

**INTERNATIONAL WHALING COMMISSION**

**40TH ANNUAL MEETING**

**Auckland, New Zealand, 30 May - 3 June 1988**

**VERBATIM RECORD**



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40th ANNUAL MEETING**

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## VERBATIM RECORD

## 40TH ANNUAL MEETING OF THE INTERNATIONAL WHALING COMMISSION

OPENING PLENARY SESSION : MONDAY 30 MAY 1988

**Chairman**

Could I call the meeting to order. I now declare open the 40th Annual Meeting of the International Whaling Commission. Could I welcome my colleagues to Auckland and say that I am pleased to see so many familiar faces and could I in particular welcome the new members who have arrived to join us. We are honoured this morning with the presence of the Honourable Fran Wilde, Associate Minister of Foreign Affairs of New Zealand who will give the address of welcome on behalf of the New Zealand Government.

Before asking the Minister to give the address, could I Minister, through you, thank the New Zealand Government for the invitation to meet here in Auckland, and for the facilities and assistance that have been provided to this Commission - they are very much appreciated. And now Minister if you would wish to speak from the lectern on the right I would invite you to give the address of welcome.

**The Hon Fran Wilde**

Mr. Chairman, Commissioners, ladies and gentlemen, on behalf of the New Zealand Government I have great pleasure in welcoming you to New Zealand for this 40th Annual Meeting of the International Whaling Commission. It is most gratifying to New Zealand as host for the first time to the IWC, and as a committed proponent of the IWC's objectives, that so many members and observers are able to be here in Auckland across the world from the IWC's headquarters in the United Kingdom.

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This meeting marks the conclusion of a three-year period during which the New Zealand Commissioner has had the personal honour and responsibility of chairing the Commission's deliberations. It does therefore represent a high point in our valued association with the IWC, and I would like to take this opportunity of thanking Mr. Stewart on behalf of the New Zealand Government for the time and commitment he has put into the IWC during that period.

This occasion also provides the opportunity to reflect a little, if I may, on New Zealand's own historical connection with whaling. It may not perhaps be well known but following the arrival of the early New Zealand explorers here in the late 18th Century, whales were a main focus of European and North American interests in New Zealand and whaling made a not inconsiderable impact on New Zealand's development as a nation. Shore-based whaling, in particular, which began in the 1820's was one of the first commercial export activities in New Zealand. Apart from giving this country something of a colourful reputation in its early colonial history whaling initiated changes in the way of life of the indigenous Maori people and served to stimulate overseas interest in New Zealand. At its peak in the 1840's there were about 100 shore-based stations catching up to 500 right whales annually. About the same time there were some 200 whaling ships using New Zealand ports for off-shore catching. This level of activity, however, could not be sustained and most shore-based operations had ceased by the 1850's although one carried on as late as 1965 in Cook Strait near my own city of Wellington. The early whaling operations around New Zealand were, of course, based on uncontrolled

exploitation of the resource. The consequent depletion of stocks coupled with changing economic circumstances rapidly undermined the industry. What we now call in New Zealand, and elsewhere I believe, economic restructuring resulted and the whalers moved on to other areas and different activities without any major upset to the growing domestic economy. During the boom and decline of the whaling industry the stocks of humpback and southern right whales in these waters were reduced to less than one tenth of their original numbers with little apparent recovery evident today. Our Progress Report to this year's Scientific Committee meeting reminds us that it is over ten years since humpback whales have been reported passing through their traditional migration routes of Foveaux Strait and Cook Strait. Our own history of whaling then tells us an all too familiar story of excessive exploitation which will take decades or even centuries of protection to put right.

Our New Zealand Department of Conservation will be staffing a display in the foyer during the week which will provide more information on New Zealand whales and dolphins and I hope that many of you here who are visiting, particularly for the first time, will take the opportunity to find out about our local cetaceans.

The record of the whaling activity carried out around New Zealand's coast last century should make New Zealanders more generally aware of the importance of whale management and conservation, but I believe it was not until the 1970's that the serious extent of the depletion of most of the great whales was widely recognised in this country. At the same time there was in New Zealand as elsewhere a growing appreciation of the global nature of the whale habitat and that these biologically and socially advanced animals form a valued part of the world's common heritage which mankind as a whole has a responsibility to protect. These factors were instrumental in encouraging New Zealand to take a more active part in promoting the conservation aspects of the IWC's mandate.

As you may know, the New Zealand Government has, over the past decade, been in the forefront in the support of measures designed to ensure that whale populations can develop as a dynamic part of the world's environment. The emphasis on conservation continues to be the driving force in New Zealand's approach to whale management, and taking this position we have not lost sight of the special needs of some communities and the concerns of those nations which were formally involved in commercial catching. It has therefore been important to us that conservation and management decisions should continue to be reached on a rigorous but fair assessment of the best scientific information available and in accord with the Convention and the Rules of the Commission. A continuation of such an approach is, I believe, essential if we are to maintain the relevance and the viability of this important organisation.

The IWC has at recent meetings made what I think are very courageous and difficult decisions that offer some hope that the survival of the great cetaceans can be guaranteed. This will, I believe, be the first meeting in over 40 years of the organisation's existence when it can be said that no commercial whaling is taking place.

I am aware from an examination of the Agenda, however, that there continue to be many complex issues for you to resolve. Of these I know that the question of issuing permits for catching whales for scientific research will be particularly challenging. While I recognise that the IWC's Convention and Regulations provide a procedure whereby Contracting Governments may take whales for scientific research, I would simply point out that the basic arrangement was agreed in an era when whale stocks were far greater than they

are today. New Zealand, along with many other countries, is concerned that the various provisions should not now be exercised in a way that would breach the spirit and objectives of the IWC's moratorium on commercial whaling. In this regard it is reassuring to note the IWC's willingness to test the validity of all research proposals with very firm scientific scrutiny.

I very much welcome also the considerable advances by marine scientists in developing a sophisticated range of non-lethal research techniques that make the killing of whales for research purposes so much harder to justify. Whale management matters are of an evolving nature and I can appreciate that the relevant sciences, science and its administration are not always open to cut and dried decisions. There remain many challenges to be overcome and if solutions satisfactory to all membership are to be obtained co-operation and flexibility will be required.

Therefore to all of you today I convey my sincere wish that you will have a productive meeting and with the spirit of constructive good-will be able to further the IWC's objectives and I also, as a New Zealander, wish you a very enjoyable stay in our beautiful country. Kia ora.

**Chairman**

Thank you Minister on behalf of all Commissioners for your kind words of welcome and I also thank you for your comments about me personally. I think you demonstrated very clearly in your speech that although many countries have had a long association with whaling, New Zealand is perhaps the only country represented here whose development into a modern state over a period of a century and a half was, if I can describe it this way, launched on the back of the whale. It is perhaps surprising we don't have the whale as our national symbol but that is not the case.

Turning to your speech I notice you urged us to exercise, and I think the words were 'co-operation and flexibility'. We will heed that advice Minister and I am sure that on that basis we will have good results from this meeting.

I now propose to adjourn the meeting for two minutes while I escort the Minister from the meeting, after which we will resume with the consideration of Item 2 of the Agenda - Opening Statements. The Meeting is adjourned for 2 minutes.

- - - BREAK - - -

We will now resume the meeting and we will address ourselves to Item 2 - Opening Statements. I think the only comment I need to make here is that the Opening Statements are distributed in written form and not delivered orally simply to save time in the Commission meeting. It doesn't mean that they are any less important and I would urge all Commissioners to read the written statements and take note of the views expressed there. I don't believe we need any discussion of this Item and if that's the case I think we might move straight on to Item 3 - Adoption of the Agenda.

I have one announcement to make concerning an amendment to the Agenda. It has been agreed as I understand it but I am subject to correction - it has been generally agreed that Item 8.1 - Result of Postal Vote Proposed by the United Kingdom - could be dropped as a separate Item on the Agenda although it is understood that any delegation wishing to speak on the subject matter involved will be free to do so and will have an opportunity to do so either under the Report of the Finance and Administration Committee or under Other Business or

by arrangement. In other words there is no intention to stop any Commissioner who wishes to make a statement or a proposal or discuss this particular Item. So could we agree to drop 8.1 from the Agenda as a separate Item? I see no objection. That entails the re-numbering of 8.2 which becomes 8.1 and 8.3 becomes 8.2. Are there any other comments or proposals relating to the adoption of the Agenda? Japan has the floor.

**Japan**

Thank you Mr. Chairman. As we have noted in the Aboriginal/Subsistence Whaling Sub-Committee held last week, procedurally the Item relating to that Sub-Committee would be discussed and certain countries support that viewpoint. However, my viewpoint is that for the smoother progress of the conference it would be better to raise this issue at this minute.

It is the Item 14, sub-item 14.2.7 where it says 'Small-type whaling in Japan's coastal seas'. This is the Item which had ensued from last year and has been pending and therefore this is the Item included at the Provisional Agenda of the Commission and in the Aboriginal/Subsistence Sub-Committee of the Technical Committee we read the Report as follows '6.7 - Small-type whaling in Japan's coastal seas. The Sub-Committee noted that Commissioners would deal with this matter in as much as this Item appears in the Provisional Agenda for the 40th Annual Meeting of the Commission'. In the light of this I believe there would be a report brought up to the Technical Committee from the Aboriginal/Subsistence Whaling Sub-Committee and subsequently Technical Committee will bring it up to the Commission meeting. However, in the Annex 4 of the Aboriginal/Subsistence Whaling Sub-Committee which is the Report of the Ad Hoc Working Group on Consideration of the Definition of Aboriginal/Subsistence Whaling - Item 8 where the recommendations are listed there is the third recommendation 'The ad hoc Working Group recommends that the Commission give consideration to the situation of various kinds of small-type whaling'. Following this I would like to propose as follows - my proposal is after the Item 14 on the Commission's Agenda I propose new Agenda Item 15 which should be 'The consideration to the situation of various kinds of small-type whaling'. In this way this new Item 15 if adopted would be given to the Technical Committee as a term of reference. Thanks Mr. Chairman.

**Chairman**

Thank you. I think all delegations have heard the proposal by the Government of Japan, by the Commissioner for Japan. It proposes that the Item 14.2.7 be inserted as a separate Item and it is suggested as Item 15 in the Agenda of the Commission and be considered by the Technical Committee after Item 14. I am not sure whether the Commissioner for Japan wants also to retain the Sub-Item 14.2.7 under Item 14. It is, I imagine, included in the Report of the Technical Committee Aboriginal/Subsistence Whaling. Is it your proposal that we delete that Sub-Item and have only the one new Item or is it your intention that we retain the Sub-Item 14.2.7 and have a new Item 15 - Situation Kinds of Small-Type Whaling? Perhaps you could explain Japan.

**Japan**

Thank you Mr. Chairman. The Aboriginal/Subsistence Sub-Committee has discussed this existing Item and it is reported in its Report and therefore it is appropriate to retain the Item 14.2.7 as it is, but when Technical Committee comes to that point then it can use Item 15 as the result of that discussion made at Sub-Committee of Aboriginal/Subsistence Whaling.

**Chairman**

Thank you for that clarification. The proposal is that there be a new Item inserted after Item 14 which would be the situation of various types of small-type whaling. Are there any objections to this procedure? I see none. I



think therefore we can agree to amend the Agenda in the manner proposed by the Commissioner for Japan. I would like to vary it slightly with the approval of Japan. Instead of calling it Item 15 could we call it Item 14a simply for Agenda purposes. It simply means we don't have to renumber every other Item on the Agenda but it doesn't give it any less status. It is understood - it is a full item on the Agenda. Thank you very much. Well we will call it 14a and the new Item will be 'Consideration of the Situation of Various Kinds of Small-Type Whaling'. That is the Agenda Item. Thank you.

Are there any other comments on the Agenda? The Secretary has a comment to make.

**Secretary**

Mr. Chairman since the Agenda was drawn up 60 days in advance of the meeting, one matter has come to the attention of this Commission which I would suggest would appear under Item 24. In the document paper IWC/40/10 Revised we have added a last section E concerning a proposal from the United Nations Environment Programme (UNEP) and I would suggest, Sir, that we incorporate this into the Agenda as Item 24.5 - UNEP so that it may be given appropriate consideration. The Scientific Committee will have a comment to make on this and the Commissioners are asked to make some definitive position made on this Item. Thank you.

**Chairman**

Thank you Secretary. Brazil has the floor.

**Brazil**

Thank you Mr. Chairman. I have two questions respectfully Sir - how should we proceed with our flags in order to be seen by the Table? Because I know it is a very large room and it's sometimes hard for the Secretariat to pay attention to all flags that may be raised and mine has been for sometime. And just to facilitate procedures later on could I know how best to proceed? That is one question and I have another one.

**Chairman**

If I could reply to that point Brazil. I think it's not going to be a simple matter to identify those who wish to speak and especially in the order which they signify but I will do my best, and I think the best procedure would be for the Commissioner wishing to speak should raise the name plaque and the Secretary will note or I will then try and indicate so they you will know the point has been registered. So perhaps those wishing to speak should raise the name plaque. Thank you.

**Brazil**

May I go to the second question?

**Chairman**

Yes please.

**Brazil**

I do propose that we take up any substantive matters in our Agenda after the particular ceremonial meeting is over, Sir because we are entering into a substance now and the meeting is still open and coverage of press - this may of course interfere with our work being recorded and perhaps we would like to avoid this kind of thing. This is just a suggestion. Maybe we take notes of the points now and raise them later substantially. Thank you Sir.

**Chairman**

Could I ask the Commissioner for Brazil whether this is based on a wish to raise matters relating to the Adoption of the Agenda. Yes, thank you.

We have now reached half past ten and I think this might be a suitable time to have a coffee break, and seeing we will have concluded our first session the press will not be present in the room after the coffee break so we will meet again at 11 o'clock. We are adjourned until 11.

- - - BREAK - - -

Considering that we have adopted the Agenda I would like to explain what I propose so far as the order of business is concerned. My suggestion is that Items 10 to 20 inclusive, and that includes of course the new Item 14a, should be allocated for consideration by the Technical Committee. Would that be acceptable? Thank you.

I would also like to explain that I have asked the Vice-Chairman of the Technical Committee, Dr. Fleischer, to convene that meeting and act as Chairman for the opening of the meeting. Thank you very much.

4 We will now move to Item 4 - Arrangements for the Meeting. I will ask Dr. Gambell to explain the arrangements. Just two points - we have asked the technicians to turn down the lights as they seem to be a little bright and I hope there is enough light, but if it is inadequate please indicate and they can be put on to give more light, but I think we will have enough from my own discussions.

The other point I wish to make is that we have decided in an informal meeting of Commissioners to maintain the practice of not smoking in the Plenary Session. I realise this is an imposition on many delegations but I would ask you to bear with us.

I will now ask Dr. Gambell to explain the arrangements for the meeting.

One more point. The New Zealand Government reception tonight which was listed in the invitations as 6.30 - 8.00 p.m. has been advanced a little to commence at 6 o'clock and so it will now be 6 - 8 o'clock for the New Zealand Government reception if you would please amend your timetables accordingly. Thank you very much. Dr. Gambell.

**Secretary**

Mr. Chairman. We always have the problem that we start the meeting without telling you how to organise the meeting. The first thing is if you wish to attract the attention of the Chairman to speak, please exercise your limbs with these weights and put them up high so that we can see them and we will then try and recognise you and call you in order, but do put them up high so that they can be seen.

When you are speaking you do not need to get too close to the microphones. Just speak normally reasonably closely, but not too closely, and then the engineer will take care of everything else.

Our primary means of communication from the Secretariat on any matters in terms of distribution of documents, any messages that we receive in the Secretariat for you, will always go into the pigeon-holes outside in the lobby. All the documentation and any messages will go there, so please look

into your pigeon-hole from time to time. If you need any help from the Secretariat, please go into the room next door and ask at the reception desk there, if it is for extra documents, for typing or anything at all to do with the meeting itself, ask at the reception desk and you will then be passed onto the appropriate place. Do not, if you will please, not walk through the room and try and find somebody who you think will deal with your problem straight away. We do have systems established there particularly to keep control and check on documentation so please start at the front and you will be passed along in the right way. If you need photo-copying go to the front desk as well and that will be arranged.

If there are any problems concerning the arrangements of the meeting then the contact once again is the front desk in that office. Any concerns about the hotel you would do better to go to the reception desk of the hotel. Thank you.

We will have tea and coffee breaks in the morning at 10.30 and in the afternoon at 3.30 or at the discretion of the meeting and a lunch break in the middle of the day, again at the discretion of the meeting. Otherwise the meeting is its own master and these things will happen almost inevitably.

#### **Chairman**

Thank you Dr. Gambell. Are there any questions on the arrangements for the meeting? Is anything not clear? It would seem that there are no questions so I think that disposes of Item 4 and we can move straight on to Item 5 - Appointment of Committees.

The position is that we have already nominated a Chairman and members of the Finance and Administration Committee and also of the Infractions Sub-Committee. For those who are new Commissioners could I explain that so far as membership of the Technical Committee is concerned it really is a Committee of the whole and it is normal for all Commissioners to wish to serve on it, and for that reason we don't normally go through the formalities of taking a poll, and perhaps the easiest way again this year to ascertain the wishes of Commissioners would be to ask if any Commissioner does not wish to serve on the Technical Committee into which we will be moving very shortly. Are there any Commissioners who don't wish to serve on the Technical Committee? Thank you - I think that all Commissioners wish to do so.

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The Scientific Committee is another situation and it is necessary to ask Commissioners whether they wish to be represented on this Committee and I will ask Dr. Gambell to speak to this point.

#### **Secretary**

Mr. Chairman if I may I will poll the Commissioners to ask if their Government wishes to be represented on the Scientific Committee for the coming year. There is a great deal of activity in the Scientific Committee between the Annual Meetings and we need to know that Governments wish to receive all the correspondence and papers and if we do not have the right names already on our circulation list we would be grateful to receive the names of the scientists who will serve for each Government. So I will ask each Government in turn to indicate yes or no if they wish to be represented on the Scientific Committee for the next 12 months.

Antigua and Barbuda - Yes.  
Argentina - Yes.  
Australia - Yes.  
Brazil - Yes.  
Chile - Not here.  
People's Republic of China - No.  
Denmark - Yes.  
Egypt - Not here.  
Finland - Not here at the moment.  
France - Yes.  
Federal Republic of Germany - Yes.  
Iceland - Yes.  
India - Not here.  
Japan - Yes.  
Republic of Korea - Yes.  
Mexico - Yes.

Netherlands - Yes.  
New Zealand - Yes.  
Norway - Yes.  
Oman - No.  
St. Lucia - Yes.  
St. Vincent and the Grenadines - Yes.  
Seychelles - Yes.  
Solomon Islands - No.  
South Africa - No.  
Spain - Yes.  
Sweden - Yes.  
Switzerland - No.  
USSR - Yes.  
UK - Yes.  
USA - Yes.

Thank you Mr. Chairman.

**Chairman**

Thank you Dr. Gambell. I don't believe there are any other matters to be discussed under Item 5 - Appointment of Committees. Does any Commissioner wish to raise any question? It would seem not.

I think that then brings us to a point where we might adjourn the discussion of our Agenda in the Plenary Session and reconvene if the Chairman of the Technical Committee agrees. In Technical Committee, would you wish to convene the Technical Committee Dr. Fleischer in say ten minutes time in this room? Thank you - yes. So we will now adjourn the Plenary and we will reconvene in lets say 5 minutes time. There is hardly any point in wasting the additional 5 minutes. We will resume in 5 minutes time in this room as a Technical Committee under the Chairmanship of Dr. Fleischer. Thank you.

## SECOND PLENARY SESSION : WEDNESDAY 1 JUNE 1988

### Chairman

The Plenary Session of the Commission will now resume. I thought we might take next Item 6 - Revision of the Convention. There are two documents which relate to this Item. The first is the Report of the Working Group to Examine Questions Related to the Operation of the International Convention for the Regulation of Whaling which appears as document IWC/40/14, and the other document is a reference in the Chairman's Report of the 39th Meeting - paragraph 9 - which is on page 11 of the Chairman's Report of the 39th Meeting. This recorded the Mexican initiative about seeking guidance about the legal aspects of the Commission's competence with reference to small cetaceans and which asked for this Item to be put on the Agenda of this meeting. I will now ask the Chairman of the Working Group, Mr. Luna, if he will present the Report of the Working Group. Mr. Luna of Mexico.

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### Chairman of the Working Group

Thank you Mr. Chairman. The Working Group met on 24, 25 and 26 May, pursuant to a decision of the 39th Annual Meeting. The terms of reference of the Working Group were to examine questions related to the operation of the 1946 Convention. The Working Group discussed the operation of the 1946 Convention, how the operation of the Convention could be improved, and whether the Convention should be revised. A number of concerns were expressed about the operation of the 1946 Convention and several delegations stated that due to changes in circumstances the Convention needed to be revised. Other delegations expressed satisfaction with the current Convention and observed that to the extent changes were needed these could generally be accomplished by changes in the Schedule of the Convention. In order to guide its work the Working Group developed a list of questions which is Annexed to the Working Group's Report. The Working Group agreed that this list is not exhaustive and exclusive nor does it necessarily imply the revision of the Convention is deemed necessary. It should be understood as a list of concerns and questions voiced for the discussion purposes.

The Working Group proceeded to have a contrastive discussion of the various questions on the list. A summary of this discussion is found in the Working Group's Report. While noting that not all Contracting Governments had participated in its work, the Working Group agreed that sufficient progress has been made to submit its Report of the Commission so that the Commission could decide how best to proceed with this matter. Thank you Mr. Chairman.

### Chairman

Thank you. The Chairman of the Group has pointed out that the Group has asked the Commission to decide how best to proceed in this matter so I invite comments from Commissioners on the Report itself or on the action we might take as the next stage. Are there any comments on the Report itself? Could we agree to note the Report? Argentina.

### Argentina

Thank you Mr. Chairman. First of all I would like to apologise because when I was honoured last year with the title of Convenor of this Group I couldn't attend later on because of official business. Anyway I was following with particular interest this important matter and this is why I was discussing with some of the members here what will be the next step and possible follow-up on this matter. It seemed that if I am not wrong I received many comments that the importance of the matter deserves to keep alive this group and to convene again next year - this is why with this first Item decided if you allow me to speak in that way we can analyse the other point.

For that I allow myself to see very carefully to the Draft Resolution from the Soviet Union that really contains many important matters, not only the substance but as a procedural one. If I may I would suggest to the Plenary the following frame for this question. First of all if you from the Chair with our consensus agree to convene again next year this Group in the same frame and the same open matter to discuss will be advisable. Secondly to ask different countries to make proposals and comments on that before the 31st January in order that afterwards by the Secretariat you could circulate the proposals, comments and opinions on the particular matter. I think as well is quite important the Draft Resolution from the Soviet Union and perhaps from the Chair we can keep this Draft Resolution for next year in order to consider again the different and important point that it contains. As a general scope I think it will be possible perhaps and workable to accept this suggestion from the Argentine delegation. Thank you very much.

**Chairman**

Thank you very much Commissioner for Argentina. I think that is a very valuable suggestion and I must say we all understood the force majeure that kept you away from your Chairmanship this year and we do understand it. Are there any comments on the Report or the suggestion by the Commissioner for Argentina? Brazil.

**Brazil**

Thank you Mr. Chairman. I think that the suggestion made by Ambassador Iglesias is a very sound one and deserves our support. Let me share with you how my delegation, my country, understand this question. The discussion on the operation of the Convention is extremely important in order for all Governments to know how to proceed and to see what steps are necessary to enhance its application. So I think that this matter should be kept in our Agenda and that further consideration be given to this question by governments at home first and then together again next year at the next Annual Meeting to allow for more in-depth discussion and perhaps to complete the list of issues that we have before us in terms of contributions. So I think that the interim suggestion that the Secretariat collect contributions from Governments and distribute them well in advance is a very useful one that will of course help us in carrying out this work. I thank you Sir.

**Chairman**

Thank you. Iceland.

**Iceland**

Thank you Chairman. The delegation of Iceland participated in the work of the Working Group to Examine Questions Relating to the Operation of the International Convention for the Regulation of Whaling. At the meetings of the Group the Icelandic delegation pointed out some of the difficulties which the Government of Iceland had identified in the working of the Convention. These included disagreements on the powers and functions of the Commission with respect to Article VI and VIII and the relation of the Convention regime to that recognised in the United Nations Convention on the Law of the Sea. The delegation of Iceland is grateful to the Working Group for identifying in its Report questions which should be examined by member governments. The delegation of Iceland believes that further work must go on to study the operation of the Convention and its possible revision or supplementing by one or more Conventions which adequately take account of change of circumstances since the Convention was adopted. We would accordingly support the proposal by the Commissioner of Argentina, seconded by the Commissioner for Brazil. Thank you Chairman.

**Chairman**

Thank you. Australia.

**Australia**

Thank you Mr. Chairman. The delegation of Australia would also like to support the proposal of the Commissioner for Argentina. In doing so I think we would like to pay particular tribute to the delegation of the Soviet Union for the great diligence and thoughtfulness that they have brought to the discussion of the question of the operation of the Convention. We thank them very much for the suggestions which they have made in their Draft Resolution which I think are useful additions to the list of questions that Governments will be considering over the next few months, so that we can all comment in a forward looking way to our discussions next year. Thank you Mr. Chairman.

**Chairman**

Thank you. Japan.

**Japan**

Thank you Mr. Chairman. Japan highly appreciates this Report and evaluate it but we have certain cases we like to have examination made by the Working Group. First, we note there that there was a lack of appreciation of the new order of the United Nations Convention for the Law of the Sea. In particular, the matters concerning the two hundred nautical mile zones. Another case - lack of appreciation of the qualification of the Member Country. Ambiguity of the contribution and obligation of payment. We maintain the view that the highest value of this Convention is the management of the whale stocks based on the sound scientific knowledge. We think that the issue should be around the problem of how the Commission is operating on the basis of this highest valued Convention part of it. In consideration of the operation of the Convention Japan regards is salient imbalance of these two basic objectives of the Convention. The operation is now highly weighted in the part of the conservation alone disregarding the scientific approach and the Commission itself is operating the Convention in the direction of the denying the scientific research of the signatory countries. In light of the foregoing we concur with the proposal by the Commissioner for Argentine and value the efforts offered by the Soviet Union. Thank you Mr. Chairman.

**Chairman**

Thank you. Norway.

**Norway**

Thank you Mr. Chairman. We would simply like to associate our delegation with the views expressed by Iceland. Thank you very much.

