'? We have a proposal here to approve which I propose to adopt by consensus unless I see any indication to the contrary. It would appear... The Commissioner for Japan.

Japan

Thank you, Mr Chairman. The reservation that we put with respect to this recommendation should be reflected in the Plenary report. Thank you.

Chairman

Thank you. I think it's implicit that the proposal has two reservations which remain attached. Thank you. Then the proposal is adopted. Chairman of Technical Committee, if you could speak to item (c).

Chairman of Technical Committee

Thank you, Mr Chairman. I'll be brief. Under Other Business we noted the Working Group's agreement that those governments which had not submitted their national laws on the killing of animals should be reminded of this request so that they would submit details as requested. Thank you.

Chairman

Thank you. Are there any comments on item (c)? With the amendment deleting 'mammals' substituting 'animals'. I take it that these are not land animals as well? They are. No comments. Approved. Could you proceed, then?

Chairman of Technical Committee

Under Plenary Item 18, the Register of Whaling Vessels, the Secretary introduced the amendments received to the Register prepared last year. After some discussion the Technical Committee agreed to continue the existing procedure for amending and revising the Register. Thank you. 18

Chairman

Any comments? Approved. Thank you. I think, in fact, Item 4 has already been covered. We have dealt with the agenda item concerned and I will make some comments at the close of this meeting, so Item 4, I think, is provided for.

That brings us to Item 5, and with the amendments that have been made can we now approve the report of the Technical Committee as a whole? I believe so. It is thereby approved, and could I thank the Chairman of the Technical Committee for the very efficient and businesslike way in which the work was conducted, and I'm sure we all appreciate that's made a major contribution towards the work of the Commission meeting as a whole. Thank you. We will now break for coffee, and resume in 20 minutes' time at 11 o'clock. Thank you. 19

BREAK FOR COFFEE

Chairman

The remaining item of business on the agenda is Item 25, Any Other Business. Could I ask if any delegation wishes to raise any item of business under Item 25? It would seem that there is no other item of business to be discussed and I think that brings us to the end of our meeting. 25

Could I then, in closing the meeting, just thank all delegates for their hard work, for the expeditious way they have attended to the business. I understand that we are unique in that we are the first Annual Meeting of the Commission to conduct its full session without a vote. I think we discussed

the issues in a good spirit, and that a real effort was made by all delegations to find solutions to the questions with which we were faced. Of course, we didn't have so many controversial issues this year as in some former years, but nevertheless some issues were very real and quite deep.

I can only thank again the Swedish government for the facilities they have made available and for the very generous assistance they have provided. It has been a most enjoyable meeting from the viewpoint of delegates, and a lot of the credit goes to the Swedish government.

As I mentioned earlier, I owe a debt also to Mr Haddon as Chairman of the Technical Committee, who made a major contribution towards the success and speed of this meeting. I would also like to thank Dr Gambell and all the members of the Secretariat who really do work tirelessly on our behalf, sometimes behind the scenes, but I assure you, Dr Gambell, that the work of your own staff is always very much appreciated. And last but certainly not least, the charming and efficient Swedish ladies who really looked after us very well indeed.

I can only say it's been a pleasure to chair this meeting, and I hope to see most if not all of you at Bournemouth next year. The dates, incidentally, for the Plenary will be 22 - 26 June 1987 inclusive. I am confident that if most of my colleagues are able to be at Bournemouth again next year, then we will have another good meeting. It only remains for me, therefore, to declare the 38th Annual Meeting of the International Whaling Commission closed. I am sorry, I was a bit premature. The Commissioner for Argentina has the floor.

Argentina

Thank you, Mr Chairman. If I may, on behalf of all the Commissioners here and delegation as a whole, I would like to congratulate you very warmly and with major respect for your skill and your ability, not only in the professional way but in a personal one. You know, when I come the time to express my own many things I have some trouble with vocabulary, but anyway you know my warm feeling and how proud I am from conveying to you all the best wishes from all the Commissioners here, and as you already said for the first time I think the IWC has not a vote. I think our dear friend, Dr Gambell, was missing the roll call and pronouncing the countries and so on and looking to the Commission in different ways and counting afterwards so many in favour and against, the proposal passed or not, and so on. Then we miss as well this kind of exercises, particularly this is a very important point for our organisation. Then again, Mr Chairman, our respect, our most warm feeling to you, and our professional respect. Thank you very much indeed.

Chairman

Thank you very much, Commissioner for Argentina and fellow Commissioners, for those very kind things that have been said. I assure you that the success is yours not mine. The Chairman is only as good as the meeting, and the meeting, I thought, was a good one so I thank you. I do appreciate these very kind words. I think Sweden wishes...

Sweden

Thank you, Mr Chairman. I should extend Sweden's and all other Commissioners' thanks to you, Mr Chairman, for your able way of conducting our mutual affairs at this session of the IWC. Your efforts to lead us all to consensus solutions in spite of well known differences, opinions and interests have been admirable and deserve our great gratitude. Thank you, Mr Chairman.

Chairman

Thank you very much, Commissioner for Sweden. I think that brings us to the end of the meeting, and for the second time I declare this meeting closed.

END OF MEETING