**Chairman**

Thank you. Mexico.

**Mexico**

Thank you Mr. Chairman. Since the approval of the IWC Convention in 1946 many new circumstances have happened in between, in particular, the important work done by the United Nations Convention of the Law of the Sea which my country has already ratified. In this regard we consider there is a need that the new principles be incorporated into the IWC Convention and this is an important job that we have encharged the Working Group, we are now revising its work. Also Mexico would like to remind the Commission of its request for guidance in order to solve the legal aspects of the Commission's competence with reference to the species referred to as small cetaceans which are not listed in the Annex of Nomenclature of Whales to the Final Act of the 1946 International Whaling Convention. I am sure this Working Group will attend our petition and

Mexico will continue to let its association to the the Group, and we sincerely hope that we will count with the presence of Mr. Iglesias in the next meeting of the group. Thank you Sir.

**Chairman**

Thank you. The comments received are supportive of the suggestion put forward by the Commissioner for Argentina. Australia - I'm sorry Netherlands.

**Netherlands**

Thank you Chairman. I think my delegation would also like to support the suggestion done by the Commissioner of Argentina. Thank you.

**Chairman**

Thank you. Does any other delegation wish to make any observations or comments? Oman.

**Oman**

Thank you Mr. Chairman. As we can see from this paper here that there is a lot of points which are very delicate and which need to be revised and have exchange of views at home offices. I would associate my delegation with the distinguished delegate of Argentina. Thank you, Sir.

**Chairman**

Thank you. It seems to receive widespread support. Could I take it then that the Commission would wish to note the Report of the Working Group, that it would wish to thank the members of the Group for their work and especially the Chairman, Mr. Luna, who stepped into the breach at short notice and we are grateful for your services; that it would decide to convene the Working Group again in the week prior to the 41st Annual Meeting and it would report its results to that meeting; that the Secretariat would circulate Contracting Governments asking them to offer comments or suggestions based on the questions contained in the Report or any other matters; that this should be done before the 31 January, that replies should be received by the 31 January 1989 and the Secretariat then would circulate these comments well in advance of the next meeting so that the Working Group on the next occasion would have the opportunity to give prior consideration to the points; that the Draft prepared by the Soviet Union would not be submitted to this session but would be a document that they may wish to return to at the next Annual Meeting and we have already, at least unofficially, noted its contents. Would that be the wish of the Commission? Thank you - then I think we can say that is agreed and I would take it that it would be the wish of the Commission also that Commissioner Iglesias should be the Chairman for the next meeting of this Group. Is that agreed? And I take it Commissioner that is alright with you? Thank you.

Well I think if there are no other comments that concludes that Item. Thank you.

7

The next Item of the Agenda is Item 7 - Socio-Economic Considerations. You will note in the annotations to the Draft Agenda that it was agreed at the 39th Annual Meeting that the Working Group on the Socio-Economic Implications of a Zero Catch Limit chaired by Brazil will meet again before the 41st Annual Meeting, and that member governments with direct experience have been requested to present their submissions three months before the 1989 Working Group meeting. Their Progress Reports or other submissions will be circulated to members by the Chairman through the Secretariat as they are received. I think therefore unless a delegation has a particular comment to offer we simply note this situation and it will be before us at the next meeting. Brazil.



**Brazil**

Thank you Chairman. I agree with you entirely. As Convenor of this Group I just wish to reiterate the request to Member Governments, interested Member Governments, to present their contributions to allow this Working Group to meet on useful grounds next year. Thank you Sir.

**Chairman**

Thank you Commissioner for Brazil. Any other comments on this Item? It would seem not.

There is still some valuable time left and I would like to take advantage of it. I thought we might therefore go to Item 9 - Comprehensive Assessment of Whale Stocks. Under this Item the documentation consists of the Report of the Scientific Committee, Paper IWC/40/4, paragraph 6 which appears on page 7 of the Report of the Scientific Committee, and the Report of the Joint Working Group, that is the Joint Technical and Scientific Committee Working Group on the Comprehensive Assessment of Whale Stocks which is listed as Document IWC/40/15.

9

The Report of the Scientific Committee has already been considered by this Joint Committee and I will ask the Chairman of the Joint Committee to present the Report but perhaps if you will permit me to do so I would like to ask the Chairman of the Scientific Committee if he has any comments he would wish to make before that is done. Chairman of Scientific Committee.

**Chairman of the Scientific Committee**

Thank you Mr. Chairman. As you have noted the Report of the Scientific Committee dealing with the Comprehensive Assessment has been discussed in some detail by the Joint Technical Committee/Scientific Committee Working Group so I believe there is no point whatsoever in me reiterating our discussions. What I should point out, however, is that in addition to presenting the results of the work that has been carried out during the year and our plans for future work in coming years, I have also presented those aspects of this plan that have budgetary implications to the Finance and Administration Committee and those aspects have been dealt with separately by that Committee. Thank you Sir.

9.1

**Chairman**

Thank you very much. Could I then ask Dr. Fleischer, the Chairman of the Joint Technical and Scientific Committee Working Group to present the Report of the Group. Mexico.

**Chairman of the Joint Working Group**

Thank you Mr. Chairman. Following the recommendation agreed last year the Joint Working Group of the Technical and Scientific Committee on Comprehensive Assessment met to review the development of the work carried out during the year and to discuss the future work of the Scientific Committee. Representatives of 14 countries participated in this Joint Working Group.

9.2

First we reviewed the Report of the Contract Studies, primarily the biochemical genetics where 4 recommendations were presented to the Joint Working Group by the Chairman of the Scientific Committee. These are listed on page 2 of the Report. These recommendations were also endorsed by the Joint Working Group. Then we analysed the progress on the analysis of Southern Hemisphere minke whale marking data. The Chairman of the Scientific Committee reminded us that these recommendations for coding were expressed before and some discussions on the usefulness of the techniques took place, and the recommendation that the Secretariat complete the coding project was also

endorsed by the Group. We also reviewed the analysis of the Southern Hemisphere non-minke sight data. As you remember the analysis of this data was contracted last year but at present the work has not been completed.

The main contribution of the Government of Japan to the IDCR Southern Minke Whale Assessment Cruise was noted and the Joint Working Group expressed its gratitude to the Government of Japan for the continuing major contribution it has made to this work.

It also was noted that there is some danger of some imbalance between the effort to collect new data and the analysis on the interpretation of the existing data. The Chairman of the Scientific Committee manifested that the Committee was aware and was very sensitive to these issues.

We also reviewed the Galapagos Sperm Whale Study. This is a project which was partially funded by the Commission and the result of this study provided information relevant to the Comprehensive Assessment and the Joint Working Group endorsed the Scientific Committee's support for this work.

Then we reviewed the Reports of inter-sessional meetings. We dealt first with the Photo-Identification Workshop. The Workshop discussed three main elements, methodology and uses and recommendations and addressed not only the techniques of photo-identification but other techniques expressed on page 5 of the Report. Some expression of the success of the Workshop were manifested and there was a view that some of the problems coming out from this Workshop can most efficiently be addressed if the combination of lethal and non-lethal sampling methods are combined.

Other views were expressed also to the opposite responded that this statement was not generally supported and it was stated of lethal and non-lethal research methods should be examined on their merit in the light of the objectives of the research and on a case by case basis.

The analysis of the catch curves was noted in a document but no specific comments to these points were made.

We then moved to the management procedures. Four papers were presented at this year in the Scientific Committee deliberations and contained the results of a specific test of several management procedures. These are summarised on page 6 of the Joint Working Group Report. The Scientific Committee recommended that an inter-sessional workshop be held to evaluate the management procedures and elaborate second stage screening. The Committee also recommend discretionary fund of £5,000 to be provided for the 1988/89, while the Scientific Committee will carry further development of the management procedures. Some views were expressed congratulating the Scientific Committee on the progress, but they also record that setting management objectives require a policy decision which must not be prejudged by the current studies by the Scientific Committee. Other delegations expressed that this work impinges directly on the Technical Committee and this conducted at the Technical level which places the International Whaling Commission in the lead among world fisheries organisations.

There was a specific request for a paper which will benefit the Commissioners explaining the characteristics of the procedures being explored. There was several supports for this request and it was noted the important first stage work is presented in the way suggested so that the Technical Committee and the Commission in any reconsideration of the objectives of management can work from an understanding of the levels of performance.

An expression by a member government added that they were pleased that the examination of the first stage screening was almost finished and the expression will also encourage to incorporate other procedures which was once criticised and are now evaluated and they are promising and they urged the Chairman of the Committee to proceed.

The Joint Working Group endorsed the Committee recommendations on management. Then we reviewed the biological parameters and the Chairman of the Scientific Committee noted that last year the Committee established a corresponding Working Group to develop appropriate terms of reference to review biological parameters and their change over time. However, no progress was made on this matter in the inter-sessional period.

Other studies under consideration for the Joint Working Group were the Sightings Surveys. I wonder if I should stop for some questions or should I proceed Mr. Chairman?

**Chairman**

I think perhaps if you present your Report and then I'll ask for comments or proposals.

**Chairman of the Joint Working Group**

Thank you. Especial attention was drawn to the development of the Southern Hemisphere IDCR Surveys and the willingness of the Government of Japan to continue the next season was expressed as well as the interest in the international North Atlantic Sighting Surveys.

Another Project which was believed to be important was the South African Right Whales Project which has some important bearing to the Comprehensive Assessment. The Working Group was grateful for Japan's continuing assistance in conducting the Sightings Surveys.

There were some comments on the importance of the North Atlantic Survey to the Comprehensive Assessment and specifically noting the efforts of the North Atlantic nations which participate. There was a proposal by two member countries and they confirmed that they are committed to co-operate in the 1989 Surveys.

Other views were expressed in the discussions and the Joint Working Group endorse the recommendations made by the Scientific Committee. There was some clarification requested on the funding regarding the South African Right Whale Project and it was noted that the funds will provide some bridging finance for the continuation of this study. One delegation noted that the South African Right Whale Survey is important but should not detract the attention from other equally important coastal Surveys such as those which are developing in Argentina.

The Chairman of the Scientific Committee explained that other techniques like natural markings are being employed and the Scientific Committee will study all the available possible techniques in the assessment of cetaceans regardless of sighting surveys or any other parallel methods.

The Working Group agreed with the recommendation of the Scientific Committee in this issue.

As a part of the work we also reviewed the telemetry and remote sensing. This was the Working Group established to discuss telemetry and remote sensing techniques. The Scientific Committee noted that while photogrammetry and satellite imaging were potentially useful tools, radio-telemetry will provide

information of more direct value to the Committee, in particular by establishing stock identity and boundaries. Satellite telemetry in particular provides excellent potential for gaining long-term data on free swimming whales. The Committee recommended that the Commission request the Secretary to contact the Service Argos, NOAA and NASA urging them to implement the concept of dual beam technique which will provide location from single messages. The Committee also recommended that the Commission urge member governments to provide adequate funding to allow the development and use of telemetry to progress rapidly, and further recommends that such funding be of several years which will provide continuous duration to allow the projects for completion. The Joint Working Group endorsed these recommendations Mr. Chairman.

We also review the continuation of the CPUE Workshop. Last year as part of its programme for Comprehensive Assessment the CPUE series of the North Atlantic minke whale fisheries required detailed examination. The Commission agreed to this recommendation and to those nations which have exploited minke whales in the North Atlantic as well as a non-member nation to be requested to supply a detailed description on the methods and strategy of these operations.

One member nation replied to the Secretary's request for information in stating the partial description of their minke whale operation was already provided. Other member delegations responded that this coastal fishery was described in a document submitted to the International Whaling Commission and the updating of the CPUE series have been presented annually. A paper from the non-member country was received.

The Committee agreed at this stage that the re-analysis of the existing CPUE data was not a high priority, however because these data are the only historical abundance that are available for some stocks, the Committee again identified three potential areas for future work for stocks as identified for high priority. These are obtaining the detailed operation, operational information, the use of the data to develop models of the CPUE abundance relationship, development of models to determine the effect of whale movements. It also explains on page 12 and the Joint Working Group took note of these priorities.

We reviewed also the problems relating to the estimation of the maximum sustainable yield rate. The Chairman of the Scientific Committee agreed that this problem warrants more study and a paper should be prepared for the next Annual Meeting. The Committee agreed to three recommendations and there were some expressions of the need of analysis or reanalysis of these data which goes back to the 1960s.

One member country noted that, as clarified in the last Committee meeting, there is some limitations on the availability but if it is requested by the Scientific Committee the limitation will be modified for the use in the Comprehensive Assessment.

Another member state thought that the specific issue of availability and handing of data to the Secretariat would arise under another Agenda Item and the Commission was the proper forum to manage these. Another view was expressed that it is germane to ask if the data is available so that the Comprehensive Assessment could be facilitated.

We moved then to the data inventory coding. There is a table which present a summary of data inventory replies to date and the potential use of this data was reminded. However, some countries had not yet responded, so the Committee recommended that the countries holding such data be encouraged to respond, and the Working Group strongly endorse this recommendation.

We then concentrated on the future work and we reviewed the Feeding Ecology Workshop proposal. This was a proposal from last year on having a Workshop on the Feeding Ecology of the Southern Baleen Whales which will be held jointly with CCAMLR. CCAMLR has agreed for the refinement of the terms of reference of this Workshop and it was proposed that a joint CCAMLR and IWC Steering Committee to be formed to address this. This joint Steering Committee will meet during 1988 during the Scientific Committee meeting and propose revised objectives on the terms of reference that were endorsed by the Committee which recommended that the Workshop take place.

A member delegation concurred with the Committee's recommendations and fully recommended that the Committee should have on its Agenda at the next and subsequent meeting a special item on ecological questions relating to whales. Norway endorsed all the above but noted that at this stage those considerations should not distract from the completion of the Comprehensive Assessment.

Other delegations associated with this.

A member state expressed that they will participate in the Feeding Ecology Workshop believing that this will ultimately contribute to the Comprehensive Assessment.

Many delegations noted that while ecological studies are important, there should be some care in considering the workload of the Scientific Committee and to remain aware of the need to complete the Comprehensive Assessment.

The Joint Working Group endorsed the recommendations for the Feeding Ecology Workshop.

Then we turned to the question of priority groups of stocks as well as studies. The Chairman of the Scientific Committee noted that last year the Committee recognised that a major problem was the question of stock identity. Therefore, in most cases priorities were considered in terms of broad populations or regions rather than just stocks. The Committee agreed their priorities should be assigned to the following categories. Those are four categories Mr. Chairman which are expressed on page 15. Those are where substantial work is underway, or to those stocks which been protected from commercial whaling which are now showing varying degrees of recovery, or to the fully protected stocks where considerable data base exist, and the Chairman also noted that the Committee must carry out the Comprehensive Assessment of the stocks subject to aboriginal/subsistence whaling. It was agreed by the Committee that before 1990 the Eastern North Pacific gray whales should be the subject of an assessment.

Some reasons explaining these are on top of page 16. First because there is no problems with the stock identity, second because it falls under the category B and third because it is subject of aboriginal/subsistence whaling.

The Government of Japan stressed that the International Whaling Commission has the commitment to comprehensive assessment of the stocks by 1990 and questions whether the goals of the Comprehensive Assessment could be met by 1990.

Norway stated that it regards completion of the Comprehensive Assessment as the most urgent task before the Scientific Committee noting that the Scientific Committee Report shows a net gain in organisation and practical progress. Contract and inter-sessional work is also positive contribution but it was imperative that the Scientific Committee be in a good position to provide by 1990 certain answers.

There were some concerns regarding the setting of priorities and specifically to the proper development of the recommendations made one year by the Committee which in some cases had been delayed or not implemented in part because of the different national priorities or lack of research workers' time.

There was some agreement to this concern noting that the Scientific Committee meet for two weeks per year and it cannot alone complete the Comprehensive Assessment which depends in very large part of efforts of individuals. The Committee is only in a position to review and synthesis material presented at this meeting.

Iceland stated that the Commission must recognise the level of funding required to complete this work, and other comments were on the scope of the work and the levels of funding required, noting that they cannot rely on countries or being carried on a national base. It was a suggestion that will be reasonable to organise a centralised fund within the International Whaling Commission so this work could be properly directed and that all nations should contribute to this type of science. The Working Group endorsed the recommendations of the Scientific Committee on priorities.

Regarding the work plan for 1988/89 - this is outlined in the Sections 13 and 14 of the Scientific Committee Report and includes additional work to be carried out by the Secretariat. There are projects which require specific funding by the Commission which are listed in the table of the Scientific Committee Report. The Secretary drew the attention of the Joint Working Group of the extensive workload that the Secretariat has, and the Scientific Committee needs for data analysis which will require additional staff. This point was then reported to the Finance Committee. The Working Group endorsed the work plan proposed by the Scientific Committee and recommended that an appropriate budgetary allocation be made.

With regard to the preliminary work plan for 1989/90 - the Scientific Committee has not developed a specific work plan for 1989/90 recognising that this would be done during its 1989 meeting. In discussing an initial Agenda for this meeting it was believed it was essential that most, if not all, of this meeting should be devoted to the planning and the preparation of a detailed progress report on the Comprehensive Assessment. The Committee strongly urges that the amount and the scope of advice requested not relating to Comprehensive Assessment at this meeting should be reduced to a minimum.

However, the Committee did agree to include in the Agenda some Items addressing implications for whale management of inter-specific interactions.

There were some exchange views in the desires of member countries on effort on stock assessment and Comprehensive Assessment. Attention was drawn to the intention of the Committee to devote most of the 1989 Annual Meeting for the planning for preparation of a detailed report on the progress to a Comprehensive Assessment which should be presented to the Commission in 1990.

One member country stated that the Commission should place the Scientific Committee in the best position to complete its Agenda for 1989 and we should concur with the Scientific Committee proposal and endorse the 1988/89 work plan.

With respect to the Agenda dealing with inter-specific interactions there was an expression of reservations about the amount of work which can be achieved under next year's Agenda and suggest that only a general exploration on the problem should be attempted.

We then reviewed the chronology of the Comprehensive Assessment and we discussed the document which was requested by the Commission last year to the Secretary. The Working Group welcomed this valuable paper and the presentation by the Secretary and some expressions of gratitude were made.

There were some comments that the chronology document points out the ambiguity of the statement 'Comprehensive Assessment' and noted that we are approaching the date where the Commission should see resolutions of all conflicts in the IWC. By 1990 the Technical Committee requires from the Scientific Committee basic work which the Commission can be justified in deeming to institute the Comprehensive Assessment. These must be used as the basis for future work even if it's not in all respects perfect.

There some some concurrent views to this point and there was an urgent request that the Scientific Committee should complete the Comprehensive Assessment by 1990 and at least some priority stocks should be based on the best scientific knowledge available at that time.

The Government of Seychelles stated an important feature of Scientific Committee work in recent years is the attempt to generate consensus in the Scientific Committee. Some consensus emerge in the direction of the Committee work on the Comprehensive Assessment and the development of some methodologies. It is important that these concepts should be fully developed particularly when discussing the assessment made in 1990.

In Any Other Business the representative for Seychelles suggested that some time be set aside next year for the Joint Working Group to cover presentation by the Chairman of the Scientific Committee or other appropriate scientists on the current work on management procedures. This was agreed and it was decided that it would be useful if some visual aids were used.

I am sorry Mr. Chairman that I took so long in reading these but as you can appreciate the Working Group as well as the Scientific Committee is devoting a lot of the time to Comprehensive Assessment. Thank you.

**Chairman**

Thank you Dr. Fleischer for that very good assessment of the report and presentation. Could I call on Commissioners who wish to comment on the Report. Japan.

**Japan**

Thank you Mr. Chairman. I was also participating in the work of this Working Group. However, I haven't had a chance to peruse the final version of the Report until this time and I have a few questions regarding the expressions made on the final version of the Report.

On page 8 of the final version of the Report, the last paragraph, the second line on the last paragraph there in a bracket - it says 'such as Japan'. I think it is rather inappropriate to insert that. I would leave the decision to the Chairman of the Sub-Committee to decide.

Another point on page 10, on the fourth paragraph, the end of the first line, it sounds as if Japan is so arrogant to just establish the Working Group. I would suggest the alteration to insert 'it was Japan which had requested to establish this Working Group'.

However, this Report has been adopted by the Working Group and therefore I leave the discretion of the Chairman of that Group to determine the final version - the Chairman, yourself to determine.

#### **Chairman**

Thank you very much. I think the comments of the Commissioner for Japan can be noted and taken into account. Thank you. Mexico. I'm sorry Mexico - Iceland had asked for the floor. Mexico next.

#### **Iceland**

Mr. Chairman. The delegation of Iceland has studied the Report of the Joint Technical and Scientific Committee Working Group on the Comprehensive Assessment of Whale Stocks. The Government of Iceland attaches the utmost importance to the completion by 1990 of the Comprehensive Assessment and has made its views known in the Working Group. It has, in particular, noted that in order to accomplish the task set, the Commission must recognise the level of funding required. We should also note that the assessment cannot be carried out unless individual member governments carry out a significant amount of research. The Government of Iceland is convinced that the Commission must consider in its work on the Comprehensive Assessment modern methods of management incorporating an ecological multi-species approach. The delegation of Iceland is accordingly grateful that the Scientific Committee has agreed to include an Item in its Agenda for 1989 addressing the implications of whale management of species interactions.

As the members of the Commission are well aware, Iceland is overwhelmingly dependent on the utilisation of marine resources for its existence. We have found it necessary to move towards a multi-species approach in the management of our marine resources. For Iceland this is not only an interesting academic problem but rather a serious subject which needs to be considered in future management. In saying this I am convinced that in the near future we will have to take management measures that do not only take note of the status of the stock in question but rather of the overall situation. We will have to consider the impact of our exploitation of one resource upon other depending or dependent species. In other words we should consider the maximum yield from the total ecosystem in economic, biological or other terms rather than only the maximum output of each of the stocks regardless of the development of the rest of the system. I think the participants of this meeting would be interested in hearing about some examples which I think illustrate these points.

In the past two decades capelin has been a significant part of Icelandic fish landings, sometimes amounting to over one million metric tonnes per year but with large annual fluctuations. The cod is, however, by far the most valuable species, the yearly catch being three hundred and fifty thousand to four hundred thousand metric tonnes. Rough estimates indicate that the capelin consumption may be in the range of one third to half of the total food of the fishable cod stock. Due to the few year classes responsible for recruitment in the capelin stock the species is exceedingly vulnerable to environmental



fluctuations and over-exploitation and we have observed large variations in the strength of the different year classes. In the years 1980 to 1982 we experienced a near collapse of the capelin stock - over ninety per cent reduction in two-three years. Unfortunately this was also reflected in the total yield of the cod stock where average weight in the age was reduced around twenty five per cent in these years.

Here we have an example of two commercially important species which are strongly dependent on each other. In the future we might, for example, to conserve the capelin stock for the purpose of attaining the highest possible yield of the cod stock. Or we might want to keep each of the stocks at the optimum level with regard to a maximum combined yield.

Another type of problem which the present management faces is interactions between marine mammal stocks and the fisheries. First I would like to mention the so-called cod-worm problem which has been the subject of controversy but certainly is of great concern for all fishing nations. Seals are hosts of nematodes that are passed to the fish and are known to us as a serious economic problem in the fish processing industry as well as the marketing branch. Huge amounts are spent on cleaning fish fillets of this unwelcome creature. Does a reduction in seal stocks help us out of this problem or can other measures be taken to improve the situation. But seals, and even more so whales, also comprise a significant part of the ecosystem of Iceland. Although we have still have no reliable estimates of their annual food consumption in our waters it has been suggested that this may annually amount to millions of metric tonnes per year. However, this does not mean that our intermediate task now is to reduce these stocks to a minimum but rather to aim at a better understanding what role these animals play in the ecosystem. Our responsibility is to secure rational management and conservation of all components of the system.

Although the multi-species approach to management is still a sombre distant goal because our inadequate knowledge, the examples I have just given show the relevance of such an approach. Iceland is now directing its research efforts increasingly towards better understanding of species interactions. Already our scientists have made some progress as for instance in the relationship between cod and capelin. For understanding the dynamics of the ecosystem it is of major importance to learn about who eats what, how much, when and where. For example, in the case of the whale stocks we are making progress in mapping the energy needs of the animals, determining their food preferences and assessing the effects of the natural fluctuations in the environment on their body condition and reproductive status. In addition we need to have reliable knowledge on the stock sizes and pattern of migration. All these factors will be important components of an overall ecological model of the whale populations that should form a basis for future decision making.

We are still in the early phase of this work. It needs to be expanded to encompass as many species as possible in order to construct a overall food-web model for management purposes. This task requires combined efforts of all disciplines in this field. The delegation of Iceland is convinced that the Scientific Committee's decision to pay attention to these questions will yield significant rewards in the near future. Thank you Mr. Chairman.

**Chairman**

Thank you Commissioner for Iceland. Dr. Fleischer.

**Chairman of the Joint Working Group**

Thank you Mr. Chairman. Just to take the floor to explain to the Commissioner for Japan that indeed what he is referring to on page 8 is a typing error that should be corrected in the Draft. As well I should explain to you Sir that as he explained I didn't see the final report - I was just ready to read it today - as a matter of fact I read my own Draft. Thank you Sir.

**Chairman**

Thank you. Norway.

**Norway**

Thank you Mr. Chairman. I think the discussion of the Report of the Joint Working Group on the Comprehensive Assessment is a very important part of the work we are doing to approach the Comprehensive Assessment and the year 1990. My delegation feels that we have made constructive progress towards the Comprehensive Assessment through the work of the Scientific Committee and indeed by the work which we have done in the Joint Working Group. In the view of my delegation our deliberations in the Joint Working Group gave a major push towards clarifying what we need to have done by 1990. That is a considerable achievement and one which I hope will assist the Scientific Committee in its future consideration of this Item and in preparing effectively before concluding its broad in-depth review to be included in the Report which they will present to us in 1990. That continues to be my delegation's major concern with the work on the Comprehensive Assessment. It also continues to be my delegation's very serious concern that the Scientific Committee is unable to concentrate its efforts on matters which contribute to the Comprehensive Assessment as we will have to deal with it in 1990.

I would also Mr. Chairman like to say that the Statement which we have just heard from the Commissioner for Iceland is a contribution to the general work of the Commission with a particular bearing on the Comprehensive Assessment and I would very much wish to see the delegation of Iceland present the text of that statement to Commissioners in the form of an official document of the Commission. Thank you, Sir.

**Chairman**

Thank you Commissioner for Norway. Netherlands.

**Netherlands**

Thank you Mr. Chairman. My delegation would like to express its great appreciation for the work carried out in the Scientific Committee on the Comprehensive Assessment. We would like to make three comments on these matters.

Firstly my delegation is of the opinion that the workload of the Scientific Committee should be directed as much as possible to the Comprehensive Assessment in order to complete this major exercise.

We also would like to note here that in our opinion a crucial role is played by the development of management procedures and we would very much like to commend the scientists involved in the sincere hope they will continue their efforts and it would result in an agreed report on this. My third point Mr. Chairman is that we would welcome an interim report at next year's meeting as suggested in the Joint Working Group in a language which would make the essentials of this highly technical subject accessible to many of the members in the Scientific Committee and in the Commission. Thank you very much.

**Chairman**

Thank you. Japan.

**Japan**

Thank you Mr. Chairman. I would firstly like to express our thanks for Dr. Fleischer's work in presenting this Final Report.

I would like to concur with the expressions presented by Minister Asgrimsson of Iceland and the Norwegian colleague and also the colleague from the Netherlands.

As stated in the Working Group Report, the delegation of Japan would like to reiterate that the Comprehensive Assessment at least on major stocks should be presented by the year 1990 as agreed by the Working Group which met in Cambridge earlier. At this point I would like to stress that the Comprehensive Assessment achieved at the point of 1990 should be the one that we could utilise at that point. We can make the full utilisation of the assessment at that point. Thank you Mr. Chairman.

**Chairman**

Thank you Commissioner for Japan. Does any other delegation wish to offer any comments or views at this stage of the Report? Iceland.

**Iceland**

Mr. Chairman I just wanted to say that we would be happy to distribute our Statement as asked for by Norway.

**Chairman**

Thank you Commissioner for Iceland.

I think there is one matter arising from the Report but first could I enquire whether any delegation wishes to add its comments to those which have already been made and which will be noted? It would seem not.

9.3

I think the only action arising is on page 9 under 3.6.3 - Work Plan - where as I read it the Working Group recommended the Work Plan proposed by the Scientific Committee and recommended that an appropriate budgetary allocation be made. Can I take it that the Commission would wish to endorse this recommendation subject to discussion of this question by the Finance and Administration Committee who will cover it in their Report? Thank you. Can we then note and endorse the Report as a whole subject to that one Item which will need further discussion? Thank you - then I think it only remains for me to thank Dr. Fleischer and members of the Joint Technical and Scientific Committee Working Group for the work they have put in and the Report they have presented which has facilitated our discussion a great deal. I think that concludes our discussion of Item 9.

I think this might be a appropriate time to adjourn this meeting. I would, however, like to say that it is my ambition once again this third year of my chairmanship to try to conclude this meeting around lunchtime on Friday, if possible. But in any event there is a rather severe deadline and that I gather we have use of this hall only until 4 o'clock on Friday. So, if it appears we are in danger of passing that deadline I will perhaps seek your approval to carry on tomorrow night - Thursday night so perhaps it would be as well to keep tomorrow evening free against that contingency.

The other matter I wish to mention is that I suggest we resume at 9 o'clock tomorrow morning and at that time I would propose to start with Item 21 - report of the Finance and Administration Committee. Does that present any problems for anybody? Thank you very much.

Just one more small administrative notice - there is I think a little excursion on a boat in Auckland Harbour being arranged by the New Zealand Department of Conservation for Saturday and there is a notice outside on the notice board if anyone is here and wishes to join it they would be more than welcome. There is, I think, a minimum number required to justify the expedition of 25 people, so if there are 25 and up to how many? Limitless number - 50. If 25 delegates then are interested then a boat will be arranged for a excursion - the details are on the notice board outside. We will meet again then 9.00 tomorrow morning because we have had some delays today could I ask that we meet very promptly? Thank you - this meeting is adjourned.

**THIRD PLENARY SESSION : THURSDAY 2 JUNE 1988**

**Chairman**

Could I call the meeting to order.

First I would like to pass on a request by the Chairman of the Technical Committee that any delegations who wish to propose amendments to the Draft Report of the Technical Committee should please pass these in, presumably to the Secretariat, as quickly as possible in order that that document can be completed. Thank you.

We decided yesterday that we would continue our work this morning with Item 21 - Finance and Administration - and I will ask the Chairman of the Finance and Administration Committee to present this Report. Mr. de Soye.

**Chairman of Finance & Administration Committee**

Thank you Mr. Chairman.

The Finance and Administration Committee met on May 26 and 27 and discussed the financial and administrative matters as they are set out under Agenda Items 21 and 22 of the Annual Meeting Plenary Agenda. The Report has been made available to all delegations but since I know that financial reports used to be rather boring, I think that I would do best in giving a brief introduction in what happened in the meeting under any different Agenda Item.

21

We had a representation of delegates of twelve different countries participating in the work and I take this opportunity to thank all those delegations for their active participation in that particular Committee.

Our first Agenda Item was the Review of the Provisional Statement for the Financial Year 1987/88. If I can point out the main feature of the overall financial development - this can briefly be described as follows. Last year we introduced or adopted some amendments to the Financial Rules and those amendments have proved over the year to have contributed to a further stabilisation of the finances of the Commission. However, we have registered a negative side effect in so far as member governments increasingly tend to pay their contributions at the newly set latest possible date which does not lead to the application of sanctions. This has the effect that the Secretariat has to rely more and more and more substantially than before on the finances of the General Fund of the Commission. At the same time the accruing financial shortfall which stems from the non-payment of contributions from certain member countries draws constantly on this same General Fund, which has the implication that the General Fund would be depleted or could be depleted over a period of time to a critical level if we are not to remedy for this course of action. So in this perspective under this Agenda Item the Committee felt it opportune to make a series of recommendations which I would like to read out to you.

21.1

The Committee appeals to member governments to pay their contributions at the earliest possible date in the year. It appeals to member governments to fulfil outstanding obligations and to agree to an augmentation of available income of the Commission in order to maintain the level of the General Fund at £300,000, and with these remarks the Committee recommends that the Commission accepts the Provisional Financial Statement for the financial year 1987/88 subject to audit. May I suggest, Mr. Chairman, that as in past years we follow the same procedure and that I stop after every single item in order to give delegates a chance to make remarks on every single item. Thank you.

**Chairman**

Thank you. Yes, we will follow that procedure. Are there any comments on statements so far?

Can I assume then that the recommendation that we adopt the Provisional Financial Statement 1987/88 subject to audit is approved? Thank you. Proceed please.

**Chairman of Finance & Administration Committee**

21.2

Thank you, Chairman. We come now to the second Agenda Item. Under this Agenda Item we considered the estimated basic budget for the year 1988/89. The Committee was faced with a budget proposal that overall would have represented roughly a 25% increase compared with the actual budget with the present financial year, and to an increase of contribution levels in the order of some 17%. There was a consensus among participants at this Committee that such an increase was unacceptable and, at the same time, a number of delegations stated that they were still bound by a zero growth policy - zero growth I mean in real terms - and to remedy the situation the Committee made the following recommendations.

The first one was to reduce by £1,000 the level of travel costs for the Secretariat - a minor change. Then to reduce by £35,000 the allocation for research. It was pointed out by many delegations that this particular reduction under the allocation provision should by no means adversely affect the work to be carried out under the Comprehensive Assessment. We had fortunately the Chairman of the Scientific Committee with us and he assured the Committee that the proposed reduction would not have any adverse effects on this particular work of the Scientific Committee. We then deleted £15,700 under the budget line 'Other Meetings'. We fixed the NGO fee to a new level of £210 because this new figure would and should be in line with the increase of member governments' contributions to cover the cost factor caused by inflation. With this package of recommendation the budget for the year 1988/89 would represent an increase of 4% compared to 1987/88 and would achieve a zero real growth rate - the aim we had in mind when we started the discussion. So I think that each single recommendation made under this Agenda Item was a rather positive achievement.

Finally, before we started to make a zero recommendation to adopt the budget, the Committee felt that we had some additional general considerations which should be brought to the attention of the Commission. In the year 1990 we all know that the present leasing contract for the premises in Cambridge will expire, and the Commission in this particular year will have to face an increase in rent in the magnitude of 100%. And in this same year with this cost increase in rental we will have to replace part of our word processing equipment and these two cost factors together with the maintenance we just adopted that we should maintain the level of the general fund at £300,000, all these cost factors together will in that particular year 1990 which will be reflected in two financial years - 25% of it in the next financial year and three quarters of it in the following year and after that it will be a recurring cost, so in the year 1990 overall we would have to face a budget increase a real growth of some 6% which we anticipate. So we had an exchange of views whether it would not be prudent to provide for a kind of financial cushion of half of the anticipated increase already in the present 1988/89 budget in order to smooth the increases over the years to make it more acceptable for the respective finance ministries at home to swallow this increase. We saw the merits in such an approach but the majority of the delegations present felt we should await another year's data in order to have a more precise basis for action which we would then take in the next year's Annual Meeting. But having said this - this gaining of time - I think this

has to be bought and we have felt we will have to utter a note of caution because governments should be made aware right now that these additional costs would really be unavoidable and that we will have to face these additional requirements in 1990. Having mentioned this the Committee recommends that the Estimated Basic Budget for the year 1988/89 should be approved as it is detailed in Table 3 of IWC/40/8. Thank you Chairman.

**Chairman**

Thank you. Are there any comments? Can I take it therefore that the Provisional Budget 1988/89 is approved. Thank you. I am sorry - France.

**France**

Thank you Mr. Chairman. I will make some comments. I will refer to page 2 'Consideration of Estimated Basic Budget 1988/89'. I am reading the report: 'Using an anticipated inflation rate of 4% the budget would lead to a 21% real growth and the contribution of member governments would have to be increased by 13% in real terms. There was consensus in the Committee that such an increase was quite unacceptable.' I have some doubts about the fact that something which is unacceptable in totality - I mean the totality of the contributions of member states - can be suddenly acceptable in detail and now I refer to page 12. This is the last page.

The contribution of member states which have six shares have an increase in real terms of 13.12%. I have no doubt at all about the warm welcome the budget authorities in France will give me coming back with such an increase. I must associate my country about that sentence according to what there is of such an increase is unacceptable. Thank you Chairman.

**Chairman**

Thank you Commissioner for France. Those comments will be recorded. Mexico.

**Mexico**

Thank you Mr. Chairman.

Our delegation recognise the effort made in the draft budget for 1988/89 but nevertheless Mexico would like to reiterate its position as expressed in the Finance and Administration sub-Committee that the increase is not acceptable and that we are not able to accept more than a zero growth rate in real terms.

Mexico wishes also to point out once again that for many Contracting Governments their financial contributions to the IWC is reaching excessive levels. We hope that the Commission will find ways to re-examine the method of calculating the contributions in order that the less economically favoured of its members will be able to afford the participation in the coming IWC meetings. Also we want to encourage the Secretariat that during their execution of the budget would do its best to make the best use of the resources which will provide some savings and will be returned to the members. Thank you Mr. Chairman.

**Chairman**

Thank you. Those comments too will be recorded. Brazil.

**Brazil**

Thank you Mr. Chairman. I wish to thank the Chairman of this group for his very precise and concise reporting on the very difficult work we have carried out in this group in cleaning out the budget. Mr. Chairman, I wish to concur the ideas just expressed by the delegation of Mexico and also to point out that it has been my country's position in the Finance and Administration Committee that a revision of the scale of contributions is necessary to take

more into consideration the differences in ability to pay among contributing governments. We are all aware of the very difficult situation in which a few countries have found themselves concerning these contributions, many of them are in arrears and that we point out that those countries are all developing countries, and also the fact that contributions are being made very late - as late as possible because it has been very difficult for certain countries to find cash to transfer to the Commission. So, Mr. Chairman, I think that it is a matter of justice in reviewing the methods of payments and the scales of contributions that due consideration be given to this aspect and I won't go any further in this proposal now. I am just sharing this preoccupation with my fellow Commissioners and asking them to give thought to this and to possibly take this matter up when the time comes. Thank you so much Sir.

**Chairman**

Thank you Commissioner for Brazil. Those views will be recorded also. Norway.

**Norway**

Thank you Mr. Chairman. We agree with the Finance and Administration Committee's analysis that it will not be possible to foresee any drastic revision of the scale of contributions. We appreciate the concerns which have been expressed about the difficulties which present themselves for some of the Contracting Governments in paying contributions according to the present scale. It is the long held view of Norway that this Commission must rest on a platform of shared concern and shared interest. That to my Government also means that we must place ourselves on burden-sharing in financing the Commission. We will, Mr. Chairman, need to keep the question under review but it must be for each Government to consider whether it wishes to maintain its association with the Commission or whether for financial reasons it wishes to withdraw from the Commission. Thank you Sir.

**Chairman**

Thank you Commissioner for Norway. Are there any other comments? I don't see any - can I take it then that the Provisional Budget for 1988/89 is approved. Thank you. Would you proceed Chairman.

**Chairman of Finance & Administration Committee**

21.4 Together with the budget estimates for the year 1988/89 we had to consider the Advance Budget Estimates for 1989/90 and after having made the consequential changes in these reflecting the changes we made in the present budget we, the Committee, wants to recommend that the Commission take note of the Forecast Budget as is shown in Appendix 4.

21.5 I think that since this is rather a minor point I think I just proceed and go on with the next point, the next Agenda Item, which is the contributions calculation scheme. The interventions we just heard under the previous Agenda Item reflects or reflect the impasse we are facing under this Agenda Item

21.5.1 because some delegations strongly made the point that none of the proposals under consideration, those which were submitted for a new method of calculating the contributions, that none of those proposals contained the necessary elements which would aim at abolishing what was called the distortion between the contributions between those countries that can afford it and those countries which have, for example, increasing debt problems, and which would, at the same time, maintain the universality of the membership of the Commission. Other delegations expressed somewhat different views and I don't think I need to repeat these positions because these are the positions which were expressed over the years when we came to these two proposals. So facing these absolute opposed views the Committee and the Chairman of the Committee especially felt that there was no prospect for any agreement to be



found in this situation and that after having had three years of discussion, the only alternative left was to go on with the present formula and at the same time try to keep this formula under review in order for when the time comes to be able to reopen the discussion. We therefore recommend that the Commission retains the present arrangement while keeping the matter under review.

**Chairman**

Thank you. Are there any comments?

I think we can take it therefore the Committee's recommendation is agreed. Would you continue please Chairman.

**Chairman of Finance & Administration Committee**

Thank you. Under the next Agenda Item - arrears of contributions - we had two different recommendations. The first one has not really a substantial background and is a pure administrative improvement for the Secretariat. It is to set a single common date for the annual compounding of interest in respect of the outstanding contributions and the Committee, after having discussed it, recommends that this date should be set at 1 March of any year.

21.5.2

As for the second part under this Agenda Item we were faced with the written request of the Government of Belize for a waiver or a reduction of its outstanding contribution. We had a discussion after which we felt that the matter was really complex and has to be looked at in more detail, so this led us to recommend we take up the matter again at next year's Annual Meeting, and that in the meantime the Secretariat should communicate with the Government of Belize to the effect that the request it made was still under consideration. Thank you.

**Chairman**

Thank you. The recommendation is that the Commission consider the matter at next year's meeting and in the meantime the Secretary should communicate with the Government of Belize to the effect that its request was under consideration. Is there any comment on this? Norway.

**Norway**

Thank you Mr. Chairman. We are in agreement with the first recommendation of the Committee. We regret however that the Committee was not able to make progress on the request raised by Belize. We feel that the question of dealing adequately with outstanding debts owed by Governments which have withdrawn or are about to withdraw from the Commission is a very important element in our financial structure. A successful solution of that problem might in fact also be able to provide solutions to other problems relating to outstanding contributions. We feel that there would be ways in which to settle the question - we feel that Belize would be entitled to something more than a holding operation when it has addressed the Commission on a positive note and with a serious purpose, but I realise that we are not able to go further together. I regret that. Thank you.

**Chairman**

Yes, thank you. Those comments will be noted also. Switzerland.

**Switzerland**

Mr. Chairman. We of course agree with the recommendation. I was simply wondering whether the Secretary when communicating with the Government of Belize could also be instructed to invite the Government of Belize's co-operation in this and I am thinking that the reference to the last letter of the Belize High Commissioner's letter - the last sentence in the Belize High Commissioner's letter of 9 December 1987 is an encouraging sign. Thank you very much.

**Chairman**

Thank you. United Kingdom and then Brazil.

**United Kingdom**

Thank you Mr. Chairman. I would like to support what my Norwegian colleague has said and I was wondering if it would be possible to get the Finance and Administration Committee next year to look in particular as to how we deal with countries with substantial arrears, because I can't think it can help make running the IWC very easy as we have it at the moment. Thank you.

**Chairman**

Thank you. Brazil.

**Brazil**

Thank you Chairman. I wish to say that the question posed by Belize poses a problem because there could be an intimate connection between the way we treat a country that is about to withdraw from the Convention and countries that are still in the Convention. The nexus between the two situations is what led us to leave this question of Belize in suspension much as we have sympathy for the problems it has found in remaining with us and contributing to the Convention. So, Sir, I think that it was inevitable that this matter had to be postponed because we must think how it will articulate itself - the Belize question with the question of arrears of contributions. It is certainly the view of my delegation, and in this I do not agree with my colleague from Norway, that some effort has to be made by us all to keep some kind of universality in membership for this organisation and not try to discriminate financially against people who wish to participate but may not have the power to contribute financially every time and very punctually. So this is a very complex and complicated situation - it is not a clear cut thing in which you just put people at the door. So this is why I wanted to intervene at this point and go on record. Thank you very much, Sir.

**Chairman**

Thank you Commissioner for Brazil. New Zealand.

**New Zealand**

Thank you Mr. Chairman. New Zealand also considers that the present situation regarding outstanding dues is most unsatisfactory and supports the proposal put forward by the United Kingdom.

**Chairman**

Thank you. Mexico.

**Mexico**

We would like to associate with the words expressed by the Commissioner for Brazil. Thank you.

**Chairman**

Thank you. Oman.

**Oman**

Thank you Mr. Chairman. This is a very great concern and we feel that there should be a way of getting in touch with the Contracting Government and we should leave this to the Secretary to contact the Contracting Governments in order to pay their dues in due time. However, I would like to associate myself with the distinguished delegates of Norway and United Kingdom. Thank you Sir.

**Chairman**

Thank you. Any other comments? Australia.

**Australia**

Thank you Mr. Chairman. Australia would like to associate itself with the comments by the delegation of the United Kingdom. We believe that it is important that there be an examination of the situation of those countries that go in arrears. We are concerned under the present mechanism that these arrears grow at an alarming rate for individual countries, even though they have been deprived of the vote and do not receive the papers of the Commission. We believe that we should try to get each country to provide some indication of the likely repayments schedules and an undertaking to discharge its obligations. Therefore we support the proposal of the UK that this matter be looked at at the next Commission meeting.

**Chairman**

Thank you. If there are no comments I think the discussion has demonstrated the need for the Commission to grapple with this problem and I think that all members and all delegations are agreed that next year this must be seriously addressed, and I suppose that hope would be shared too by the Government of Belize who I suppose incurs another year's interest while we debate the matter. So can I take it then that the recommendation is agreed? Thank you. Would you continue Chairman?

**Chairman of Finance & Administration Committee**

Thank you. Under the heading 'Numbers attending Committees and Working Groups' the Secretariat reminded us of the difficulties which arise every year when delegations fail to notify in advance the Secretariat of the number of delegates because this is causing inconvenience, administratively it is causing unnecessary extra costs. So having listened carefully to the Secretariat we felt that we should make an appeal to Governments once again to comply with the necessity of notifying well in advance, at least four weeks we felt, from the beginning of any meeting of the exact number of participants, and we felt that we should indicate that non-complying Member Governments would have to face the administrative inconvenience resulting from this kind of behaviour, and that any resulting inconvenience should in no case go to the detriment of those member governments who are complying with this notification need.

21.6

The Secretariat agreed at the same time that in future at the time when the Agenda is circulated to the member governments a corresponding reply form will be sent in order to remind member governments of the need for the notification of the number of participants. I think this does not need to be accepted - it has been discussed and it is only an appeal.

**Chairman**

Perhaps I could ask if there are any comments. If not, we will note it and go on.

#### **Chairman of Finance & Administration Committee**

21.7

Under Agenda Item 21.7 it was felt that the Rules of Procedure, especially the Rule of Procedure E.3, could (I will be very careful) could lead to or could have a need for a further clarification of its drafting. So after having discussed it a long time we recommended that Rule E.3 paragraph 1(a) be renumbered 1 and that paragraph 1(b) be renumbered 2 in order to make a separate paragraph of 1(b); that remaining paragraphs should be numbered consecutively and that the final phase of paragraph E.3 old - which is now E.4 - be amended to read, I quote 'shall be of the total number of Contracting Governments whose right to vote has not been suspended under paragraph 2'. So this is a recommendation how the rule E.3 should at least be interpreted.

#### **Chairman**

Thank you. I think the formal position is that amendments to the Rules of Procedure under our rules require notification 60 days in advance of the meeting. I think therefore what the Finance and Administration Committee may be recommending is that these amendments should be decided on at the next Annual Meeting of the Commission where there will adequate notification, and that in the meantime for the guidance of the next Chairman the Commission should decide to act in this manner. Is that a fair assumption, Chairman of Finance and Administration Committee? Thank you. I think that is therefore the proposal. Any comments? Norway.

#### **Norway**

Mr. Chairman, I have no comment on the specific proposal but I would enquire when you would find it appropriate to make comments on the issue which gave occasion to this proposal? Thank you.

#### **Chairman**

Well, if you wish I could make some comments now or invite some comments on the situation. This is, of course, the product of a situation that arose between the two Annual Meetings when there was a request for a postal vote and when the question of the number of Commissioners or Contracting Governments who compose the total to be taken into account for computing or assessing the majority became significant. I don't think the question had arisen before. There was no precedent and our rules on this subject are somewhat confused to say the least, in that one rule makes one statement and then other rules affecting suspension of the right to vote make other statements or provide other rules. I as Chairman interpreted the rules in a particular way after seeking legal advice, and the Finance and Administration Committee considered the matter and decided that the matter did indeed need clarification and this is the outcome of it, and I would hope for the sake of future Chairmen that they will not be faced with a necessity of trying to interpret a somewhat unclear set of rules, that clarification is, I do strongly appeal to you, required one way or another. Does anybody wish to make any comment or ask any questions on this point? Norway.

#### **Norway**

Mr. Chairman. I think that we really dealt with the essentials when we determined the Agenda of this Annual Meeting and I shall not go into any aspect which may have been present when we decided not to include a sub-item on our Agenda. But I would like to make the point that postal voting is in its nature very different from voting which takes place in a meeting of the Commission with the Commissioners present. When Commissioners are present it is always possible to clarify the modalities of the vote on the floor and the Chairman will be able to offer guidance to the Commission in the form of his ruling, and the Commission may indeed under our Rules of Procedure determine that they did not agree with the ruling. This is entirely absent in the mechanics of postal voting. Likewise, in voting when Commissioners are

physically present in the Commission we have a very clear and established procedure. The Secretary will call the roll in his usual style and we all hear what votes are given by each Commissioner as the roll proceeds. This is also an element which is absent in postal voting. To illustrate the results of all these distinctions, I think postal voting liberates Commissioners from the strictures of the roll call procedure when they are requested to state their views in writing and they are free to state their views in the manner they choose. That makes it possible to avoid the compartmentalisation of your view as either an aye or a nay or an abstention or a declaration of non-participation. That makes it much more difficult to count the votes, Mr. Chairman. That is also one of the troubles of the postal vote procedure which I do not believe we can repair.

My own delegation in the recent postal vote expressed the view that Norway was not in a position to support the proposal. I believe that vote was recorded as a no vote whereas in fact it was intended to mean that we were not saying whether we voted no or whether we abstained. By that we wanted to indicate something of the flavour of our attitude towards the vote. These difficulties are inherent in the postal voting procedure that makes it a difficult way of operating but not an impossible way of operating. But it requires some more thinking around the subject. I'm not sure we will find that all Chairmen will be liberated from difficulties by the suggested refinement of our Rules of Procedure and I wish them luck. Thank you Sir.

**Chairman**

Thank you. I think perhaps I should therefore add that I agree with the Commissioner for Norway that the Rules are never going to be perfect and there will sometimes be obscurities and uncertainties. In those circumstances any Chairman will I am sure, and this would have been my wish, to consult with Commissioners and seek their advice but it is a very long drawn out procedure and it can only really be effective if time permits, and in the case that has recently occurred there simply wasn't the time. It would have been a fruitless exercise but certainly I would assume any Chairman will wish to have the support of Commissioners if he has to move into slightly uncertain territory. Brazil.

**Brazil**

Thank you Chairman. I think this is a very delicate question and my country has circulated some comments around these items some time ago to the benefit of Commissioners from other countries.

Chairman, the problem seems to be, as we perceive it, not one of procedure but one of attitude. I think that whenever we are forced to take a vote because a certain component or country created a situation in which the Commission cannot fail to pronounce itself, then it is inevitable that a postal vote be taken and that we get entangled in procedure. So what happened to us during the inter-session period was really that a certain proposal came into being with a set of dates included in it that required from the Commission some kind of attitude. So this led us into the postal vote situation, and this is why my country had to support the initiative by the United Kingdom at that time, because it was the only way out. We could not leave the issue unanswered. So the question seems to be not the question of procedure, not one of procedure, because procedure is always difficult postally - I fully agree with you. It is very difficult to see where the people agree with voting or whether they are voting for or voting against and how to take their comments concerning for instance different paragraphs of a certain proposal. So Mr. Chairman, I think that it would be wise for us all to restrict these questions that require postal votes to a force majeure situation, and that whenever these situations arise, consultations be carried out to the fullest extent possible. I do not

say that it is always possible for the Chairman to carry out in-depth consultations every time, but consultations are necessary whenever possible in order to avoid the kind of misunderstanding we can get into because it would facilitate the decision itself. And furthermore it is important for countries to avoid putting other governments in a situation in which they feel forced to lead the Commission into pronouncing itself on a issue that perhaps could wait until we are all together and able to exchange views. I think this is a question of political sensibility and sensitivity that should be very, very carefully thought of whenever any of us take initiatives that will require a pronouncement from the Commission in the inter-sessional period. Thank you Sir.

**Chairman**

Thank you Commissioner for Brazil. Those views will be recorded. Switzerland has the floor.

**Switzerland**

Thank you Mr. Chairman. I should very much like to inform you Mr. Chairman and through you the Commission that we made a rather detailed study of this question of the basis on which the majority is to be calculated. We consulted a great many international treaties and we consulted a great many authorities and commentaries and we came to the conclusion, Mr. Chairman, that after balancing very carefully the pros and the cons and evaluating them we came firmly to the conclusion that your ruling, Mr. Chairman, was correct.

**Chairman**

Thank you Commissioner for Switzerland. Mexico.

**Mexico**

Thank you Mr. Chairman. We don't want to extend the debate of this issue - we just would like to associate with the words expressed by the Commissioner for Brazil. Thank you.

**Chairman**

Thank you. Any other comments? Can we agree then to the procedure that has been suggested that the matter be on the Agenda for the formal amendment - the proposal for an amendment of the Rules of Procedure be on the Agenda for the next Annual Meeting and that in the meantime, if the question arises, and some Commissioners have expressed views on that contingency, then any Chairman would be guided by the advice in this report? Thank you very much. Would you continue, Chairman Finance and Administration Committee.

**Chairman of Finance & Administration Committee**

21.8 Thank you. Under the next Agenda Item a list of invited participants to the Scientific Committee was presented and the Committee noted the view expressed by the Scientific Committee, conveyed by the Chairman of that Committee, that the presence of the participants listed is vital to the work of the Committee, particularly in the context of the Comprehensive Assessment.

22 Coming now to the question of arrangements for future Annual Meetings. For the year 1989, the Commission has received an invitation of the Government of the United States of America to hold the 41st Annual Meeting - to hold the meeting of the Scientific Committee, of the Technical Committee and of the Commission in San Diego during the period May 15-June 15. The Committee took note of this invitation and recommends that the Commission accepts this invitation. Unfortunately I think I failed to express the gratitude of this Committee for the invitation of the Government of the United States. Shall I proceed with the arrangements for 1990?

**Chairman**

No, will you pause please. We have received an invitation from the Government of the United States to hold the 1989 Annual Meetings of the Scientific Committee, Technical Committee and Commission in San Diego, California during the period 15 May - 15 June. Can I assume that it is the wish of Commissioners to accept this invitation? Does any Commissioner wish to make any comment? Can I take it that it is accepted then? Well it only remains to me then to thank the United States Government through the Commissioner for the United States for this invitation to meet in San Diego next year and I am sure that Commissioners will look forward with great pleasure to the prospect of meeting in San Diego. United States Commissioner.

**USA**

Thank you very much Mr. Chairman. It's a great pleasure and an honour for us to be able to host the 41st Meeting of the IWC and we look forward to it. Thank you very much Sir.

**Chairman**

Thank you. I think then you could proceed Chairman.

**Chairman of Finance & Administration Committee**

Before coming to the arrangements for 1990 I think I should just add one remark which struck me when I saw the Secretariat yesterday. I know that every year we face the problem of different meetings and working groups being held parallel and that this is creating problems for some delegations because they have not such a large number of delegates that they can attend all meetings. We just had to face the situation that for next year's Annual Meeting we will have already now a decision for eight working groups which means we need at least one total week to treat the questions proposed at the same time without being able to avoid overlapping of these different groups. I would just draw the attention to delegates that this is going to cause inconvenience and it's not the irresponsibility of the Secretariat. We have to do it in one week's time and it's sliding out of our hands a little bit. I just wanted to add this under this Agenda Item.

**Chairman**

Yes, thank you. I think our Committees have a tendency to grow in number and the space available to accommodate the meetings - I mean the time available - is not very elastic. But the implication is, I think, that next year the Committee meetings will have to start on the Monday rather than the Tuesday and that would be facilitated, of course, by the fact that the Scientific Committee will be meeting at the same venue as the Technical Committee and the Commission next year. I think Commissioners in future in deciding to establish new Committees will just have to think a little carefully about the ability to hold all these meetings in that rather short space of time. Thank you Chairman.

**Chairman of Finance & Administration Committee**

As far as the arrangements for 1990 are concerned. Up to now unfortunately there has been no indication from the part of Governments whether they would offer to hold this 42nd Annual Meeting in a place other than the UK. At the same time the Secretariat reminded us that it would be very difficult and very unlikely that during the normal period of time when the Committee is normally held, it would be unlikely to make booking arrangements because it seems to be a very busy time in the places we normally used to go, so that the Secretariat was envisaging that the Annual Meeting in that particular year will be held in the UK in late July or even in August 1990. I think this was all about we discussed and I apologise for having kept you listening for so long and thank you for your patience.

**Chairman**

Thank you. There is no discussion needed under the contents of Item 5 - this has already been decided. Does Mexico wish to have the floor?

**Mexico**

21.8

Thank you Mr. Chairman. Yes I would like to make a comment to the point of the Report 21.8 which was jumped. We were on the revision of the amendments to the paragraph E and then we started to discuss the date and place of Annual Meetings. The comment is, Mr. Chairman, that the Committee noted that the invited scientists attending the meeting has no cost to the Commission. Our delegation believes there is some costs to the Commission with the invited participants because the Commission is providing necessary facilities and also there is accommodation and we wish these to be on the record.

**Chairman**

Thank you, that will be recorded. Iceland.

**Iceland**

Thank you Chairman. Mr. Chairman, Mr. de Soye was such a businesslike Chairman that the delegation of Iceland did not have the opportunity even to thank him for the way he conducted the work. I would certainly like to take this opportunity now to thank him I am sure on behalf of the members of the Committee. He was a model of good administration.

**Chairman**

23

Thank you. I think we have now covered the Report of the Committee in its entirety and I think we can therefore adopt the Report as a whole. That is formally Item 23 of the Agenda. Can I propose that we adopt the Report as a whole? Thank you - it is adopted and the Commissioner for Iceland has expressed very well what I had intended to say, that we are grateful to the Chairman, Mr. de Soye for his masterly Chairmanship and to the members who worked very hard to get this Report, and I think the wide nature of agreement that it received in the Commission is an indication of how effective their work has been, so thank you very much.

24

There isn't too much time before the very important coffee break but I think we might proceed with Item 24 'Co-operation with Other Organisations' to which you will remember there is an additional sub-item added 24.5 'UNEP'. And I would ask the Chairman of the Scientific Committee to review those parts of his Report which referred to this Item and cover paper IWC/40/10 Revised also. Chairman of the Scientific Committee.

**Chairman of the Scientific Committee**

Thank you Mr. Chairman. As you have indicated there is a primary paper dealing with co-operation with other organisations - that is paper IWC/40/10 Revised - that contains reports of IWC observers to the meetings of CCAMLR, ICES, ICSEAF and IATTC, and it also contains correspondence with UNEP and a request for the IWC to consider co-sponsoring a meeting. The Scientific Committee reviewed the observers' reports for most, but not all, of these meetings and our discussions on that are found on Section 5 of our Report beginning on page 4.

24.1

Dealing first with CCAMLR, we are informed that the major item of interest to the IWC discussed at the CCAMLR meeting was the proposed Joint Workshop on the Feeding Ecology of Southern Baleen Whales that I have already reported on under another Commission Agenda Item. CCAMLR had decided that further consultations were needed to develop terms of reference and these in fact have taken place. In discussing monitoring studies for krill, CCAMLR has



identified in particular minke whales as a possible species for monitoring. In attempting to look at other possible species, CCAMLR had asked one of its members of its Scientific Committee to correspond with me as Chairman of the Scientific Committee and with other experts in compiling a list of possible other species and I had replied on behalf of the Scientific Committee.

Mr. Chairman, do you want me to stop there?

**Chairman**

Thank you. Are there any comments? None - proceed please.

**Chairman of the Scientific Committee**

Thank you Mr. Chairman. Secondly I turn to the Observer's Report for the ICES Meeting - that is the second report in this paper IWC/40/10. During the 75th Annual Meeting of ICES there were several cetacean papers discussed and we were informed that ICES is organising a symposium on multi-species management of marine ecosystems that will be held before its 1989 Statutory Meeting in the Netherlands, and we took note of these in the Scientific Committee. Thank you Mr. Chairman.

24.2

**Chairman**

Thank you. Any comments? None. Please proceed.

**Chairman of the Scientific Committee**

Thank you Mr. Chairman. The next Observer's Report in the IWC paper is that for ICSEAF. This in fact was not available to the Scientific Committee at the time of its meeting and wasn't discussed, but the report we have indicates that nothing of particular interest to the Whaling Commission was discussed at that meeting and so, Mr. Chairman, perhaps I could move straight to the fourth one which is IATTC. Because the Scientific Committee met in San Diego, which is very close to the headquarters of IATTC, we had four observers from that organisation at our meeting. Matters of interest to IATTC were discussed in the Sub-Committee on Small Cetaceans and the information contained in that Observer's Report was also discussed by that Sub-Committee and I have already reported to you the results of our deliberations on those observations. Thank you Mr. Chairman.

24.3

24.4

**Chairman**

Thank you. Any comment? None. Please proceed.

**Chairman of the Scientific Committee**

Thank you Mr. Chairman. The final item deals with a letter which had been sent to the Secretary from UNEP advising him that, as a contribution to the implementation of UNEP's Global Plan of Action, there was a proposal to organise and convene a meeting to review the status and problems of small cetaceans world-wide, and in paper IWC/40/10E the list of subjects that were intended to be discussed is given. Dr. Gambell replied and indicated that he would bring this matter to the attention of the Commission at this Annual Meeting and it was also brought to the attention of the Scientific Committee, and a small working group of the Scientific Committee met and considered this proposal and the report of this particular working group is given in Annex H to Appendix 3 of that Annex to the Scientific Committee Report. The proposals from that working group were that, firstly, the proposed meeting could be an important step towards improving our understanding of small cetacean problems, and the Committee recommends that the Whaling Commission should co-operate in the planning and conduct of the meeting and it agreed that this co-operation might include assistance in the development of a list of potential participants, provision of a member of a steering group and dissemination of information concerning the meeting to the Committee by the Secretariat. We

24.5

noted that this level of co-operation, which has no financial implications, was consistent with the 1980 resolution concerning the Commission's mandate to discuss scientific matters relating to small cetaceans. Thank you Mr. Chairman.

**Chairman**

Thank you Chairman. Can I take it that your recommendation from your Committee involves co-operation but not co-sponsorship.

**Chairman of the Scientific Committee**

That is correct Mr. Chairman.

**Chairman**

Thank you. Well I think here we have a practical question to resolve - the invitation has been received, a reply needs to be sent and I wondered if we could, without prejudice to any delegations' position on the policy issue involved, see if we can't simply resolve on, decide on, a suitable response without necessarily having statements of delegation position on the broader question. If at the end this is needed then of course there will be opportunity, but I just wondered if we should try and decide on a practical solution which doesn't violate anyone's principles and could I invite suggestions. We have a recommendation before us. Yes - Argentina.

**Argentina**

Thank you Mr. Chairman. I think as you have already said, it won't be convenient to discuss again the question of competence or not. But for the time being I will say that the Commission itself hasn't competence on this motivation matter. But at the same time the Scientific Committee has some kind of competence I would say in the scientific field. I am just suggesting or thinking that perhaps the Scientific Committee could attend this conference - the symposium, but the Commission itself only has to take note of that. I mean to be informed but not in their opinion at all the Commission as a political body - that means we can take note that the Scientific Committee is strongly in favour to attend and to sponsor in some way, but the Commission itself doesn't decide anything but just takes note of the decisions of the Scientific Committee. I think it will be a middle way. Scientists could attend it - the Commission itself would be informed but not participate and I think it would be a good result to resolve this situation. Thank you Mr. Chairman.

**Chairman**

Thank you. I think that is a very useful suggestion, namely that the Commission leave it to the Scientific Committee to co-operate in the ways they have recommended without involving the broader question. Japan.

**Japan**

Thank you Mr. Chairman. I would like to refer to the Item on the UNEP Meeting on Small Cetaceans. My delegation's position is that the IWC has not the competence of the regulation of the small cetaceans, and also that such regulation of the small cetaceans should be managed by the respective coastal countries and/or the international fisheries organisation. In light of this point we think that the priority for the meeting in co-operation now with UNEP and is very low and the IWC should not allocate any budget. And also the co-operation with this UNEP meeting for IWC should be at the minimum level. Thank you Mr. Chairman.

**Chairman**

Thank you. I think that the position is that no budget is to be allocated which I think covers that point. As I said, I had hoped that we wouldn't elevate this to what you might call the political level but deal with the practicalities and if at the end any delegation feels it must add something then of course the opportunity will be provided. But there is a recommendation before us from the Scientific Committee - it is on the table - it has been proposed by the Commissioner for Argentina that it be kept at the scientific level and not become a Commission matter, although we would simply be informed in due course, and that seems to me to be a very sensible and practical way to proceed, but I invite others to comment on this. Brazil has the floor and then Mexico.

**Brazil**

Thank you Mr. Chairman. Yes, I think that if we combine what you have said with the suggestion of Argentina the outcome is perfectly acceptable because I understand that you have stressed that we have co-operation and not co-sponsorship as suggested by the Scientific Committee itself, and that this decision is taken without prejudice to any delegations positions here. So, if this is left at the scientific level without involving the Commission it won't prejudge any outcome of any discussions among us and questions of competence, and this would perhaps solve the question without further debate perhaps. Thank you.

**Chairman**

Thank you. That was the way I was hoping we could proceed but if any delegation would like to speak. Mexico.

**Mexico**

Thank you Mr. Chairman. I think the answer that the Secretary of the Commission expressed in his letter - it's very well stated. I am afraid that I cannot concur with the position of the Argentine Commissioner because there is undoubtedly some funding requests on the participation of the Scientific Committee, especially the dissemination of information concerning the meeting. This specific point was raised under the budget and finance administration of one of the expenditures from last year with the Commission expense money. In that respect I would like also to mention that the collaboration of the Commission with the work of other international organisations should be restricted only to the proper management of whale stocks. Thank you.

**Chairman**

Thank you. Does any other delegation or Commissioner wish to speak? United Kingdom.

**United Kingdom**

Thank you Mr. Chairman. I would just like to stress, since we keep seeming to stray into competence, that I very much support the Brazilian Commissioner's view that we should follow the line proposed by Argentina without any prejudice to any delegations' position. Thank you.

**Chairman**

Could we decide to proceed on that basis? We have had views from a number of Commissioners but I wonder whether we could simply accept this proposal. France.

**France**

Thank you Mr. Chairman. In a way to help you maybe to find a solution between the proposal from Argentina and the statement from Mexico. I agree, of course, with the position expressed with Mexico, but in order to find a solution maybe the participation of other scientific level will be clearer if we add a clear statement from the Scientific Committee - that it is not exactly what it recommends - that is that the IWC co-operate in planning and conduct of the meeting but that the IWC Scientific Committee co-operate in the participation - it's not a planning and conduct of the meeting by the Scientific Committee but only participation. Thank you.

**Chairman**

I think we have moved to the point where probably in our minds the words 'recommends that the IWC co-operates' has been converted into 'recommends that the Scientific Committee co-operates'. I think that is where we really are at. I take note of that comment about deleting the planning and conduct but there is a recommendation to this effect before the Commission and I just wonder whether any other delegation has any views on this? France, do you wish to explain further your proposal?

**France**

Thank you Mr. Chairman. I want only to add that I don't ask to change the recommendation made by the Scientific Committee which we cannot do - it's the final resolution here or solution here. I think we cannot delete or change a recommendation made by another institution of our Convention but the final solution made here I propose to have it as a participation of the Scientific Committee and not the planning and conduct of the UNEP Meeting by an institution of the Whaling Commission. Thank you.

**Chairman**

I wonder really if we, speaking from the Chair, whether we really want to get into a debate on the precise form that the co-operational participation would take. If it is to be done at the Scientific Committee level and not at Commission level could we simply leave it to the Scientific Committee to co-operate or participate with this meeting and perhaps not spend a long time debating the precise form? Brazil.

**Brazil**

I agree Sir. However, it is important to keep the basic elements of the recommendation by the Scientific Committee and perhaps in this would be the solution to this difference of opinions is that no cost would be involved. I mean if we leave it very clear that the co-operation would be made at the Scientific Committee's level without any additional cost to the Commission then I think that the solution is possible. Thank you.

**Chairman**

Thank you. I think that is helpful. The proposal is that we authorise the Scientific Committee to co-operate on the basis that no additional financial cost is involved. Mexico.

**Mexico**

Yes, Mr. Chairman. I would like the record to show that we reserve our position on this on the basis that if we follow, as suggested, that the Scientific Committee co-operates, the provision of a member and also the dissemination of information will require funds of the Commission. Thank you.

**Chairman**

Thank you. That will be recorded. Could we then generally agree - I believe that we could spend a long time debating this Item. I think then - sorry Argentina.

**Argentina**

Thank you Mr. Chairman. I think the proper way is that we can't accept the recommendation for the Scientific Committee but at the same time we can't say that the IWC Commission does not object that if the Scientific Committee decide by itself to attend the meeting and co-operate at a scientific level, the Commission won't take any measure on that. The IWC Commission doesn't intervene in this matter - just take note. This is the idea. Thank you.

**Chairman**

Thank you. I think that is an improvement. We would simply take note of the intention of the Scientific Committee. Would that be acceptable? I think it would be. Thank you - then that is agreed then.

Chairman of the Scientific Committee, you may wish to dispose of any further Items of the Scientific Committee Report, I imagine. I give you the floor.

**Chairman of the Scientific Committee**

Thank you Mr. Chairman. Under this Agenda Item there is one very small other point that is described in Section 5.3 of our Report. Last year we had noted with regret that no Advisers from FAO, UNEP or IUCN had been present at our meeting and we recommended that the Secretary write to those Organisations. At this meeting the Secretary reported that all three had replied - IUCN explaining that its Observer had been unable to attend at the last moment, FAO that its current financial position was such that it couldn't send an Adviser, and UNEP that its meeting of its Governing Council in 1987 had conflicted with the timing of our meeting, and we noted that this year an Adviser from UNEP was present but not from the other two organisations. Thank you Mr. Chairman, that completes my report.

**Chairman**

Thank you. That completes this Item. Could I ask you, Chairman of the Scientific Committee, what other sections of the Scientific Committee Report still remain to be considered. Are there any?

**Chairman of the Scientific Committee**

Just one Mr. Chairman. Scientific Permits.

**Chairman**

Quite. I think we will therefore take our coffee break and resume at 11.00 a.m.

- - - BREAK - - -

There is rather a small Item that I think we could consider very briefly and I am anxious to get through our work as quickly as possible. That is Item 25 - the 39th Annual Report - and this is contained in Paper IWC/40/11. I will ask the Secretariat to speak to this paper.

**Acting Secretary**

25 Thank you Mr. Chairman. As you said, the Annual Report has been distributed, the draft Annual Report IWC/40/11 - this is the normal Report we produce in the Secretariat. We've added the Tables 1,2 and 3 as you can see. The section on finance obviously has to be modified slightly in view of the Finance and Administration Committee's Report and I think that is really all we need to say about it. Thank you.

**Chairman**

Thank you. Are there any comments on the 39th Annual Report 1987/88 Draft? If there are no comments can I assume that we have approved it? I think so. Thank you very much.

I would now like to move it Item 8 - Scientific Permits. I would ask the Chairman of the Scientific Committee to speak to the Report of the Scientific Committee - the section of the Report which is found on page 49 paragraph 10 and I would like him to present the Report up to and including 10.3 but stopping at that point. Chairman of Scientific Committee.

8 **Chairman of the Scientific Committee**

8.1 Thank you Mr. Chairman. Mr. Chairman, the first Item I should report to you is that the Committee received the Report of the Special Meeting of the Scientific Committee to consider the Japanese Research Permit - the feasibility study. We did not discuss this Report, noting that it had already been forwarded to the Commission. However, we did address the recommendations contained in that Report and these discussions have already been reported to the Technical Committee.

Mr. Chairman, before we attempted to begin our substantive discussions on scientific permits we had before us a paper which suggested a mechanism to resolve the overlap between the various resolutions and guidelines that the Commission has adopted over the years in relation to Scientific Permits. There are in total 18 of these and after some discussion the Committee decided to group the various guidelines and criteria under five main headings. That is the proposal, objectives, methodology, effect of catches, and participation in research by other nations, and the particular structure we adopted is given in detail in Annex 01 to the Scientific Committee Report where the various guidelines are grouped under those general headings, and what we did in our later discussions was to structure them such that we answered and addressed each of the guidelines under those general headings. The Committee believed it was inappropriate to attempt to alter the wording of the Commission's guidelines at its present meeting but it did note that separate treatment of each of these eighteen guidelines, both at the Special Meeting and at this latest Annual Meeting, had proved an extremely cumbersome and time consuming procedure with an unhelpful degree of cross-referencing and I am sure everybody would agree it led to difficulties in providing an easily understandable report, and we wish to draw the Commission's attention to the fact that we intend to attempt to look at a revision of the current guidelines at our next Annual Meeting in order to simplify our work and to more effectively provide advice to the Commission. Mr. Chairman, before I stop I might say that perhaps the wording there is a little less felicitous than it might have been. We are not presuming to change the Commission's guidelines but what we are hoping to do is to develop a form of wording whereby we didn't have to separately answer or address two or three very, very similar guidelines. We are not trying to revise what the Commission has done and I should stop there Mr. Chairman. Thank you.

**Chairman**

Thank you. Are there any comments on 10.1 or 10.2 of the Scientific Committee Report under Scientific Permits?

It would seem not. Therefore, I think we should merely note the fact that the Scientific Committee intends to attempt to revise the current guidelines at its next Annual Meeting and we note, of course, the other comments. Thank you - would you proceed.

**Chairman of the Scientific Committee**

Thank you Mr. Chairman. In the discussion of Scientific Permits the Scientific Committee is required to address two issues. Firstly to review the results of research carried out based on take of whales under existing Scientific Permits and also to review existing or proposed new Scientific Permits for future years. As you have instructed me I will only present our Report outlining our review of research results based on existing Permits that come from catches taken in the past year and that is contained in Section 10.3 of our Report.

The first one I wish to deal with is results of research from the Japanese Feasibility Study - that is given in Section 10.3.1 of our Report starting on page 50. We were provided with the Report on a catch of a total of 273 animals taken under Special Permit. This was out of a proposed catch of 300. The catch had been taken over a wide latitudinal range from 55°S to the ice-edge. One diminutive form of minke whale was taken and this was the most southerly record of this particular form of minke whales. Appropriate samples were taken from this and ear plugs have been collected from 271 of the 273 animals and these included the rather fragile plugs from smaller animals that had proved difficult to extract in the past. We were informed that it had proved relatively easy to implement the proposed random sampling scheme. It was apparent that there was fairly significant heterogeneity in distribution of different segments of the population near the ice-edge. Several members commented on the useful biological information presented in the preliminary analysis contained in the paper providing the report. The Committee noted that one of the primary aims of the feasibility study was to test a procedure for collecting a representative sample from the population but some members pointed out that the preliminary results indicated that this had not been entirely successful, firstly in relation to the number of animals taken from schools, and also the fact that large schools were known to be relatively more sightable than smaller ones. An additional point mentioned was that there was considerable variability in density around the ice-edge which would lead to an additional element of variability in the estimated population structure.

Japanese scientists expressed their appreciation for these comments and they indicated that they already recognised some of the problems and were taking action to modify any future sampling scheme in an appropriate way. Several members also commented that even if random sampling could be achieved they believed that the level of variability that was apparent would make an analysis of the data proposed in the original Scientific Proposal rather difficult, and other members drew attention to the methodological problems that had been outlined in previous years and concluded that the results of this feasibility study, while it might provide information of general biological interest, would not contribute to the rational management of stocks nor the Comprehensive Assessment.

In response, the Japanese scientists reported that the results they had obtained so far had provided information on how to improve their sampling procedure such that they could obtain random samples and thus the feasibility study at least had fulfilled its objectives.

Finally Mr. Chairman, some members had noted that because the results presented to us were only preliminary it was improper to draw final conclusions on the value of the research. And in their opinion some of the criticisms were premature because this was a feasibility study designed to address this particular point. I think I can stop there Mr. Chairman.

**Chairman**

Thank you. Are there any comments any delegations would wish to offer on Section 10.3.1 of the Report of the Scientific Committee? Japan.

**Japan**

Thank you Mr. Chairman. First of all I would like to express our appreciation to the Chairman of the Scientific Committee and the members there who have made useful contributions and particularly to the Chairman who has summarised in a very expert way those discussions held at the Scientific Committee.

Further we take note very carefully of those comments which are very useful on the matter of the result brought forth by the preliminary research programme.

We also highly evaluate the approach made by the Chairman of the Scientific Committee in reporting this part of the report with a very well balanced way.

However, I have taken note that some scientists at the Scientific Committee have criticised the result obtained by the preliminary research as well as the original programme. They concluded that neither those results nor the objectives and described methodology of the original proposal would contribute to the rational management of stocks nor the Comprehensive Assessment.

I would like to point out the errors in their viewpoint.

The first point about the main purpose of the Japanese original programme which is to ascertain the natural mortality coefficient  $M$  estimations. This has been now proved to be possible by the adoption of the Tanaka/Sakuramoto and Nakamura Bayesian cohort model.

Further simulation will be conducted during the period between this year's meeting and next year's meeting and the result will be presented to the next Scientific Committee meeting, and therefore such viewpoint as to determine that there is no justification for the original proposal is arbitrary and one-sided.

As the Report of the Scientific Committee notes, the feasibility study research conducted in 1987/88 season has been undertaken to prove that it is possible to collect the samples representative of the stock and therefore this would give a clue to the degree of bias which were identified in the samples collected from the commercial whaling, and therefore the result of the feasibility study is obviously contributing to the Comprehensive Assessment, the purpose of which is to determine whether these studies could rationally prove the studies for the rational utilisation of the whale stocks.

The important homework imposed by the, within the framework of Comprehensive Assessment by the Scientific Committee such as sightings surveys, biochemical collection of the material for biochemical genetics, photo-identification material collection, feeding ecology workshops, information to add to the feeding ecology workshop, the pregnancy rate and age at sexual maturity estimation improvement. All these materials have been collected by the Feasibility Study conducted this year and in addition the ear plugs have been collected from the young age animals for the basic approach for the assessment of the population.



It is unfortunate for the Japanese scientific progress and also for the scientific progress of the IWC that these arbitrary opinions being expressed in which it was expressed that the Japanese feasibility study does not contribute to the Comprehensive Assessment without detailed examination of the results of the immediately past feasibility study.

Japan intends to continue on the scientific research programme because we feel that is indispensable for the progress of science and assessment of the stock and therefore we shall vigorously conduct the analysis studies of the material collected from 1987/88 research and at the same time we will take into account all the comments usefully made by the members of the Scientific Committee and shall report back to the Scientific Committee next year with the analyses of these results of the last year's programme and will report on the forthcoming research programme.

I would like to ask the Commissioners and the people attending this Commission to take note the Japanese seriousness and sincerity in performing such scientific studies under national programme and at the same time contributing greatly to the conduct of the IDCR sightings surveys in the southern oceans.

I would further like to draw your attention to the fact that New Zealand local papers have given erroneous information as regards the Japanese sincere effort in the research and also regret to take note that certain scientists have commented in a very erroneous approach to criticise the Japanese research in the southern ocean.

I would like to quote from the New Zealand Herald dated Saturday 28 May 1988 as follows with the heading 'Whaling Plans Under Attack'. The comments made by the renowned scientists such as Dr. Sidney Holt, Dr. de la Mare and Dr. Roger Payne have been recorded to have commented. Perhaps some of these people attending this meeting have already read this paper but I would like to just quote one phrase commented by Dr. Sidney Holt. It says in the paper 'it is a prostitution of science'. I would like to take this opportunity to ask two questions to the Chairman of the Scientific Committee as to whether he feels very comfortable to have a member scientist who would use such a word as being expressed in the paper, and the second question is that whether the Scientific Committee Chairman agrees with this sort of usage of the comment?

**Chairman**

Thank you Commissioner for Japan. I didn't interrupt the Commissioner for Japan because I would wish to give the widest possible scope to any Commissioners to make statements that they feel necessary but I would point out that we are addressing specifically Item 10.3.1 of the Scientific Committee Report and I don't think we are addressing statements that may appear in New Zealand papers or papers issued in any other member states, so I would hope that we wouldn't turn ourselves into a debate on what appears in press statements elsewhere - that is an observation from the Chair and I would ask the Commissioner for Japan whether he could leave the discussion at that point. Japan.

**Japan**

Yes, Mr. Chairman I agree to your decision to avoid discussion as regards the media problems. However, I would hope that the honourable members of this Scientific Committee shall avoid such usage on any occasions.

**Chairman**

Seychelles.

**Seychelles**

Thank you Mr. Chairman. I deplore the fact that a reputable Commissioner for Japan would use this floor to pass criticism on what happened to a private individual who happens to be on my delegation. What he does outside this hall is his private business and we are reducing this to a floor for squabbling. I want to put this on record Mr. Chairman. Thank you.

**Chairman**

Thank you. I wonder if we could not continue along this line but whether we could get back to the Scientific Committee Report and could I ask if there are any other comments on the Scientific Committee Report? Netherlands.

**Netherlands**

Thank you Mr. Chairman. My delegation expresses on behalf of the Netherlands Government its disappointment with the fact that the feasibility study was carried out although concerns were expressed in the Special Meeting of the Scientific Committee in Cambridge and despite recommendation and a Resolution of the Commission accepted by postal vote. Thank you Mr. Chairman.

**Chairman**

Thank you. Any other comments? United Kingdom.

**United Kingdom**

Thank you Mr. Chairman. Just very briefly - we are dealing here with a feasibility study which I understand is to form the basis for some future research but we have to face the facts that there are still some problems with it. The study itself has shown difficulties in obtaining random samples and indeed that was recognised by the Japanese scientists. Secondly, as I believe we said last year, we doubted the methodology could determine age specific natural mortality and there are still doubts in the Scientific Committee. I am, however, pleased to hear that additional simulations are going to be done. Thank you.

**Chairman**

Thank you. Any other comments? Iceland.

**Iceland**

Thank you Chairman. The Icelandic delegation recognises the preliminary status of the Japanese feasibility study in the Southern Hemisphere. We observe that the studies show already that important biological information has been obtained. The programme also demonstrates great potential. The Icelandic delegation commends this high level of research activities in Antarctica which we believe is essential for future management. Thank you Chairman.

**Chairman**

Thank you. Sweden.

**Sweden**

Thank you Mr. Chairman. Just to concur with the views expressed by United Kingdom. Thank you.

**Chairman**

Thank you. Japan.

**Japan**

Mr. Chairman I would like to comment in response to the comment made by the Commissioner for UK. Also in response to the comment made by the Commissioner for the Netherlands. In principle we are not agreeable and we do not recognise the framework imposed by so called Calio Resolution and although it is not mandatory it is a problem if the IWC recommends the interruption of the research which has been conducted under the sovereign right given to it - to the signatory nation under Article VIII of the Convention.

Furthermore, the feasibility study was conducted in response to the comments and criticisms made on the original programme by the Scientific Committee last year and it was only the starting point to resolve the problems identified by the Scientific Committee on the original programme and therefore it is shortsighted to give arbitrary criticisms for the serious and sincere response by the Japanese scientists.

Moreover in the consideration that the UK proposal was delivered immediately after the Special Meeting Report was published and in consideration of that it couldn't incorporate all the useful scientific examination given by the Special Meeting.

Therefore Japan sincerely hopes that this sort of abnormal voting will never take place again. Thank you Mr. Chairman.

**Chairman**

Thank you. Brazil has asked for the floor.

**Brazil**

Thank you, Mr. Chairman. I just wish to go on record with the following declaration. Though my delegation recognises the sovereign right of Japan which are not affected by the Convention to carry out scientific programmes, we do regret that it was carried out in spite of contrary opinions of the Scientific Committee and even before the Commission had the time to have a opinion on it. Thank you, Sir.

**Chairman**

Thank you. Australia.

**Australia**

Thank you, Mr. Chairman. I would like to associate Australia with the comments just made by the Commissioner from Brazil. I would also like to state that I do not believe that the affairs of the Scientific Committee could be described as capricious or arbitrary. I think the Scientific Committee has a very difficult task and I do think that they do try to carry out that task conscientiously.

Finally, I would like to just remind Commissioners that Australia believes that Article VI of the Convention provides a legitimate basis for the UK Resolution of last year and I would wish to remind Commissioners that the Article states 'the Commission may from time to time make recommendations to any of all Contracting Governments on any matters which relate to whales or whaling and to the objectives and purposes of the Convention'. Thank you.

**Chairman**

Thank you. Argentina and then the United States.

**Argentina**

Thank you, Mr. Chairman. Just to associate the Argentine delegation with the statement made by the Brazilian Commissioner. Thank you.

**Chairman**

Thank you. United States.

**United States**

Mr. Chairman, just as a point of clarification as far as Japan's comment, my delegation appreciates Japan's right to have some concerns but if we are going to talk about a Resolution I think that we should refer to it in the appropriate fashion IWC/39/24 Resolution on Scientific Research Programs proposed by the United States and co-sponsored by Australia, the Netherlands, Finland, New Zealand and Sweden and not the Calio Resolution. Thank you very much.

**Chairman**

Thank you. New Zealand.

**New Zealand**

Thank you, Mr. Chairman. New Zealand also shares the concerns which were expressed by the Netherlands that research on this matter proceeded after the request by the majority of members as noted in the postal vote that this programme should not proceed. We also take the view that the procedure by which this postal vote was recorded was valid and a legitimate one. New Zealand recognises that under the provisions of Article VIII there is the right for Contracting Members to issue Scientific Permits but we consider that this is not an unfettered right but it is a right that must be exercised in good faith and in light of other provisions in the Schedule. We therefore are concerned that this programme went ahead and we are also concerned about the nature of the methodology that is being proposed that has been subject to some concerns expressed in the Scientific Committee.

**Chairman**

Thank you. Does any other delegation wish to take the floor? Antigua.

**Antigua & Barbuda**

Thank you, Mr. Chairman. We would like to associate ourselves with the remarks of the distinguished Commissioner from Brazil and from New Zealand. Thank you.

**Chairman**

Thank you. If there are no other comments on this Item then I think the views expressed will be recorded and we take note of this section of the Report and I will ask the Chairman of the Scientific Committee to proceed.

**Chairman of the Scientific Committee**

Thank you, Mr. Chairman. I now turn to Section 10.3.2 of our Report which starts on page 51 and contains our discussion of results based on the Icelandic Research Permit. We had available to us a paper reporting the status of the different research projects undertaken under Iceland's four year programme. In 1987 80 fin whales and 20 sei whales were taken under this Permit. Progress on a number of electrophoretic and biochemical studies as well as a number of other general studies were specifically noted by the Scientific Committee and these are summarised in the paragraph starting at the bottom of page 51 and going through over on page 52. Having received this Report some members of the Committee commented that it was difficult to evaluate the results of the Permit catches on the basis of the studies presented because the results obtained from Research Permit catches were combined with results obtained from previous commercial catches and these members believed that more detailed analysis should be presented which separate the various components. These members also believed that the results

produced so far didn't show that the programme was assisting the Comprehensive Assessment or providing information of importance to management. In response, Icelandic scientists responded that the results presented so far were for two years of a four year programme designed to improve assessments and to monitor stocks. They pointed to the results of over 30 projects and they believed it inappropriate to present and analyse results from the research programme separately from previous results as it was designed to continue to monitor stocks and shouldn't be seen in isolation.

A number of members stated they believe that the Icelandic programme was a wide ranging one and that results clearly showed the programme was improving our knowledge of the stock and contributing to the Comprehensive Assessment.

Mr. Chairman there are in fact some further comments on the results of this Icelandic programme contained in a later section but because they are so inextricably tied in with comments on future Permit catches I wouldn't attempt to extract them Mr. Chairman. Thank you.

**Chairman**

Thank you. Are there any comments? Iceland has the floor.

**Iceland**

Mr. Chairman, when dealing with the research programme launched by the Icelandic Government in 1986 it must be borne in mind that the objectives of this four years programme are to improve the assessment and to monitor the status of the whale stocks around Iceland. This includes studies on age, reproduction, CPUE, evaluations and monitoring on studies on body conditions of animals with special reference to environmental fluctuations and reproductive success.

At the San Diego meeting of the Scientific Committee, Icelandic scientists reported on the status of over 30 separate research projects under the four years research programme addressing the above questions. In no less than twenty documents presented to the meeting we discussed the results on the potentials of our programme. Just that should demonstrate our sincere efforts in reaching the objectives set which are both aimed at better understanding of the status of the whale stocks and indeed we believe that the number of studies conducted will contribute to the Commission's Comprehensive Assessment of the whale stocks to be completed by 1990. Our broad research programme includes large scale sighting surveys conducted in 1986 and especially in 1987 as a part of the very successful international North Atlantic Sightings Survey which has been much acknowledged at this meeting as well as by the Scientific Committee as a major contribution to our knowledge of the stocks in question.

The Icelandic delegation has noted the endorsement of these activities with great appreciation and at the same time as we have recognised that improvements can be made which will be taken into account in 1989.

In other respects, Mr. Chairman, I believe our activities will fall within the framework of the Comprehensive Assessment. This summer we intend to conduct a series of experiments to improve interpretation of sightings data obtained both in terms of experimental aerial surveys and on board surface vessels and with radio tracking and other experiments. These activities are aimed at improved interpretation of our most recent sightings data. But we also believe that our research related to the permit catch is increasingly showing the importance of having such work conducted both for improved knowledge on the status of the stocks in question but also with regard to a more general applicability within the scope of the Comprehensive Assessment.

Firstly, we believe that reliable information on dynamic features of the stocks such as pregnancy rates and age at maturity will help in establishing bounds on the MSY rates. Indeed this has been listed by the Scientific Committee as a high priority task of importance for management purposes.

Secondly, it is becoming increasingly evident that these and other dynamic features of the stocks are essential to monitor and better understand the development in the stocks. This is well demonstrated by our studies of fin whales' age and sexual maturity which has now apparently shown increasing trend with a decreasing trend in growth rate after decades of the reverse trend prior to 1970. This shows how important yearly monitoring of the vital parameters really is and the modelling of stocks can only give meaningful results if the input parameters are both reliable and up-to-date.

Another aspect also revealed by our studies are the substantial between year fluctuations in pregnancy rates observed. The substantial changes in biological parameters we have been able to monitor have a special significance when we consider studies of the energetic status of large whales of Iceland where virtually every animals has been the subject of detailed chemical and energetic analysis. Here the close relationship between the energetic status and reproductive success in the stock is of especial interest. The programme thus addresses the ecological aspects of whales which we believe should be given high priority in future management.

Other studies on biochemical genetics in fin and other whale species are on the way and have been reported on in several documents to the Scientific Committee meeting. Hereby other study methods for development of DNA fingerprinting techniques are being tested and experimented.

The primary aim of these studies is to elucidate the questions of stock identity particularly in the North Atlantic fin and sei whales. It is therefore evident that all our research efforts are conducted in order to facilitate improved assessment for rational management of the stocks and to contribute to the conduct of the IWC Comprehensive Assessment.

We appreciate the efforts of the Scientific Committee in reviewing the research activities conducted by Iceland. I note the opinions expressed and know that these will be considered in the future conduct of research of these stocks by Icelandic scientists. Thank you, Mr. Chairman.

**Chairman**

Thank you. Are there any comments on this section of the Scientific Committee Report? Japan.

**Japan**

Thank you Mr. Chairman. I heard Minister Asgrimsson's comment with great impression. I have the fortune to visit Reykjavik for two years in a row and I have been impressed with the sincere attitude of those people whose population in a small island is two hundred and seventy thousand. I am also deeply impressed with the sincere approach in science and their diligent effort in pursuit of the research and I hope the IWC would give productive advice to the research undertaken by Iceland and Japan will continue to support their approach in science.

**Chairman**

Thank you. Any other comments? There seem to be none. I think therefore we can take note of the Scientific Committee Report 10.3.2 Iceland. I think this might be an appropriate time to take a break and we might now adjourn for lunch.

The Report of the Technical Committee has still to be considered and in my recollection that is being handled in different ways in the past. Sometimes it has been presented in the Commission meeting and the Chairman of the Technical Committee has presented it piece by piece. Other times I think it has been done in the Technical Committee itself. My proposal would be that the meeting should resume at 2 o'clock if that is agreeable to the Chairman of the Technical Committee as a Technical Committee, consider its Report or as much of it as is available, and that I think will facilitate our business and should reduce the time taken in adoption of the Report in the Commission meeting. Is that procedure acceptable? I see no problems - so Chairman of Technical Committee agrees. Thank you. Then we will adjourn now and resume at 2 o'clock as a Technical Committee.

- - - BREAK - - -

**Chairman**

The Technical Committee has just approved most of its Report. There were two passages left for further decision but I think it would be time-saving if we could proceed now to consider the adoption of the Report by the Commission, and I will ask Dr. Fleischer as Chairman of the Technical Committee to present the Report to the Commission. And since we have in our other capacity had at least a fairly brief run through the report, I hope that this would perhaps reduce the time that we need to spend now to adopt it in the plenary. So, Dr. Fleischer, Chairman of the Technical Committee, would you please present your Report and perhaps if we could go through and if you could stop at appropriate points where some action is needed by the Plenary Session. Thank you.

**Chairman of Technical Committee**

Thank you Mr. Chairman. I am wondering, Sir, if it would be in order to save time to ask you to lead us through the revision of this report which has been just adopted and is very fresh in our memories and of course I will be able, if necessary, to expand or to solve some of the specific questions but I think in this way we can expedite our work in the Commission, Sir, with your indulgence.

**Chairman**

Thank you. If that is the wish of the Commission we could proceed on the basis that I would draw attention to the different sections and there would be opportunities of course for delegations who wish to make statements or express further views on any particular point and we will refer matters to the Chairman of the Technical Committee as appropriate if they are raised.

I think therefore if I ask if there are any statements or views on page 1 of the Report of the Technical Committee? This is as amended in the discussion in the Technical Committee a short time ago and subject to two points still being clarified. Nothing on page 1. Thank you, that is approved. 10  
10.1  
10.2

Anything on page 2 which has one small amendment in the penultimate paragraph - in the second line the word 'it' is replaced by 'the Commission'. Can I take it that it is approved. Thank you.

Page 3 - there are three amendments here. I don't think it is necessary to read them out but I will if any delegation is not familiar with them. There is one in 10.3 - one in 10.4 and one in the second paragraph of 11.1.1. Are there any comments on page 3? I'm sorry, let me say to the end of and including 10.4 for a start. No. 10.3  
10.4

- 11 Then moving to Plenary Agenda Item 11 - Infractions - Report of Technical  
 11.1 Committee Infractions Sub-Committee. Is there anything on the rest of page 3  
 that any delegation wish to comment upon? It would seem not - that is  
 approved.
- 11.2 Top of page 4 - 11.2 - that I think is agreed.
- 12 Plenary Agenda Item 12 - Baird's Beaked - any comment? No. Approved.
- 13 Item 13 - Whale Stocks on page 4 - anything on the rest of page 4? No. If I  
 am going too quickly please tell me to slow down but I think these are non-  
 controversial records for the most part and I don't wish to waste the  
 Commission's time.
- Is anything on page 5 down to minke whales? No.
- Is there anything on North Atlantic minke whales at the bottom of page 5 - top  
 of page 6.
- North Eastern stock of minke whales - page 6.
- Okhotsk Sea-West Pacific stock of minke whales.
- Right. Bottom of page 6 - fin whales. East Greenland - Iceland stock of fin  
 whales including the top of page 7.
- British Isles - Spain - Portugal stock of fin whales.
- 13.2.4 Iceland - Denmark Strait of sei whales.
- Western North Pacific stock of Bryde's whales.
- Bottlenose whales
- 13.2.7 Protected Species.
- 14 Page 8 - Aboriginal/Subsistence Whaling - I think there are some substantive  
 matters here.
- 14.2.1 Is there anything on 14.2.1 - Report of the Definitions Working Group?
- 14.2.2 14.2.2 - Bering Sea stock of Bowhead whales. United States.

#### **United States**

Thank you Mr. Chairman. For years the Commission has referred to the Bering  
 Sea stock of Bowhead whales while the Scientific Committee has referred to the  
 Bering - Chukchi - Beaufort stock of bowhead whales. I believe that in this  
 matter too we should take the advice of the Scientific Committee. Therefore  
 Mr. Chairman could we leave it to the Secretariat to clarify the Schedule by  
 referring to the complete name of this stock?

#### **Chairman**

Thank you. Can we agree on that? Thank you - Agreed.

Any other comments? If not, there is action to be taken at the bottom of page  
 9 - you will see that an amendment was introduced which was seconded and was  
 adopted by consensus and that is contained in the words 'For each of the years  
 1989, 1990 and 1991 the total number of whales struck shall not exceed 44 and



the total number of whales landed shall not exceed 41, except that in 1988, 1989 or 1990 any unused strikes up to a maximum of 3 shall be transferred to the following year'. That was adopted by consensus in Technical Committee. Can I assume it is adopted by consensus in the plenary? Thank you - it's agreed. I think we note the passage following that.

We move onto 14.2.3 - Eastern North Pacific stock of gray whales. Does anybody wish to speak to this particular passage? There is action required here in the last paragraph of that passage. You will see in the second line that the Technical Committee endorsed the recommendation of the Aboriginal Subsistence Whaling Sub-Committee to establish a three year quota for 1989-1991 providing that the number of gray whales taken for the need of aboriginal populations in any of these years shall not exceed 179. It also endorsed the research recommendations of the Scientific Committee. Can we approve that recommendation - that decision? Thank you then that is approved by the Plenary.

14.2.3

Moving on to 14.2.4 - West Greenland Stocks - Fin Whales - the rest of page 10. No comment.

14.2.4

Top of page 11 - minke whales and the rest of page 11.

Move on to the top of page 12 where in the first paragraph, last sentence of the top paragraph the words appear 'It therefore proposed that for the 1989 season catch limits of 60 minke whales and 23 fin whales should be set for the West Greenland fishery'. This was adopted by consensus by the Technical Committee. Can I take it that this is adopted by consensus in Plenary? It would seem so - agreed.

14.2.5 - Central Atlantic minke whales - the rest of page 12. No comments.

14.2.5

Moving to the top of page 13 you will see that the Technical Committee endorsed this recommendation and agreed to recommend a continuation of a quota of 12 minke whales for 1989. It has been recommended - can we accept that recommendation? I think it is agreed. Thank you, agreed.

There is a slight hitch here in that the St. Vincent humpback whale block quota of three years will need to be noted or confirmed but I think we will come back to that when we have a text.

I think that brings us on to Plenary Item 14a - Consideration of the situation of various kind of small-type whaling. Is there anything on page 14 or on this subject that any delegation would wish to speak to. United Kingdom.

#### **United Kingdom**

Sorry, Mr. Chairman, I was trying to catch your eye for what would be Item 14.3 had we had a paragraph on that subject. Only as I understand it each year we have to update the Tables in the Schedule referring to the various catch limits, classifications etc. For example, it at the moment says 1987-88 Pelagic Season and 1988 Coastal Season - this will have to be updated again 1988-89 etc. As I understand it the Plenary Session have to ask the Secretariat to do this. Thank you.

14.3

**Chairman**

Thank you for pointing that out. Can we agree that we ask the Secretariat to update these references? I think it is agreed. Thank you.

- 14A I think perhaps we should deal with Plenary Item 14a 'Consideration of the situation of various kinds of small-type whaling' as a whole. There is a recommendation on page 16 which we will need to consider, but perhaps before we get to that I would ask if any delegation wishes to comment on this Item? Japan.

**Japan**

Later.

**Chairman**

Yes, I think we are just considering it in the context of the Report of the Technical Committee and we will of course come back to this in Plenary under another Item, on another occasion.

Are there any particular comments on this Agenda Item? If not, could I draw your attention to page 16 - end of the second paragraph, where the Technical Committee recommended 1) that there be no change to the definitions of aboriginal/subsistence whaling, local aboriginal consumption and subsistence catches as currently applied by the International Whaling Commission. 2) That at present, no additions be made to the category of aboriginal subsistence whaling. 3) The establishment of a Working Group to consider the situation of various kinds of small-type whaling and to report on its deliberations to the Technical Committee at the 41st Annual Meeting of the Commission. That is a recommendation from the Technical Committee - can I take it that we approve that recommendation? I see no objections so that is approved.

Then would you please turn to page 17 and the second paragraph from the top reads as follows 'The Technical Committee took note of the Japanese statement and request and decided to refer the matter to the Plenary for further consideration'. We are now in Plenary and I would propose to open the discussion on this in plenary at a later time.

Is there any thing else on that Item that delegations would wish to comment upon? I don't think so.

- 15 Plenary Item 15 - this is on page 17 still - Second International Decade of Cetacean Research. Can we just note this passage or does anybody have a comment? None - then we note it.

- 16 Plenary Item 16 - Data and Statistics. Here there is, I think, an Appendix and it is Appendix 2 which is still on a pink sheet and I wonder if everybody has it and whether we can deal with it now? It was attached to the Draft Report of the Technical Committee if you have kept your copy of the Draft. It wasn't attached to the, I'm not sure if it was blue but heliotrope, copy - the final copy. Have delegations got this or would you prefer to wait until a later point? I gather it is coming off the machine now so it maybe that we could just move on a bit and then come back to it. Yes, as soon as it is available we will pass it around and make sure that everybody has a copy. Japan.

**Japan**

- 14A Mr. Chairman may I just go back slightly to 14a where it was agreed that a Working Group be established on the situation of various kinds of small-type whaling. I think it is now appropriate to look for a Convenor of the Working Group.

**Chairman**

Well yes I think we will need a Convenor. Perhaps you could leave it to me to try and organise a convenor and I will announce it before the end of the meeting. Would that be acceptable?

**Japan**

Yes, Mr. Chairman.

**Chairman**

Norway.

**Norway**

Simply Mr. Chairman to go on record for seconding that proposal by Japan which the Chairman has already accepted. Thank you.

**Chairman**

Thank you. Then we come to Plenary Item 17 - Adoption of the Report of the Scientific Committee. This is found in pages 18, 19 and 20. Are there any comments on this part of the Technical Committee Report? Can we then note this section of the Report? It would appear so. It's noted. 17

Page 21 - Plenary Agenda Item 18 - Humane Killing. There is still a point of drafting being discussed or being settled by two delegations but with that reservation does any delegation wish to comment on this section of the report? United Kingdom. 18

**United Kingdom**

Thank you, Mr. Chairman. The UK delegation wishes to draw the attention of all Commissioners to the considerable interest in the Technical Committee in the Faroese Pilot Whale Hunt and the information regarding it. Different views were expressed within the Technical Committee about the status of small cetaceans but I think that in the United Kingdom there is a particular and wide-spread interest, as there is in a number of neighbouring European countries, in the Faroese Pilot Whale Hunt and the UK believes that the IWC is a relevant forum for discussion of the issue. I would therefore hope that Denmark would be able to make available at the 41st Annual Meeting the additional information which we understand has been collected by the Danish authorities and which so far has not been made available either to the IWC as a body or to any other international forum. In the view of the UK delegation, and I think it would be this case for several other delegations, I think it would be appropriate to come back to this issue in 1989 and hope that in the meantime Denmark will have had sufficient time to prepare the additional information on the Pilot Whale Hunt for the widest dissemination within the IWC. Thank you.

**Chairman**

Thank you - those comments will be noted. Any other comments? Mexico.

**Mexico**

Thank you, Mr. Chairman. I would like for the record this Commission's report that our delegation disassociates with the questions relating the small cetaceans which are in our belief are outside the competence of the IWC. Thank you.

**Chairman**

Thank you. Netherlands and then New Zealand and then Japan.

**Netherlands**

Thank you Mr. Chairman. We also have earlier this week asked for more information in the future so we associate ourselves with the intervention of the distinguished Commissioner of the UK.

**Chairman**

Thank you. New Zealand.

**New Zealand**

We have earlier expressed a similar concern and would wish to be associated with the viewpoints of the UK and the Netherlands.

**Chairman**

Thank you. Japan.

**Japan**

Thank you Mr. Chairman. I think that the comments made by the delegation of Mexico was a correct one and we support their comments.

**Chairman**

Brazil and then France.

**Brazil**

Thank you, Sir. I wish to support what has been said by Mexico. Thank you so much.

**Chairman**

Thank you - France.

**France**

Thank you Mr. Chairman. I will also support what was told by Mexico. Thank you.

**Chairman**

Thank you. Argentina.

**Argentina**

Thank you, Mr. Chairman to associate myself to the comment made by the Mexican delegation.

**Chairman**

Thank you. Denmark.

**Denmark**

Thank you Mr. Chairman. First of all we also support the suggestion made by the Mexican delegation. Further to that I would like to once more underline that what has been expressed in this Commission during the last years concerning the Faroese Pilot Whaling was a promise that Denmark made in 1985. We felt at that time that it would be a kind gesture to some delegations having problems and maybe uncertainties about what is going on. We promised to make a report which we did in 1986 and this report raised some questions reflected in the Chairman's Report. We had promised to answer these questions later and we have done so this year. We have offered more information on these items here in this Commission - the concrete questions of the use of the gaff and the spear and the improvement of the base. We have offered that every delegation naturally is welcome to have more information through our Faroese part of the delegation and, as I have stated, Denmark does not feel that the International Whaling Commission has competence concerning Pilot Whaling and it's our impression that should we discuss matters related to

humane killing of Pilot Whaling, then this would be done in a broader context covering all small cetaceans. I can just repeat that this is the opinion of the Danish Government and the Prime Minister. Thank you.

**Chairman**

Thank you. Switzerland.

**Switzerland**

Thank you very much, Mr. Chairman. In view of the fact that we have had repeated series of statements regarding the competence of this Commission to deal with small cetaceans. I feel that after having exercised remarkable restraint on numerous occasions the time has come to restate our conviction, the Swiss conviction, that the IWC does have competence with respect to small cetaceans. Thank you very much.

**Chairman**

Thank you. Australia.

**Australia**

Thank you, Mr. Chairman. Australia would like to associate itself with the view of the United Kingdom and we would wish to point out to the Commission that the Schedule specifically refers to pilot whales. Thank you.

**Chairman**

Thank you. Any other comments? It would seem not. The comments by Commissioners will be duly recorded. Could we then note this section of the report which still requires a revision to the last section - the taking of humpback whales by St. Vincent. I don't think we have a text yet for this but we can come back to it. Thank you.

The next Item is Plenary Item 19 - Register of Whaling Vessels. Can we note that section of the report? Any comments? No I don't think so. Thank you. Noted.

19

We are now on the last page - I don't think it is numbered but it is the last page. It appears, an Item at the top 5 or number 5, Initial Agenda, there doesn't seem to be anything controversial there. Can we simply note that? Thank you.

Then we have Additional Agenda Item - Election of Officers. This passage has been amended. Can we note that? Thank you.

I think that the Secretariat have distributed in the meantime a yellow sheet of paper headed IWC/40/5 - Appendix 2 which has two points in particular to consider. The first point is in the second paragraph of Item 2 where it says 'information made available to the IWC under this provision is accessible to' and then it gives three choices and you strike out those that you don't like and leave one. The Commission is asked to take a decision as to which of these versions it prefers and I would invite any Commissioners who wish to do so to express their view on this. New Zealand.

16

**New Zealand**

Thank you. The New Zealand delegation believes that the question of access to data held by the Commission is a matter of considerable importance and we wish to propose that the wording found in Annex P1 - paragraph 2 - last sentence in parenthesis should be adopted so that the changed paragraph should read that 'information made available to IWC under this provision is accessible to under the same conditions as the information and reports referred to in paragraph 1 above' and here is the important part (accredited persons as defined below and

additionally to other interested persons subject to the agreement of the Government submitting the report). Thank you.

**Chairman**

Could I ask the New Zealand delegation whether it is suggested that two versions be included or one? I am not sure whether the words in the first version, reading 'any interested persons under the same conditions as the information and reports referred to in paragraph 1 above' are to remain there if you are proposing the acceptance of the third version 'accredited persons as defined below and additionally to other interested persons subject to the agreement of the Government submitting the information or report'. Could you perhaps clarify that point?

**New Zealand**

Thank you, Mr. Chairman. The part that we are concerned about is, and the only part, 'accredited persons as defined below and additionally to other interested persons subject to the agreement of the Government submitting the information or report'. Thank you.

**Chairman**

Thank you. In other words the proposal is that the third version be accepted by the Commission. Are there any comments on this? Norway.

**Norway**

That proposal is acceptable to Norway, Mr. Chairman. I have to comment however that we would like to see the same provision added to Item 1 in Appendix 2. I would like to explain that if I may Mr. Chairman. The data on Norwegian Small-Type Whaling included catch and effort statistics have been released under a special exemption from national Norwegian legislation for their use in the Scientific Committee by members of the Scientific Committee only and that does include information identified in section 6 that shall be notified and forwarded. So from our side we would like to see included a provision like the third version in the second paragraph under Item 2 included also under Item 1 of this paper. Thank you.

**Chairman**

I see that there is a footnote at the end of the paper explaining the Government of Norway's position in this matter. As I understand it the Norwegian delegation would agree to the third version being accepted in the second paragraph of Item 2 but would prefer to have the same wording or the same version brought up into paragraph 1 of this paper. Is that correct, do I understand correctly? Norway.

**Norway**

Yes, Mr. Chairman. That is our desire if it is at all possible. If we cannot take it that the reference to the footnote is enough of a reservation from the Norwegian side on this. Thank you.

**Chairman**

Thank you. Well I think I would like to dispose of the first matter. Does any delegation have any problem or find it unacceptable to have the third version in paragraph 2 of the second Item? UK.

**United Kingdom**

Thank you, Mr. Chairman. I have no problem with the New Zealand proposal. I fully support it but you will need to, I think, make a consequential amendment in the last paragraph on page 1 by taking out the phrase in square brackets. Thank you.

**Chairman**

Yes, I think probably the two go together. So the proposal at the moment is that we accept the third version in the second paragraph of Item 2 and delete the words in square brackets in the paragraph at the end of page 1 which read 'and more widely (as in paragraph 1 above)' close the square bracket, that those words should be deleted, that seems to be the intent of the United Kingdom suggestion. Is that acceptable? Thank you - I think it is. Can we agree on that. Could I then ask Norway whether they would be content with the footnote which explains, I think, their position very clearly or do they wish to propose that the wording of paragraph 1 be altered? Norway.

**Norway**

We would be happy to accept that, Mr. Chairman, if the record would show that it is our understanding that we have made a reservation on this point. Thank you.

**Chairman**

Yes, the record will certainly show that. Thank you very much. Well I think that disposes of that Item.

The only remaining parts of the report to be approved are those where there were some further discussions required on the wording and that concerns Plenary Item 14 - Aboriginal/Subsistence Whaling - and Plenary Agenda Item 18 - Humane Killing. I gather that a new form of words has been drafted and that the text is now in the boxes outside and I wonder if each delegation would be good enough to collect the revised text and come back so that we can deal with this part of the report immediately. Thank you.

If all delegations have now received a copy of the revised text which appears as a pink sheet, IWC/40/5 Revised Draft, and if you have had time to read it. Could I ask whether 14.2.6 - St. Vincent and the Grenadines Humpback Whales - whether this is a agreed text between the two delegations that were to consult together on the subject? I am sorry - I stand corrected. The Plenary Item 14 is of course the section of the report where we had a computer problem - there was some duplication on the page and there was no 14.2.6 at all so we are seeing this for the first time and it now covers 14.2.6 and 14.2.7.

14.2.6

Are we ready to consider this passage or does any delegation need more time to consider? Could I enquire therefore if there are any comments on the passage concerning Plenary Item 14 - Aboriginal/Subsistence Whaling - which appears in this paper IWC/40/5? Are there any comments? It would seem that it is generally acceptable. In that case can I take it we have approved it for the Report? Thank you I think it is approved.

And that brings us through to the last item on this new sheet - Plenary Agenda 18 - Humane Killing - where two delegations were to consult over a text. Are there any comments on this text? I take it then that it is agreed? Thank you very much. Then it forms part of the report also.

18

The delegation of Japan pointed out the need for a Convenor of one group and I think there are other Convenors or Chairmen going to be required for a number of Groups or Committees at the next session and perhaps we might consider that matter and perhaps come back to that tomorrow. In the meantime, I think we can say that the Report of the Technical Committee has been adopted by the Plenary and it only remains to me to thank Dr. Fleischer, the Chairman, for his hard work in steering the Committee so efficiently and producing this Report, and the members of the Committee for the work they did on our behalf. Japan has the floor.

20

**Japan**

Mr. Chairman, may I remind you and I remind you to remember that Item 14a is still yet to be discussed.

**Chairman**

Yes. I am very conscious of that. 14a will certainly be discussed, Commissioner for Japan. I think though at this stage it might be appropriate to adjourn this meeting and perhaps we could meet again at 9.00 tomorrow morning, when I would propose to deal first with completion of the Item - Scientific Permits and then 14a - Small-type whaling. Would that be acceptable? Then there is not very much - some important items - but not very time consuming items left on our Agenda for the meeting. Could I ask Commissioners if they would be good enough to, when they leave here, to go over to the Westhaven Room - I would just like to have a short meeting of Commissioners if that is agreeable. Thank you very much. The meeting is adjourned.



FOURTH PLENARY SESSION : FRIDAY 3 JUNE 1988

**Chairman**

Could I call the meeting to order. This is the last day of the Annual Meeting and I would like to finish if possible by lunchtime although we have until 4 o'clock, but let's try and reverse Parkinson's Law and see if we can't get through by lunchtime. I would like to inform Commissioners that all the credentials of delegations have been thoroughly checked and they are all in order.

We will now turn to Item 8, Scientific Permits. Yesterday we were working through the report of the Scientific Committee and we have reached 10.4 on page 53 of the report of the Scientific Committee and I will ask the Chairman of the Scientific Committee to present this report. It would be preferably I think to do it in stages and we will stop after each section. I will invite any comments on that section and then I think we should take any matters arising from those comments. France has the floor.

8

**France**

Thank you Mr Chairman. I wanted before you start with the Agenda to raise a point of order, if you will allow me of course.

**Chairman**

Yes please proceed.

**France**

Mr Chairman as a point of order I want to refer to the point C.1(b) of the Rules of Procedure, and also to a paper called 'Scientific Support for Japanese Feasibility Study?' and that is by the Whale Conservation Society. I wouldn't have wasted your time with that matter, with this paper, if this paper had not been distributed in the boxes of every delegation here, and if this paper had not called into question and put a doubt on a person designated by the French authorities who is not here to defend it himself. I precisely refer to the last two sentences of the first paragraph of the second page which mentions the supportive scientist from France who had never before attended the Scientific Committee, now had been involved in the process of reviewing the original Japanese scientific permit proposal or the feasibility study. Monsieur Jean-Yves Le Gall is Deputy Head of Division in the state French Institute for Marine Research (IFREMER). He is involved for 25 years in aliotic research and well known among his colleagues, who has neither lessons nor contempt to receive from anyone, and that man tries to work as a scientist with experimental objectivity and in good faith vis a vis with his other colleagues. I would add some personal comment. I do think there are some limits to the irresponsible statements of some observer here who I recall are invited among us. Then I do think that in the same way we Commissioner around the table, we have a certain obligation of reserve - everybody participating in that meeting has the same duty especially when it is question of the worthiness of a person. We all know that this kind of behaviour as a goal which is to stick a definitive label and put a dot on a person in order to cause at least self-censorship in the Scientific Committee. I fear that the consequences of such statements will be to create or to maintain a gap among the scientific council and that could prevent the free expression and the peaceful examination of the facts. We also know that this behaviour, that could come to an end with the enforcement of rule C.1(b), which gives the Commission the right to determine Rules of Conduct for observers. I will lastly have that intellectual terrorism discredit some ??? author. Thank you for your patience Mr Chairman.

**Chairman**

Thank you. Could I simply indicate that papers that are put in the pigeon holes but which have not been submitted to the Secretariat and do not have any Commission number attached to them, have absolutely no status or standing in this Commission and the Commission as such is not aware of them. But could I add as Chairman the observation that I think it's incumbent on everybody in this room to avoid casting doubts on the integrity, professional standing or what you will on any particular person. I think this Commission should operate at a higher level than that. Thank you France.

I think I can now ask the Chairman of the Scientific Committee to present the report and as I said I will, I plan to take each section in turn and have the full debate i.e. including matters arising on that section before proceeding to the next one. Thank you Chairman.

**Chairman of the Scientific Committee**

8.1

Thank you Mr Chairman. The first proposal I wish to deal with is the possible Japanese proposal, a report on that is found in section 10.4.1. on page 53. Mr Chairman, as I have already indicated to the Commission, the Committee was informed by Japanese scientists that analysis of the data arising from the feasibility study that was carried out last year has not been completed and therefore that the government of Japan has not yet decided on what research programme, if any, is to be implemented once the analysis of the data has been completed. The Committee therefore decided that it was not possible to discuss this matter further at its meeting. However, it did note that if a proposal for a scientific permit take should arise during the coming year, that is in the intersessional period, we wish to draw the Commission's, attention to our view that intersessional reviews of scientific permits can best be achieved by special meeting of the Scientific Committee rather than the mail procedure which is currently included in our Rules of Procedure. Thank you, Mr Chairman.

**Chairman**

Thank you. Are there any comments on this section of the report? Japan.

**Japan**

Thank you Mr Chairman. The Scientific Committee Chairman has given a very accurate report of what was said in the Scientific Committee. It is true that Japan will carefully consider the comments and views expressed by the Scientific Committee on the matter of the preliminary research we have conducted last season, and these will be carefully accounted for in planning of the forthcoming scientific research programme to be conducted in this Autumn to next year. Japan is confident that our research does bear a great role in contribution to the scientific advancement of the whale science. I also like to add that any scientist with conscience would recognise the seriousness and diligence that Japanese scientists and the Japanese government have put into the planning and conduct of the research if you read the details of what we have done. Therefore we expect your cooperation in the support in our programme and expect to have serious examination of our result from the research. We would welcome any foreign scientists who are interested in this aspect and in this research. Thank you Mr Chairman.

**Chairman**

Thank you. Are there any other comments? India.

**India**

Thank you Mr Chairman. What I am proposing to say just now does not concern any particular individual country's research programme, but scientific whaling per se concerning across the board whoever may be doing scientific whaling or scientific whaling as a subject, Mr Chairman. I would confine myself to remarks, my remarks would pertain only to that aspect of scientific whaling, which involves the killing of whales and not what is termed as benign scientific whaling which does not involve the killing of whales. I will confine myself to what I may call malignant scientific whaling, malignant being the antithesis of the word benign.

Mr Chairman, I am fully aware of the sovereignty of the individual countries both in their own territorial waters as well as under the constitution of this particular Commission and I am not questioning that, but on the other hand, Mr Chairman, India has as much right to explain its position in this regard and voice its view because, and I am doing this, because this has a bearing on whatever action we may take in future in this regard. We are not proselytising, we are not preaching and we will not adopt a 'holier than thou' attitude but something has to be said at certain times. Mr Chairman, after considerable discussion and mulling about we are of the view that there is nothing before us that would really justify in our opinion the killing of whales for purposes of science. There is, has been, a large number of whales killed from which all that need to be garnered could have been garnered, and if it had not been garnered then there can only be, in our opinion, whales should be killed for two broad specific purposes. Firstly the killing of whales which is essential and required for the long-term survival and better management for that survival of the whales themselves, Mr Chairman, and secondly for the survival of the human race. Survival as different from economic benefit or economic survival. If Mr Chairman there is any whaling that is to be done for these conditions, these parameters, these criteria, and if that is governed by an effective international body of scientists independent which would control that whaling for these purposes, yes we would go along with that because we do believe that the whales are a shared world resource. But anything that is not within those parameters, Mr Chairman, we would refrain from supporting such whaling if it means the sanctioning of permits and of quotas and of that which does not very well come within those parameters we may wish to refrain, we may wish in future to abstain, because Mr Chairman we believe that by giving acceptance to quotas, sorry not to quotas but to whaling which does not meet with these parameters, is tantamount to overt approval, overt concurrence and approval of whaling in the name of science. Thank you very much, Mr Chairman.

**Chairman**

Thank you. Norway.

**Norway**

Thank you, Mr Chairman. The word benign is capable of a variety of meanings and I believe that when we are talking about various forms of cetacean research that term is used as a technical term, as a concept, to describe certain forms of research. The word malignant has only one meaning and I am sorry that it has been used in a discussion among Commissioners. Thank you, Sir.

**Chairman**

Thank you, could I...

**India**

Mr Chairman.

**Chairman**  
India.

**India**

Thank you, Mr Chairman. English is not my mother tongue Mr Chairman and if it affects the sentiments of people I would change the word malignant to non-benign. Thank you, Mr Chairman.

**Chairman**

Thank you. Could I invite any comments, any further comments on item 10.4.1 of the Scientific Committee Report. Is there any Action Arising under this item? It would seem that there is none. May I move on therefore to the next section of the report? I see no objection so I will ask the Chairman of the Scientific Committee to proceed.

**Chairman of the Scientific Committee**

Thank you Mr Chairman. The Scientific Committee then, after having discussed the Japanese proposal, then discussed a proposal from the government of Norway. This is described in section 10.4.2. of our report which starts on page 53. Mr Chairman, this was a new scientific permit proposal and therefore it was appropriate for the Scientific Committee to attempt to provide advice to the Commission on all 18 of the Commission's guidelines and criteria. As I have already reported yesterday the Committee had decided in attempting to do that, that it would organise these discussions under five general headings and that is the way the report has been written and that is certainly the way that I will attempt to present it.

We had before us a document entitled 'A Programme to Study and Monitor Northeast Atlantic Minke Whales 1988 to 1992'. This described a programme of 19 research projects of which four specifically involved the capture of minke whales under a special permit in 1988. The document itself alluded to further catches of unspecified numbers during the remaining period of the five year programme, but the Committee agreed to limit discussion simply to those parts which required a research take in 1988. The proposal in 1988 was that 35 whales would be caught for methodological studies under four projects. The first one feasibility of radio tagging for which five whales would be caught, food selection intake ten, food digestion another ten and body composition ten. In the first project the five whales were to be used to investigate the possibility of attaching radio tags, they were to be live captured, anaesthetised and then after the radio tags had been attached to be later released if the technique of attachment was successful. The remaining thirty were to be used in as many studies as possible but each project would have priority on ten of the whales.

Mr Chairman, there was some discussion in the Committee about whether or not a special permit was required to experiment on live captured animals, we agreed that this was beyond our competence and we refer this particular matter to the Commission. However, in so doing we did continue to discuss that research project requiring the taking of, or the capture of, five whales for anaesthetisation and then attachment of radio tags.

The first thing that the Scientific Committee was required to do was to examine the document containing the proposal itself. In the Schedule paragraph 30 there is a requirement for the Committee to advise on whether or not the objectives of the research, the number, sex, size and stock of animals to be taken, the opportunities for participation, the research and possible effects on conservation of the stock, have been adequately addressed in the proposal. We did agree that the proposal adequately specified the objectives, both the general objectives and detailed objectives for the projects requiring

take of whales as described at the bottom of page 54. The Committee also agreed that all but the sex and size of the whales to be taken had been adequately specified. In that respect we were informed that the sex of whales had not been specified because it is impossible to determine the sex of minke whales at sea. With respect to the size we were informed that again this had not been specified because of the timing and logistics of the sampling programme. However, one member noted that he believed the size was important and should have been specified. We also agreed that the proposal did specify opportunities for participation and that it did address the question of possible effect on conservation of the stock.

The next general heading for discussion relates to objectives. The Scientific Committee is required to comment on whether the objectives of research, how they relate to research needs, where they contribute information essential for rational management, and whether they address questions to be answered for the Comprehensive Assessment or to meet other critically important research needs, and this discussion is specifically about objectives and not the methodologies used to address those objectives. We are informed, Mr Chairman, that the ecological studies, and that is the main part of this programme which requires the take of animals under scientific permit, these were not designed to contribute in an immediate way to the Comprehensive Assessment. Instead they were particularly designed to provide information as part of Norway's commitment to a future multi-species management of the Barents Sea and on those grounds we are informed that Norway believed that this research was meeting a critical important research need. We were also informed of the belief that this type of research could contribute to rationale management of the stock, at least in the long term, and that at least the feasibility study on radio tagging of minke whales was again ultimately aimed at the question of stock identity which certainly is a priority under the Comprehensive Assessment.

A number of members of the Committee stated their belief that the objectives of the research, including those of the ecological studies did address questions of interest to the Comprehensive Assessment. They particularly noted that North Atlantic minke whales had been identified as a priority population region under the Comprehensive Assessment. However, other members of the Committee believed that the proposal did not give sufficient information to evaluate whether the take of whales was critical for the development of the multi-species model mentioned and whether developing such a model constituted a critically important research need. The Committee agreed that the first two general objectives of the programme, that's relating to stock identity and stock assessment, definitely did relate to the particular guidelines under objectives. In fact with the exception of the live capture experiment those objectives which involve a take of whales fell under the ecological studies section of the programme and there were differing views as to whether these objectives were either relevant to the guidelines or only of marginal relevance.

We then turned to a discussion of the methodology that was proposed to be used to address the objectives. There are a total of six guidelines which are relevant to this discussion, they are listed at the bottom of page 56 and over the top of page 57. We centred our discussions on four areas; firstly sample sizes, whether the proposed methodology will answer the questions being asked, whether the questions could be answered by analyses of existing data or non-lethal research; and whether non-explosive harpoons were being used or not. With regard to sample size there are a number of comments about the relatively small sample size. Some members believed that the sample size proposed were neither justified on methodological grounds nor sufficient to provide a quantitative analyses in terms of the objectives and therefore that the

information obtained would not facilitate the Comprehensive Assessment. In response it was noted that the particular sample sizes proposed for this year were part of a study looking at methodologies and operational capabilities of the vessels, and the estimation of sample sizes on statistical grounds was not appropriate at this stage.

Turning to the ecological studies, a number of members stated their belief that it was difficult to assess the proposed methodologies because of the limited detail provided and also it was difficult to determine how important the individual projects were to the particular multi-species model which lay in the background of these studies. However these members believe that even with the limited information, that there was severe methodological problems. We were informed in response that this section of the project had only recently been agreed and the detailed planning had only recently begun, and also that this work was being carried out by a large number of institutions in Norway which were not represented at this particular meeting so it was difficult to respond to details and enquiries.

The Committee also discussed at some length the proposal to attempt to anaesthetise the five minke whales indicated in the project. Concern was expressed that not enough appreciation of the difficulties of anaesthetising animals had been shown. In response it was noted that the person concerned was a veterinarian who in fact had recently reviewed the use of drugs and humane killing of whales for the Technical Committee.

Turning then to a discussion of what could be done with existing data and non-lethal techniques, we were informed that preparatory work for all the studies would include a review of the available information. Some members believed that this should have been presented before the proposals could be adequately assessed, and then a number of members of the Committee expressed doubts and difficulties in determining whether or not the research could be achieved by non-lethal means, pointing out that while this specific, some of the specific projects identified could not be addressed by non-lethal research techniques, it was not clear that the overall requirement to address the multi-species management problems could not in fact be done using benign techniques.

Finally, Mr Chairman, in this section there was a general comment from a number of members that, while applauding the ambitious research intentions, the actual proposal itself was deficient in that it did not provide sufficient detail or background, and because of this the possible benefits of the projects based on the methods presented were believed to be limited and were not likely to contribute to the Comprehensive Assessment or provide solutions to real problems facing the Scientific Committee. Other members believed that such a categorical statement was inappropriate and indicated that the studies involved a number of highly competent researchers and this was a research effort of great potential value which should be commended. We noted Mr Chairman, that 30 animals to be taken for the ecological studies would be killed using the penthrate grenade harpoon.

Turning to the question of effect of catches on the stock there are three relevant guidelines which are listed in the middle of page 59. While the Committee as I have already reported has not an agreed assessment of the stock which in fact is classified as a Protection Stock, we noted that the proposed removal of 30-35 whales in the first year of the five year programme, we had also decided that we were only going to discuss the take in the first year, and we agreed that the effect of a take of 30-35 animals would be negligible on the stock. However, we stressed that the effect of a small take in a single year is always going to be negligible and we also agreed for similar reasons that the take in 1988 would not adversely effect the status or trends

in the stock or the success of the Comprehensive Assessment. Mr Chairman, that completes our review under the total of 18 guidelines and criteria for the review of this particular scientific permit. Thank you.

**Chairman**

Thank you. I now invite comments on Item 10.4.2 of the Scientific Committee draft and that these comments may now include any Action Arising. Norway has to the floor.

**Norway**

Mr Chairman, I am sorry if we are going to have a debate which covers both the report of the Scientific Committee and Action Arising at the same time. I am afraid that this will lead to confusion but I defer to your judgement and would not request you to make a ruling unless you wish to reconsider your plans.

**Chairman**

I think it is in the hands of the Commission how we handle this. If any delegation wishes to first address the question of the scientific report and then consider Action Arising I see no problem and since this appears to be your wish, if there are no objections I will proceed on that basis. So we will now just take comments on the report at this moment. Norway.

**Norway**

Thank you very much for your consideration Mr Chairman. I would like to preface my rather brief remarks by saying that there may be a distortion of our perspective in that we spend a great deal of time on discussing a limited aspect of the various research programmes that are undertaken at great cost by some of the Contracting Governments. We realise why we are allocating so much time to it but there is a lingering fear that in the view of the broader public the important contributions of other aspects of research programmes may be lost. I say this because my government is funding and promoting a wide ranging research programme which is designed to accommodate the desires of the Commission for improved research and improved knowledge and because we have discovered, somewhat to our very distressing surprise, that we do in fact lack essential elements of knowledge about the Northeast Atlantic minke stock which is the primary stock on which Norwegian whaling operations have been conducted. The independent group of scientists appointed by the Norwegian government to conduct an overall study of the situation of the Northeast Atlantic minke stock identified very serious deficiencies in our basic knowledge of that stock. The independent group of scientists pointed out that we do not even know where the whales belonging to that stock spend their winters, that is the time when they are not in waters close to Norway. The reasons for this will be sought in the fact that they must be somewhere where there is no settlement, no great fishery, and no frequented lanes of navigation. They must be in places where we do not see them but we do not know where they are, and that has been determined to be a cause of serious uncertainty about a number of other aspects of the biological situation of that particular stock. The comprehensive research programme which is now being undertaken by a broad range of Norwegian institutions in marine science is designed to repair those deficiencies and to bring us to a position where we with greater certainty and greater confidence can say that we know enough about the stock to be able to seek the assent of the Commission to the policies for management to which we are wedded.

I wish to recall to the Commission that a preliminary outline sketch for a broad research programme was presented to the Scientific Committee in 1987. It was discussed and there were many critical comments. The Norwegian scientists responsible for the planning of the programme have taken those comments into

account to a full degree and I believe that members of the Scientific Committee would recognise that the programme which has been presented to the Scientific Committee this year has been much modified, and I hope that they would also recognise that those modification have occurred in response to the scientific, professional, comments of colleagues on the basis of a free exchange. That process of free exchange and the drawing of conclusions from that free exchange appear to my delegation to illustrate the ideal way in which individual scientists and their sponsoring governments could cooperate with the Scientific Committee and indeed with the Commission.

Mr Chairman, you will recall that my government has grave reservations about the general Resolution adopted by the Commission at its last Annual Meeting on this subject both with regard to its legality and with regard to its practicality. We find some of our doubts as to the practicality confirmed by the process which we have been through. I would however commend the Scientific Committee on one point, the Committee has developed a schema for the analysis of proposals for the issuing of special permits for scientific research which seems to me to be logical and respond to the requirements of the guidelines which have been adopted. My doubts remain as to whether the Scientific Committee has in fact been able to carry out a rational and logical discussion under that schema setting out considerations which lead to solid conclusions on the part of the Committee as a body. It seems to me that the new procedures of the Scientific Committee under which members who wish to be recorded and identified by name are listed in the report, underlined the difficulties of the Scientific Committee with regard to the possibility of reaching unified collective judgements. It seems to me that the report of the Scientific Committee indicates that a great number of views are held by groups of individual scientists or groups of scientists which are remarkably small in relation to the total number of participants in the Scientific Committee. I do not wish to comment on individual remarks made in the Scientific Committee by members. My delegation feels that the continuation of the discussion should take place in the Scientific Committee, but I would wish to state that there appears to be an element of appreciation and a measure of value judgement in many of the assessments which the Committee determined to respond to under the schema which was developed. In particular, I think a question such as the likelihood of whether a particular line of research would lead to reliable answers to questions is a very broad issue on which individual views can vary honestly to an extent that it is almost impossible to establish a consensus in a group as varied as the Scientific Committee.

I would, even though I am disinclined to comment on specific statements made in the Scientific Committee and recorded in its report, wish to say first of all that my delegation disagrees with the approach which was taken with regard to the evaluation of the ecological studies which are proposed. We feel that the ecological relationships between whales and other species harvested or unharvested are of fundamental importance to any government which wishes to carry out its management responsibilities in areas under its jurisdiction. We feel that it must remain also a national responsibility to determine what is a critically important research need in this respect. It may well be that the studies which we are proposing do not appear to be critically important to scientists whose exclusive interest are in the cetacean research field, but I must submit, Mr Chairman, that it is our ocean not theirs, and we have a responsibility in that regard and the determination of what is a critically important research need cannot be an exclusive determination for the Scientific Committee of this Commission.



The other element I would wish to mention relates to the proposal for radio tracking techniques to be developed for minke whales. We know from the report of the telemetry and remote sensing working group that there are severe problems in developing delivery systems which are reliable and in securing long-term retention of radio transmitters which are implanted by remote emplacement. We see this as a grave problem in relation to the question of finding out where Northeast Atlantic minke whales spend their winters, and we have designed a programme which will seek to find out whether there are more reliable means of obtaining that information. It seems to me that this is a critically important research need which must be met at some stage.

In this connection, Mr Chairman, I would also refer to a question on which we have not been certain. We have felt that it would be prudent and that it would answer to the desires of the majority of the Commission if we were to issue special permits permitting a possibility of kill for a research segment which was not intended to be lethal but which we had to recognise carried with it a considerable risk of deaths occurring. We have acted with loyalty to the requirement of paragraph 30 of the Schedule. We understand that doubts have been raised in this respect and Commissioners will be aware that I have sought their views on whether it is or is not necessary to provide special permits for experiments of the kind which I have described. I have not received a response to my question but I can assure Commissioners that if the Commission does not under paragraph 30 of the Schedule require a special permit to be issued for this kind of research, Norway is not insisting.

Mr Chairman, finally I would wish to say that the Norwegian research programme is in an initial phase, that initial phase will cover the forthcoming season. The development of methodology will be the principal concern at this stage. Any further development of the programme will be reported to the Scientific Committee and Norwegian scientists will continue to take note of all the comments made in the Scientific Committee and will consider suitable modifications of the research programme within the framework set by the established objectives of the programme. As a final comment Mr Chairman, I would like to point out that the only agreed substantive conclusion of the Scientific Committee with respect to the take of animals for research purposes with regard to this project is that the Committee agreed that the effect of the take would be negligible. Thank you sir.

**Chairman**

Thank you Norway, Iceland has the floor.

**Iceland**

Thank you Chairman. The five year research programme to be implemented by Norway was discussed by the Scientific Committee. Different views were expressed as to the usefulness of the research and on the practicality of some elements of the proposed research. The Icelandic delegation understands that the first phase of the implementation of the programme is in reality a feasibility study to test methodological approaches to be applied. We believe that in spite of some uncertainties about methodological aspects, a multi-disciplinary programme launched by Norway and supported by a large number of Norwegian scientists from several universities and research institutions demonstrates Norway's serious attempt to investigate in depth the status of the stock of the Northeast Atlantic minke whale and its environment. We believe the Commission should recognise this and welcome the intensified research activities by Norway for the benefit of improved future management in the area. Thank you Chairman.

**Chairman**

Thank you, Japan.

**Japan**

Thank you Mr Chairman. The project by Norway is adopting a new approach of ecosystem and this is the challenging adventure which I value very highly to contribute to the future science at the present time. I believe CCAMLR had already initiated in the planning of the ecosystem approach. However, to complete such an approach in any work would take a long time and I would suggest that Norway might incorporate some single species approach in the ecosystem approach to make more effective and more prompt completion. Norway has very advanced experts in science and by fully taking advantage of those expertise I have full confidence in Norway's programme. Countries like Norway and also Japan and Iceland and others whose fate is to depend upon the marine resources, it is necessary to utilise marine resources for the people of those countries. We feel very sympathetic with the approach of Norway. I wish success in your project. Thank you.

**Chairman**

Thank you. Are there any other comments on the Scientific Committee report? The United Kingdom.

**United Kingdom**

Thank you Mr Chairman. I will just speak very briefly on points that strike me having read the Scientific Committee report. The first is that the overall objective does not address immediately management concerns or the Comprehensive Assessment. Secondly the criteria for selection of the numbers are pragmatic rather than scientific. Thirdly, and I think this is a very serious point, it is actually difficult for us to evaluate the role of the 1988 permit catches in relation to the five year programme, since the details of a larger programme are absent. I accept that the first year is methodology but we need to know to what end that methodology is working. My last point relates to the five whales. Now whether or not we take a view on whether a scientific permit is required the fact remains that very many members in the Scientific Committee expressed disquiet about the likely success of attempts to anaesthetise the five minke whales. Previous experience with small whales in captivity has indicated that this has little chance of success. I therefore think that the Scientific Committee were very right to draw this to the attention of the Commission. Thank you.

**Chairman**

Thank you. China.

**People's Republic of China**

Thank you Mr Chairman. The Chinese delegation will make some general comments on special permit. The special permit for the research purpose is one of very important means to do this assessment of whale stocks. This kind of research has made some contribution to the Comprehensive Assessment of whale stocks so Chinese delegation also noted some progress has been made in this kind of research in some other countries. We believe that under conditions of not endangering whale stocks special permit for research can be carried out in light of criteria and guidelines adopt by the IWC Commissioners in 1986 and 1987. Such a research can, should provide information and data for the Comprehensive Assessment of stocks. A small amount of whale can be killed for the real purpose of research. We have no objection for the special permit for the research programme, but we are against any kind of commercial whaling. Thank you, Mr Chairman.

**Chairman**

Thank you. Any other comments? It would seem that there are... sorry Netherlands.

#### **Netherlands**

Thank you Mr Chairman. Although we recognise the merits in the Norwegian proposal we think, it is our opinion, that, well it does not meet all the criteria set out in the Resolutions of 1986 and last year's Resolution 1987. It's the point of view of my delegation, my government, that every proposal and every programme for scientific research should meet those criteria otherwise my delegation just has problems with it. Consequently, recognising the merits in this proposal, and also recognising the sovereign rights of the country with regard to the permits, from our view we have to oppose to every kind of scientific programmes or proposals that are not totally in conformity with the criteria and the Resolutions. Thank you, Mr Chairman.

#### **Chairman**

Thank you. No other comments? Japan.

#### **Japan**

Thank you Mr Chairman. I like to make a few comments in response to the comments made by the Commissioner for Netherlands. The Commission had set up the criteria in 1986 and 1987 which amounts to 18 different items plus the guidelines of the Scientific Committee of its own. It has been already pointed out by the Scientific Committee that there are certain areas of overlapping of those different items. I believe that in order to satisfy every detailed item it is impossible humanly. It is a matter of how many of those criteria could be satisfied. I believe that there is a distinguished scientist of Netherlands as a member of the Scientific Committee and I believe that he can kindly advise how many of those items of the criteria can be applicable and assist in this way the Norwegian programme. Since I believe that our Commission and the Committees are the forum where the amicable relationships should continue and be furthered by the members, and this you give kind advice to improve somebody else's research programme it has lost its meaning. Therefore I hope the Commissioner of Netherlands as a Commissioner of the delegation and of the country can advise your scientist to do so. Thank you Mr Chairman.

#### **Chairman**

Thank you, are there any other comments on the report? In that case I think we should move to Action Arising and I think we have a Resolution which has been tabled by ten countries IWC/40/33 revised. Can I take it from that group that that Resolution is on the table? It would seem so, well I invite discussion of the Action Arising. Yes, Australia.

8.2

#### **Australia**

Thank you Mr Chairman. There are two proposals before the Commissioners, namely IWC/40/33 and IWC/40/33 revised. Following consultation with a number of Commissioners the revised Resolution has been submitted in the hope that it may be more generally acceptable and gain general support. It is essentially a more simplified document. In effect the three introductory 'Whereas' clauses are retained unaltered, the operative paragraphs beginning 'Recommends' and 'Further recommends' have been omitted and there is a change to the introductory phrase to the penultimate paragraph beginning 'Now therefore the Commission'. Speaking on behalf of the ten sponsors of the Resolution presented as IWC/40/33 revised, it is our view that the Commission has taken a series of important steps over the last two years by adopting criteria which member governments and the Commission can use to help ensure that scientific research based on the killing of whales is conducted on sound scientific principals and for purposes which are of scientific or management importance. It is the view of the sponsors that the guidelines make it clear that it is incumbent on those who draft proposals to ensure that the scientific

justification for the research is fully presented. The proposal document should explain how the research will lead to reliable answers to the questions being addressed, if the research is intended to make critically important research needs then it is also critically important that the proposal explains why this is the case. If then a case is made which establishes that the research is critically important, then the next step is to show that the proposed kill of whales makes a sufficient contribution to the aims of the research and that no other practical approach to the problem is possible through non-lethal means.

It is against this background that the sponsors have carefully examined the proposed research programme of Norway and the report of the Scientific Committee. We are mindful of the wide range of projects in the programme which do not involve the killing of whales. We are impressed by the results obtained from the North Atlantic sighting surveys to which Norway has made a major contribution, and we look forward to further results from continued sightings of whales. We have great respect for the professional ability in Norwegian scientists and Norwegian science. The distinguished Commissioner from Norway has drawn attention to the serious uncertainties which exists about this stock and the need to repair these uncertainties. We appreciate his frankness in drawing our attention to this situation and we would wish to support Norway in rectifying this. Nevertheless we were also struck by the serious concerns expressed in the reports of the Scientific Committee as to whether a case has been made for this research and whether the killing of the whales will lead to reliable answers to the questions being addressed. We note that a number of very experienced research scientists on page 56 of the Scientific Committee's report, and I quote "noted that the proposal did not give sufficient information to evaluate whether the take of whales was critical to the development of the multi-species model mentioned", and furthermore it goes on to say "and whether developing such a model constituted a critically important research need". They and others on page 57 reiterate that, and again I quote "it was difficult to assess the proposed methodologies because of the limited experimental detail provided". The same paragraph continues "even with the limited information available it was clear that there were potentially severe methodology problems with aspects of these projects". A number of members of the Scientific Committee expressed the view that it had already proved possible to design research programmes to investigate the ecological role of marine mammals which relied solely on non-lethal techniques. In the light of these comments from the Scientific Committee the ten proposers believe there is a need for revision and re-thinking of the proposal before embarking on a feasibility study which would be the basis for a longer term research programme. The proposers therefore commend the Resolution IWC/40/36 revised for consideration by the Commission. Thank you.

**Chairman**

Thank you. Do any other delegations wish to speak? United States.

**United States**

Thank you, Mr Chairman. I would just like to have the US delegation associate itself with the comments by the distinguished Commissioner from Australia.

**Chairman**

Thank you. Mexico.

**Mexico**

Thank you, Mr Chairman. Our delegation has considered this Resolution in detail and we would like to make some questions for clarification, specifically to the third paragraph which we believe does not give the right way to the Convention. It says 'Whereas the Commission takes cognizance of

Article VIII'. We think Article VIII is binding to member states. We do not need to take cognizance of something which is of a major weight with member states. The other question Mr Chairman or comment, is in regard to the last section of that paragraph which is relating to 'exercising its sovereign rights in respect of maritime areas under its jurisdiction and freedom of the high seas'. We have been reviewing the United Nations Convention on the Law of the Sea and we would like to ask specifically if he is referring to Section 2 or Article 118 or Article 119. Thank you, Sir.

**Chairman**

Thank you. Does any delegation wish to comment? Australia.

**Australia**

I wonder if the distinguished delegate from Mexico could, if he has any amendments or changes which he would like to submit, but I think we were essentially following the Resolution and wording of the Resolution of last year which was accepted by the Commission?

**Chairman**

Thank you, I do not think there are any proposals for amendment at this stage. Mexico.

**Mexico**

Thank you Mr Chairman. We are not intending to submit any amendments to that, we just were clarifying some questions that we have been studying these in more detail since last year.

**Chairman**

Thank you. Well we have had a Resolution proposed, and it's seconded. Does Norway want the floor? Norway.

**Norway**

At any time prior to proceeding to a decision Mr Chairman, if we are at that stage now?

**Chairman**

Well I think we are very close. I have not heard any expressions of direct opposition since the text was introduced and I would propose shortly to enquire whether it could be adopted by consensus, so in the light of that do you wish to have the floor?

**Norway**

Thank you, Mr Chairman. My delegation is not unmindful of the substantial efforts which have been made to provide a basis for consensus. We deplore the fact that this was not the outcome, but we welcome the fact that there was an effort, and we would hope that it would be possible for the Commission to continue to work in that spirit because I see consensus as the most promising avenue for the Commission to follow if its work is to be successful over time. Mr Chairman, we are unable to take part in a consensus on the proposal before us. There are several reasons for that Mr Chairman. You are familiar with our grave general reservations on the procedure which the Commission has adopted and under which this proposal is offered. We have doubts about the legality and about the practicality of that procedure and we see in the draft Resolution reflections of contradictions which confirm our reservations. I think the question raised by the Commissioner from Mexico points out one of those areas of contradictions. Mr Chairman, we must also take into account the effects which a Resolution of this tenor may have and we note that we find little attempt at leading from argument to conclusion if we look at the relationship between the basic material which we have studied and the text

which is before us. The text makes it appear as if the Commission has adopted the views of a small number of members of the Scientific Committee and not of the Scientific Committee as a whole. The operative clause presents itself as a judgement of the quality of the efforts which the Norwegian scientists responsible for the project have put into their planning of that project. We disagree with that judgement and we will therefore have to ask for a vote on the proposal and we will vote against it. I wish to underline that there is a professional disagreement. Those who do not wish to take sides in that professional disagreement could always abstain in the voting on the draft Resolution. Thank you, Sir.

**Chairman**

Thank you. I think therefore we must proceed to a vote. Does any delegation have any statement it wishes to make before the vote? Switzerland.

**Switzerland**

A possibility to make statements after the vote.

**Chairman**

Yes I would provide the opportunity to make statements and explanations of vote afterwards.

**Switzerland**

Thank you.

**Chairman**

Well can we therefore proceed to the vote. It does not involve an amendment to the Schedule and therefore requires a simply majority of those voting affirmatively or negatively. I will ask the Secretary to conduct the vote.

**Secretary**

Mr Chairman, before doing so may I just seek a small clarification to what I think maybe a very minor drafting error. In line 4 there is a reference to a 1986 Resolution IWC/38/28. I believe that reference should be 37/28. Thank you, that has been confirmed. [Original reference IWC/38/28 is correct - Ed.)

Mr Chairman, the issue to be voted upon is the Resolution on the Norwegian proposal for a special permit contained in document IWC/40/33 revised. This requires a simply majority of those votes cast in an affirmative or negative manner. If you vote yes you are voting in favour of the Resolution and if you vote no you voting against it. Following the customary practice of the Commission if any votes are taken they are normally done on a rotating basis in alphabetical order and so the roll will start with Argentina:

Argentina	Yes	New Zealand	Yes
Australia	Yes	Norway	No
Brazil	Yes	Oman	Yes
Peoples Republic of China	Abstain	St Lucia	Abstain
Denmark	Yes	St Vincent and the Grenadines	Abstain
Finland	Yes	Seychelles	Abstain
France	Abstain	Solomon Islands	Abstain
Federal Republic of Germany	Yes	South Africa	Abstain
Iceland	No	Spain	Abstain
India	Yes	Sweden	Yes
Japan	No	Switzerland	Yes
Republic of Korea	Abstain	USSR	No
Mexico	Abstain	United Kingdom	Yes
Netherlands	Yes	USA	Yes

Mr Chairman, there were fourteen votes in favour, four votes against and ten abstentions so that the Resolution is adopted.

**Chairman**  
Brazil.

**Brazil**  
Thank you, Mr Chairman.

**Chairman**  
Sorry. Brazil, excuse me, is it a statement an explanation of vote?

**Brazil**  
Yes.

**Chairman**  
Just as a procedural matter I thought we might take a short coffee break and then I will give you the floor after that if that would be agreeable to you?

**Brazil**  
Well wouldn't it be better just to finish the matter of this Resolution and then go into the coffee break.

**Chairman**  
Well I do not know how many explanations of vote, all right if that is the wish proceed. Go ahead please.

**Brazil**  
May I? Mr Chairman, I wish to go on record with the declaration that ensues concerning the Brazilian favour of a vote on this Resolution. Mr Chairman, my delegation is pleased with the fact that in this session of the Commission there was a serious attempt at consensus and that delegation decide to negotiate texts that would reflect, if not the majority of views at least a common line of feeling concerning these matters which my delegation considers as critical for us all. As a delegation we cannot but base ourselves on the averages of comments admitted by the Scientific Committee. We think that the present Resolution with its terms reflects that average of thoughts and opinions and this is why we voted in favour of it. But we have to keep in mind, and we do so in so voting, that Article VIII of the Convention is not at stake and in this specific respect I wish to say that the reference in this Resolution could have been less descriptive and more precise as concerns Article VIII of the Convention and we would have preferred it just to take note of it instead of extracting a few terms of it. I thank you, Sir.

**Chairman**  
Thank you. Switzerland has the floor.

**Switzerland**  
Mr Chairman, I am absolutely prepared to wait until after the coffee break.

**Chairman**  
No, please go ahead.

**Switzerland**  
Thank you very much, Mr Chairman. I would address the vote taken but I would make use of this opportunity, if you permit me Mr Chairman, to express the Swiss Government's appreciation and gratitude to the Scientific Committee, its members, its Chairman, its Rapporteur, and also of course and even in the first place I should have said that the respective governments that agreed to

finance the participation of experts in the Scientific Committee. We would like to express our gratitude for their invaluable work without which at least this Commissioner would not be able to participate very ably in the work of this Commission. This said, I would like to recall the Swiss position on scientific permits and I would like to make three points.

First of all, the killing of animals for scientific research must in our view be subject to authorisation under the most strictest conditions; the research in question can be shown to serve precise scientific purposes; it has been established that the use of a given animal is the only means of accomplishing the experimental aim and no other procedures can be used; the use of an animal is methodologically sound; lower species cannot be used; the proposed number of animals is indispensable; pain, suffering and injury are avoided as much as possible; the research is carried out by qualified specialists; records are kept and there is access to these records; in other words, duplication is as much as possible to be avoided - why duplicate a piece of research that has yielded satisfactory results elsewhere?

The Scientific Committee, and that is my second point, has last year expressed strong - in the Scientific Committee last year strong - concerns were expressed about one of the scientific programmes on the agenda today; the Commission addressed a recommendation to the government concerned. It was noted in the Scientific Committee this year that the concerns expressed last year had not been altogether satisfactorily addressed. On the other hand in the Scientific Committee this year a number of serious concerns were expressed about an important, about important aspects of a new research project. We have just dealt with that. It is quite inevitable for the Commission to react in the manner established in previous Annual Meetings.

There remains the question, and I will address this now in order not to have to come back to that later, whether a recommendation in an area that falls under the exclusive competence of States is legal or not. We have always maintained that that Articles VI and Articles VIII are not mutually exclusive, they have equal legal status. When therefore the Commission with the aim of pursuing the objective of the Convention, and I do not have to repeat those objectives, makes a recommendation such recommendations are per definitionem in conformity with the principles of the Convention. A recommendation of the Commission on the subject matter covered in Article VIII does not however limit the ability of the State to whom it is addressed to take action under Article VIII. It does not in other words impinge on its sovereignty. The State retains its full right to accept or reject a recommendation that is addressed to it. Thank you Mr Chairman.

**Chairman**

Are there other statements and explanation of vote? Sweden.

**Sweden**

Thank you, Mr Chairman. I would like to make a general remark on the issue of special permits. I think, Mr Chairman, that most of IWC are aware of Sweden's concern over scientific whaling as a potential way to circumvent the Moratorium .....

**Chairman**

Excuse me, excuse me Commissioner for Sweden, we are taking explanation of vote. Can I take it that your statement is in that category?

**Sweden**

No.



**Chairman**

Well would you mind then if we continued with the statements and explanation of vote and then I will provide an opportunity afterwards if you do not mind?

**Sweden**

Of course, Mr Chairman.

**Chairman**

Thank you, are there any other statements and explanation of vote? If not I think we will take a short coffee break. We will come back and I will give an opportunity to the Commissioner for Sweden. I propose too that we commence again at ten past eleven. We will have approximately twenty minutes. I think everybody can have their cup of coffee then. We are pressed for time and I will commence promptly at ten past eleven.

- - - BREAK - - -

**Chairman**

I propose to resume the meeting. Would Commissioners please take their seats? I think I would like to proceed on the assumption that we have completed the section of the report and the discussion concerning Norway. I would like to proceed now with Item 10.4.3 Iceland Fin and Sei Whales and if we could after the presentation by the Chairman of the Scientific Committee have a discussion of that report then Action Arising, and then at the conclusion of that I will provide an opportunity under Other Business for any delegation which wishes to make any statement or raise any other matter and the Commissioner for Sweden will be able to make his statement then. So we now turn to Item 10.4.3, sorry before I do that I should ask if there is any any Other Business under the Norway section? I do not think so. Would you therefore proceed, Chairman of Scientific Committee.

8.1

**Chairman of the Scientific Committee**

Thank you Mr Chairman. As you have indicated, the Scientific Committee has also discussed the Icelandic research programme and the scientific permits associated with that. I have already reported to the Commission the Scientific Committee's discussion of the results obtained from the last year's take. The section of our report starting on page 60 deals with our discussion of proposed catches in future years.

Mr Chairman, we noted that we had examined the Icelandic proposals in three previous meetings and in particular evaluated those proposals in the light of the various guidelines and criteria that the Commission had adopted in those various years. We believed it would be appropriate to refer the Commission to those comments and they are annexed to our report as Annex 02. Accordingly we agreed that at this meeting we should confine our discussion to the most recent set of guidelines and criteria, that is those that were agreed in the Resolution adopted by the Commission last year.

The first of these is to provide advice on whether the research addresses a question or questions that should be answered in order to conduct the Comprehensive Assessment or to meet other critically important research needs. A number of members of the Committee referred to their views that had already been expressed in the discussion of results of past catches that the programme does facilitate the Comprehensive Assessment and is important for management purposes, and another member also noted that the question of narrowing the range of possible MSY rates had been identified at this current Scientific Committee meeting as an important task, and he noted that information on

pregnancy rates, and age of maturity and natural mortality rates helps in establishing bounds on these parameters and therefore this is important for management purposes. On this latter aspect, several members of the Committee expressed the view that while the information from past catches had indicated general values of certain of the biological parameters, in order to address this question of improving knowledge on MSY rates it was necessary to simultaneously monitor all the other critical parameters and they are listed in the middle paragraph of this section on page 60. And finally, members of the Scientific Committee as listed in the last paragraph of that section referred to their view that they did not believe the programme addressed questions that could be answered, that should be answered rather, in order to conduct the Comprehensive Assessment.

The second guideline was to provide advice on whether the research can be conducted without adversely affecting the overall status and trends of the stock or the success of the Comprehensive Assessment. The Committee had obtained during its discussions on these particular stocks new estimates of stock size, but assessments had not been carried out. The Commission will see that in the middle of page 61 of our report several members for a variety of reasons indicated they believed that the proposed catches of 80 fin whales and 20 sei whales would not adversely affect the status of the stocks. However one member expressed the view that the total take of 320 fin whales over the four year period may adversely affect the status of the stock. Finally Mr Chairman, there were two views expressed by members of the Scientific Committee as to whether or not we should be considering at this meeting a proposal for a catch in 1989 and 1988. One group believed that the proposal for a catch in 1989 should have only been the one we should be addressing, although they believed the effect of catches in both 1988 and 1989 should be discussed, whereas another group of members felt it was appropriate to discuss both the 1988 and 1989 proposed catches in view of the wording of the 1987 Commission Resolution.

The third aspect was to look at whether or not the questions that the research was addressing could be answered by analysis of existing data or by the use of non-lethal research techniques. A view was expressed that the particular, or that none of the major studies under way could be carried out using non-lethal techniques, particularly in view of the time-frame of the programme. Another member, while agreeing that those particular studies could not be carried out, he questioned whether these could be carried out rather, sorry only using non-lethal techniques. He questioned whether those studies were important either to management issues or the Comprehensive Assessment and noted that several different types of non-lethal techniques had already been used to estimate abundance and look at stock identity. Other members commented that these particular non-lethal techniques either had difficulties or were in their developmental phases. And one other member believed that in view of the problems several members had indicated previously about separating results from previous commercial catches and the research takes made it difficult to comment on whether or not non-lethal techniques could be used.

Finally the Committee looked at a question of whether or not the research is likely to yield results leading to reliable answers to the questions being addressed. We had in part addressed this question before and we refer the Commission to reports of discussions given in Annex O2. A range of views were expressed on this matter, some members believing that the programme will and is leading to reliable answers, others indicating that it was difficult to assess the reliability of any analysis as the questions of required sample sizes had not been, and random sampling, had not been properly addressed. In response it was noted that this particular research programme was not aimed at achieving random sampling, and finally a group of members expressed

disappointment at the quality of the analysis from the lethal sampling to date and were concerned that the research may not yield reliable results if the data collected were not to be made available for in-depth analysis by the wider scientific community. Thank you, Mr Chairman, that actually does complete my report.

**Chairman**

Thank you. I think if we follow the procedure earlier and if we have a discussion of the Scientific Report after which we will have an Action Arising, so I invite comments of the Scientific Report. Iceland.

**Iceland**

Thank you Chairman. Mr Chairman yesterday the delegation of Iceland explained in detail in the discussion of the previous section of the Scientific Committee report the scientific programme as it has been elaborated by the government of Iceland. I will confine myself now to that part of the Scientific Committee report introduced by its Chairman today.

The Scientific Committee addressed specifically the four criteria set by the Commission at its last year's meeting which would give useful guidance for our future research efforts. I note in particular that none of the main objectives of the proposed research already underway can be met with non-lethal techniques. This relates particularly to changes in annual pregnancy rates which could theoretically be obtained by non-lethal means on the breeding grounds which are however at present unknown. Similarly, changes in growth rates and monitoring of environmental factors on the body condition with relation to reproduction is not achievable by other means. This brings us to the fact that although major achievements can be made by non-lethal research as we and others have demonstrated by our activities, we are left with a number of essential issues that have not been practically addressed by that approach. We need to accept this state of fact and the fact that within a reasonable time-frame counted in years rather than decades, and within a reasonable economic frame work, we can only reach the goal of improved management of the whale stocks by continued approaches of lethal as well as non-lethal research techniques, and that is what we intend with our activities and want to have an understanding of within this organisation. The Icelandic scientists participating in the meeting of the Scientific Committee have made every effort to address the guidelines which the Committee had used to review and comment on the Icelandic research programme. Consensus expressed in a debate in the Commission last year appeared to relate to a criteria which we re-elaborated this year. Major discussion was confined to those guidelines as reformulated and the Committee on balance cannot be seen to have adopted a negative attitude towards compliance with them. Mr Chairman, the Government of Iceland will implement the five recommendations adopted by the Scientific Committee at its last meeting.

As the delegation of Iceland stated yesterday, the Government of Iceland appreciates the efforts of the Scientific Committee in reviewing the research activities conducted by Iceland. We note the opinions expressed and know that these will be considered in the future conduct of research on these stocks by Icelandic scientists. Mr Chairman, in closing since we seem to have heard the very last word from our Chairman Dr Kirkwood in his capacity as Chairman of the Scientific Committee, I feel compelled to add my personal best wishes for his future endeavours and personal thanks for the efforts that he has expended at least over the two years in which I have been associated with this Commission. Thank you, Chairman.

**Chairman**

Thank you. It was my intention to thank Dr Kirkwood on behalf of Commissioners when we completed the discussion but seeing we have raised it, it seems to be we have now completed the presentation of the report and this concludes that consideration and I certainly would like to say that all Commissioners do indeed join in thanking Dr Kirkwood and the members of the Scientific Committee who have worked very hard to produce such a good report, so, thank you. Could I call on other Commissioners to speak on the Scientific Committee report? Norway.

**Norway**

Thank you Mr Chairman. All my colleagues who have followed the development of the Icelandic research programme and who have taken part in the deliberations on its results such as they have been presented in reports to the Scientific Committee are greatly impressed by what has been done. The reports show in their view quite clearly that Iceland has made remarkable progress in fulfilling the ambitious intentions behind the research programme. It is also our considered view that the progress which has so far been documented in the multi-year programme indicates that the wide-ranging research will contribute significantly to the Comprehensive Assessment which we must complete by 1990. We feel that the Commission should again take note of the demands which are placed on Contracting Governments to provide material for the successful completion of the Comprehensive Assessment and we feel that the Commission should indeed be grateful to Iceland for the effort and the funds which they have invested in their efforts. I think it is also appropriate that we recall to ourselves the doubts which have been expressed previously and the fact that the Commission found that this programme should in fact not have been pursued in the manner in which it has been carried out. We feel that the work which we have seen to date has put those doubts to shame. There has been real science and it has been documented and presented in a highly qualified and professional way that seems to me to leave the Commission's judgement on the project open to question. Thank you, Sir.

**Chairman**

Thank you. Japan has the floor.

**Japan**

Thank you, Mr Chairman. We highly value the very fine report and fine representation by the Chairman of the Scientific Committee Dr Kirkwood, and I personally like to extend thanks to the works by the Scientific Committee and its Chairman. I also like to associate myself to the comments made by the Commissioner, by the Icelandic colleague and the Commissioner for Norway. It is natural that in any science there are divergence of views and therefore I believe that there are divergence of views due to the scientific belief and views. I hope that Icelandic research would not be harmed by any political influence and would be carried out without hindrance. I believe that Iceland has enough manpower, sufficient facilities to conduct its research in full. I shall continue to support and encourage the research by Iceland.

**Chairman**

Thank you. Korea. Yes Korea.

#### **Republic of Korea**

Thank you Mr Chairman. I want to state the position of my government on the scientific research for which the Article VIII of the Convention should be respected and consider the scientific permits. In accordance with this view my government has conducted various sighting in the Korean water three times each year since September 1986 and we will continue it with a more improved method. I believe that you know well that results of our research has been submitted in the progress report to the Scientific Committee. Thank you.

#### **Chairman**

Thank you. Perhaps we could record that under Other Business at the end of this item, thank you. If there are no other comments can we move to Action Arising? It would seem so. I open the floor therefore to debate under the item Action Arising. United Kingdom.

#### **United Kingdom**

Thank you Mr Chairman. I would like to formally propose Resolution IWC/40/32 revised on behalf of all the sponsors whose name appears in the document, that is Australia, the Federal Republic of Germany, India, The Netherlands, New Zealand, Oman, Seychelles, Sweden, Switzerland and the United Kingdom.

8.2

We believe that the IWC is the body responsible for effective and appropriate action relevant to all management and conservation aspects of all whale stocks. It is therefore, Mr Chairman, incumbent on the IWC in discharging this very important responsibility to ensure that all proposed research, no matter who undertakes it, is appropriately designed; that it clearly meets defined and accepted criteria which have been laid down by the IWC; that the proposed research has an acceptable chance of producing useful results; and in particular, if lethal methods are required, then the results of the research are considered essential and the killing unavoidable.

Mr Chairman, we all recognise that thorough deliberations. Sorry, we all recognise the thorough deliberations which the Scientific Committee undertake on behalf of Commissioners in analysing the various proposals put forward by Contracting Governments for scientific programmes. It is now for Commissioners having studied in detail the report of the Chairman of the Scientific Committee to give direction to those Contracting Governments who have presented proposals for scientific research as to the appropriateness or otherwise of proceeding with the programmes as currently presented. Now in speaking about the Icelandic programme which is currently before us, that does not mean to say we wouldn't wish to give Iceland full credit for the enormous amount of work its scientists have done and are doing over the years. However, on the proposal which we have before us and which the Chairman of the Scientific Committee has explained to us, we can recognise that the sighting surveys conducted as part of the overall programme have contributed significantly to our knowledge on North Atlantic whales. But, in reviewing the results from materials obtained from those catches under previous scientific permits, and in reviewing the proposed programme of catches under a future scientific permit, the Scientific Committee expressed concern over various aspects. Consequently we feel these concerns must be recognised and addressed. In particular it is considered that the objectives of the programme specifically associated with catches under scientific permits do not address issues that materially facilitate the Comprehensive Assessment, or address issues of immediate importance to whale management, or address issues to other critically important research needs. In addition, the lack of precise documentation of the contributions specifically from catches under scientific permit has not assisted the Scientific Committee in its evaluation of any possible additional contribution from these catches. In the light of these concerns and others raised within the Scientific Committee report the

United Kingdom and the other sponsors would wish to invite other member governments to associate with the Resolution.

It may help if I just further explain in relation to the Resolution that we now have a revised one on the table and this was produced after further consultations in the hope that it would meet with greater consensus. You will see however that the whereas or preamble clauses are the same and they do identify the previous Resolutions of this body which provide the basis for action by the IWC. The whereas clauses recognise the sovereign rights of member Contracting Governments they refer to the Scientific Committee's report and also, which I think is important, give credit to Iceland for the good work it has done. A simplification of the action clauses in the revised version results in a neater presentation but carries the same requirements as in the original version. In the light of the Scientific Committee report and the consideration by Commissioners as a body I would therefore commend that the IWC adopts Resolution IWC/40/32 revised. Thank you.

**Chairman**

Thank you, I think the United States had asked for the floor.

**United States**

Thank you Mr Chairman. The United States would like to associate itself with the comments of the UK, and especially those that have to do with the value of the sighting survey which Iceland has taken the leadership in. In addition to that, we would like to note that the Resolution on the Icelandic proposal for scientific catches does reiterate and reaffirms the recommendations that were adopted in Resolution on the Icelandic proposal for scientific catches adopted in 1987 at the 39th Annual Commission Meeting. To ensure the effectiveness of the Commission's conservation programme the government of Iceland is therefore being asked again to revoke and refrain from issuing special permits to its nationals for the conduct of research programmes until the uncertainties identified in the 1987 Scientific Committee report IWC/39/4 and now the 1988 Scientific Committee report IWC/40/4 have been resolved to the satisfaction of the Scientific Committee. Therefore, Mr Chairman, we would like to second this Resolution. Thank you, Sir.

**Chairman**

Thank you. Japan.

**Japan**

Mr Chairman, I like to make comment as regards the proposal and the comments made by the United Kingdom and other Commissioners. It was pointed out at the time of the Resolution presentation on the case of the Norway research, I have to reiterate that when the divergence of the views and when one or any of the 18 itemised criteria could not be satisfied, then we have to take some sort of Resolution but this would only lead the meeting into confusion. Such action is beyond the level of understanding of the Commissioners and this is only demonstrating the lack of confidence in science and scientists, that we have imposed the tasks, of our tasks, to be carried out by. Therefore I am very critical about any actions of the Resolution in this regard.

**Chairman**

Thank you. Finland had asked for the floor.

**Finland**

Thank you, Mr Chairman. Like the USA Commissioner I also would like to associate myself with the comments of the UK Commissioner. Thank you.

**Chairman**

Thank you. Iceland.

**Iceland**

Thank you Chairman. Last year, Mr Chairman, a great number of the representatives at this meeting had the patience to listen to the views of Iceland on the legality of the Resolution referred to in the first whereas clause of the Resolution, of the draft Resolution, before us. Mr Chairman, I realise there is a limit to the patience of non-lawyers to listen to legal arguments, and frankly Mr Chairman I think perhaps that patience was exhausted last year. Thus it will suffice for me to refer to those arguments last year which were in fact reflected in documents before the Commission and to refer to the conclusions we reached then that the Resolution was in fact in breach of the Convention.

Mr Chairman, at the beginning of this meeting the delegation of Iceland appealed for a sense of compromise in the work of the Commission. Last year we had fears that the actions taken on these questions would create difficulties in Iceland's foreign relations outside the context of the International Whaling Commission. Fortunately, with the good will of all parties concerned, since last year's Annual Meeting ways have been found to ensure that political disagreements within the Commission do not have adverse effects on these relations. Accordingly the work of the Commission at this meeting can be assessed by the government of Iceland on its own merits. I think it is necessary for me to make this statement to explain the approach that we now take to these questions in comparison to the approach we took last year.

Mr Chairman, the gap between confrontation and cooperation cannot be bridged in one week. We are extremely grateful for the delegations which have made efforts to bring positions closer together. The representative of the United Kingdom referred to these efforts in introducing the Resolution. These efforts have in fact, Mr Chairman, continued even up to this very morning and at the request of the delegation of Iceland it would appear that there would be support within the Commission for the addition of a new paragraph at the end of the Resolution before us. This wording reads as follows, it is very short, Mr Chairman, I think I can read it once quickly through and then slowly. "Invites the Government of Iceland to report in writing to the Commission in time for consideration by the Commission at its 41st Annual Meeting". If I may read it once again slowly. "Invites the government of Iceland to report in writing to the Commission in time for consideration by the Commission at its 41st annual meeting". I wonder, Mr Chairman, if you could confirm that this is indeed the case that there could be agreement around this addition to the Resolution?

**Chairman**

I think you are really proposing an amendment to the Resolution and in a normal way it would be required to be seconded, and I think I need to follow that course. I would.... Yes, Switzerland.

**Switzerland**

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

**Chairman**

I am sorry you are seconding....?

**Switzerland**

Yes, the amendment.

**Chairman**

The amendment?

**Switzerland**

Yes.

**Chairman**

Thank you. So I think that it is an amendment which has been seconded. I think it would then be open to the sponsors of the Resolution to indicate if they accept it, but I think I must proceed on the track that we have a proposal which has been seconded. We have an amendment, it has been seconded, and that is I think the official position. Yes, Iceland.

**Iceland**

Mr Chairman, if it is possible to perceive general agreement of this addition I would continue. To inform you that in the circumstances the delegation of Iceland would not insist that the proposal with this change be put to a vote.

**Chairman**

Well, is there general agreement? From the chair I cannot determine, it was not part of the original proposal. I would have to have a pretty broad indication, I think, that it was acceptable to the sponsors before I could assume that it was acceptable. Seychelles.

**Seychelles**

Thank you, Mr Chairman. I feel that it is acceptable to us, my delegation, thank you.

**Chairman**

Thank you. Does any other delegation want to comment? Can I assume that it is acceptable? It would appear that no delegation is speaking against it, maybe I can assume it. Thank you I have assumed that the amendment is accepted and therefore will proceed on the basis that it is included. Thank you. Proceed.

**Iceland**

Yes, thank you, Chairman. So finally then we would as I have indicated previously, we find it necessary to maintain our reservations on a legal question. You will recall, Mr Chairman, that when we discussed the report of the Scientific Committee just earlier and in fact in discussing other elements of the report of the Scientific Committee yesterday, we gave a brief overview of our views that we have in fact complied with the criteria and have the view that, as I said earlier, that the Scientific Committee can be read to have sympathy for that view, but we will also implement the recommendations found in the report and we will report more fully our views to the Commission prior to consideration at the 41st Annual Meeting. And may I conclude, Mr Chairman, once again, by thanking those delegations who have made contributions to efforts to reach consensus at this meeting, on this, reach agreement at this meeting on this type of approach which I think can only augur well for future work of the Commission. Thank you, Mr Chairman.

**Chairman**

Thank you, Japan.

**Japan**

Mr Chairman, I would like to clarify the position of Japan. Basically we are against the action regarding this kind of Resolution. However the spirit of consensus is to be esteemed very highly and therefore we did not insist on voting no.



**Chairman**

Thank you. Are there any other comments or observations that any delegation would wish to make? Can this Resolution as amended be accepted by consensus? It would appear so. It is therefore accepted by, adopted by consensus. Thank you.

Are there any other matters affecting the Icelandic proposal for scientific catches that any delegation would wish to make before we move on? I think then that closes that section.

I said earlier that I would enquire, I would provide an opportunity for discussion under Other Business at this point, and I think Sweden has asked for the opportunity to make a statement and after that I will call on the United Kingdom. I am sorry, did you, yes thank you. Sweden.

**Sweden**

Thank you Mr Chairman, I am sorry for the confusion I have caused. My intention was just to remind members of the IWC of Sweden's concern over scientific whaling as a potential way to circumvent the Moratorium on commercial whaling. Members will recall that Sweden in 1985 proposed a Resolution on scientific permits, in 1986 in Malmo we worked for a consensus Resolution on specific permits for scientific research. 1987, being disappointed of the development of the Malmo meeting, we co-sponsored a Resolution. In the beginning of 1988 we voted for the UK Resolution against the research feasibility study. Today we have co-sponsored two Resolutions on this issue. The Swedish delegation would continue to work against abuse of scientific whaling. Thank you, Mr Chairman.

**Chairman**

Thank you. United Kingdom.

**United Kingdom**

Thank you, Mr Chairman, is it appropriate to propose the Resolution, the United Kingdom Resolution at this stage?

**Chairman**

Yes, I think you could. Go ahead.

**United Kingdom**

Mr Chairman I would like to formally propose Resolution IWC/40/34 on the issuance of special permits for the purposes of scientific research. This is I think a very simple Resolution designed to remove a gap in our procedures which last year caused us a great deal of difficulty. Mr Chairman, you and the Commissioners will recall that following the intersessional meeting of the Scientific Committee on the research proposal for Japan, there was then no opportunity for the IWC to take a view on the Scientific Committee's deliberations. For almost all of its business the IWC operates within an annual calendar, thus when the Commissioners meet together at each Annual Meeting they can give full consideration to the reports from the Scientific Committee made in the proceeding weeks which deal with scientific permits. There is however no mechanism at present as to how these can be dealt with when there is an intersessional meeting of the Scientific Committee, and as I explained earlier today, it is important that in carrying out its responsibilities the IWC as a body can form a view and provide some direction on scientific permits. I am therefore proposing a simple provision that sixty days should elapse between the date of circulation of a report by an intersessional meeting of the Scientific Committee, which I should add, I would hope would always tend to be exceptional rather than the norm, and sixty

days should elapse between the date of the circulation of the report and before any permit is issued. We have considered the wording of the Resolution carefully and find it necessary to state "any", the word "any", scientific permit in order to cover revised proposals as well as new or extended ones. We have also considered the time period of sixty days. I recognise that there is a problem - we have to balance the interests of the IWC member wishing to proceed with the research programme and with the needs of others to have sufficient time to give thorough thought to the report of the Scientific Committee, and after that to report their views to the Chairman and for him to consult with other Commissioners as to how they would like to proceed. I think any shorter time scale would put the Chairman of the Commissioners and Commission members into great difficulties. I would therefore hope that this simple proposal, which would remove a difficulty we have had in the past, would be acceptable to the IWC. Thank you.

**Chairman**

Thank you. Antigua has asked for the floor followed by Brazil.

**Antigua and Barbuda**

Yes, I would reserve until this matter is finished, thank you.

**Chairman**

Thank you, alright, Brazil.

**Brazil**

I thank you, Sir. Mr Chairman, the content of Resolution contained in IWC/40/34 reflects to a very large extent the concerns expressed by my country when we spoke in several items of our agenda both here and in the Technical Committee on the question of intersessional meetings and the procedures that could lead us into further confusion. I do think that the UK project does go a long way in helping us to resolve this kind of undesirable situation that can tend to polarise even more positions and lead to further confrontations. Mr Chairman, I have however a few misgivings concerning two aspects of the Resolution, and in light of these misgivings that I will explain right now, I would like to propose two small amendments to see whether the proponent of this Resolution can go along with them.

My first concern is with the first considerative paragraph. I do understand that it goes a long way in establishing the exceptional character of intersessional meetings but I would like to have, I would prefer to have the exceptional character of such meetings stressed in this considerative paragraph. So I would propose the addition of the following sentence to this paragraph. As is the norm I will first read it at normal speed and then at dictation speed. This is a sentence to be added to the end of the first considerative paragraph after the word "Commission". It goes like this, "and that intersessional meetings should normally be avoided and called only in exceptional circumstances". At dictation speed, "and that intersessional meetings should normally be avoided and called only in exceptional circumstances" stop. And then, Mr Chairman, if you have, I'll ask whether everybody has the text, is it necessary for me to repeat it again? I will read once again at normal speed to see whether everybody has written it down properly. "and that intersessional meetings should normally be avoided and called only in exceptional circumstances" stop.

Well, my second comment has to do with the operative part of the Resolution. I think that in this aspect the proposed language goes beyond what would be acceptable perhaps in light of Article VIII of the Convention, because when it resolves that a country should not issue any special permit we could be hurting the sovereign rights to do so by any country and going beyond the

recommendatory powers of the Commission. So in order to make this acceptable from the juridical-political point of view in the Commission I would humbly suggest that we change the first word to read "recommends" instead of "resolves" and that in the fourth line we replace "should" by "do" to put the language in line with the new start so that the new operative paragraph, if accepted, would read "recommends that following consideration of any special permit or permits for the purposes of scientific research at any intersessional meeting of the Scientific Committee the Contracting Governments responsible for the proposed special permits do not issue any special permit until the expiry of sixty days from the date of circulation" etc. This, Mr Chairman, would make this Resolution entirely acceptable to my delegation and I do hope that the proponent and other interested parties can go along with my suggestion. I thank you sir.

**Chairman**

Thank you. Argentina.

**Argentina**

Thank you Mr Chairman. I was describing to some colleague before this intervention of the Brazilian colleague, I think it is a proper way to deal with his Resolution. This is why I am seconding the Brazilian proposal, thank you.

**Chairman**

Thank you, the Brazilian proposal has been seconded. Switzerland.

**Switzerland**

I wonder Mr Chairman whether you need not a seconder for the original UK proposal.

**Chairman**

Yes I do indeed.

**Switzerland**

Well, I would be willing to do that without addressing the amendments proposed by Brazil, simply wishing to note that the Swiss Commissioner in connection with last year's postal vote expressed some concerns, not, as has been claimed in a paper circulated informally, round condemnation, simply concerns about some aspects in connection with this postal vote. One of those concerns was addressed last night, yesterday, when we revised rule of procedure E3. The second of our concerns would be addressed by the draft Resolution proposed by the UK Commissioner, which is why we would be willing to second it.

**Chairman**

Thank you. Japan.

**Japan**

Mr Chairman, both the proposal proposed by the United Kingdom and the amendment to it by Brazil in our opinion conflicts upon the sovereign rights provided for by the Article VIII of the Convention and the proposal itself is beyond the mandate of this Commission.

**Chairman**

Thank you. Norway.

**Norway**

Mr Chairman, it is with some trepidation that I must disagree with my Japanese colleague. My delegation has a firm belief that nothing can detract from the sovereign rights of Contracting Governments under Article VIII. What we can

do is perhaps enter new provisions in our Schedule which would affect the operation of the rights of a Contracting Government under Article VIII. On the other hand we are fully prepared to see the Commission address recommendations to Contracting Governments as to the manner in which they should consider the exercise of their sovereign rights under Article VIII of the Convention. For that reason we feel that the proposal by the Commissioner of the United Kingdom as amended by the Commissioner of Brazil would be an improvement in our procedures which Norway willingly would accept. Thank you.

**Chairman**

Thank you. Iceland asked for the floor followed by Mexico.

**Iceland**

Thank you, Mr Chairman. I merely wish to associate myself with the views as expressed by the Commissioner from Norway. Thank you.

**Chairman**

Thank you, Mexico.

**Mexico**

Thank you Mr Chairman. We follow the careful wording of the proposal by UK and we found that indeed it seems like a simple proposal. We were prepared to support the amendment by the Brazilian Commissioner especially on the first consideration and we do agree with that. However Mr Chairman, we would prefer if instead of the word "do" would remain the initial word which is "should not". Thank you they are correcting my English and they said that the proper way to express it is "would" but I want to maintain the "should not". Besides that Mr Chairman, given the consideration which had been expressed now our delegation feels that this proposal by the UK perhaps should be considered in another forum like the working group responsible to examine questions related to the operation of the Convention, thank you.

**Chairman**

Thank you, Brazil.

**Brazil**

Thank you Mr Chairman, to avoid any language problems let me just clarify that I suggested "do" instead of the "should" to put the language in line with what I thought would be better in terms of the new beginning of the sentence of the verb recommends, but it is not a substantive proposal as far as I am concerned. Since my mother language is not English, I would leave this in the hands of any natives of the English language. Thank you.

**Chairman**

I think I would interpret that as Brazil withdrawing its amendment of the, by replacing the word "should" substituting it by the word "do". I think you have withdrawn that bit of your amendment haven't you? Thank you, United Kingdom.

**United Kingdom**

Mr Chairman, I was wondering if we could get round it by removing the offending words if we start with "recommends" as Brazil suggested you could simply say "recommends that the Contracting Government responsible for proposed special permits not issue any special permits", and not have "do" or "should" or "would". Would that help?

**Chairman**

I am sorry, could you explain, do you retain the first three lines?

**United Kingdom**

Yes, sorry I was....

**Chairman**

Well, would you read it out as a whole.

**United Kingdom**

It would then read, the only change in the first three and a half lines would be it begins "recommends" carries on as it says "that following consideration of any special permits for the purposes of scientific research at any intersessional meeting of the Scientific Committee the Contracting Governments responsible for the proposed special permits not issue any special permit until the expiry". Would that be possible?

**Chairman**

Anything is possible! The suggestion is to throw the baby out with the bath water, so I think the suggestion now is that both "should" and "do" should be deleted. Is that right? That you have accepted the word "recommends" at the beginning of that paragraph have you?

**United Kingdom**

Consensus. I would accept both the suggestions made by Brazil.

**Chairman**

That is including the addition to the first paragraph of the Resolution.

**United Kingdom**

Yes.

**Chairman**

In that case I think they form part of the proposed Resolution. Argentina.

**Argentina**

Thank you, Mr Chairman. I am sorry to take the floor again but when we were discussing this amendment I understood that the word would be "would" W O U L D and this is why I will second it. I think other way around would be too strong for recommendation, and this is why I am really just supporting the proposal of the word "would not" which is the proper way to deal with recommendation in a very sensitive matter. Thank you anyway.

**Chairman**

I don't know whether suggestions from the chair are acceptable or not I suppose a third course which would be "recommends Contracting Governments not to issue" but however let's not complicate it. Brazil.

**Brazil**

Chairman, could we perhaps if I withdraw my suggestion if it causes any further complication. Perhaps we should say "recommends that" etc "refrain from issuing". Thank you. Instead of "do" or "should" or anything else.

**Chairman**

I think this is another suggestion recommending the Contracting Governments etc "refrain from issuing". Soviet Union.

**Soviet Union**

Thank you Mr Chairman. Mr Chairman the Soviet delegation believes that the draft Resolution number IWC/40/34 which has been proposed by the UK delegation is in contradiction with the provisions of Article VIII of the Convention. That is why, Mr Chairman, the Soviet delegation believes that this draft Resolution is unacceptable. Thank you.

**Chairman**

Thank you. Norway had asked for the floor followed by St Lucia.

**Norway**

Mr Chairman, I am not certain where we stand after the statement by the previous speaker but if we are discussing language which would meet my needs, and a lot has been bandied about, I would prefer the phrase we are discussing to read that "Contracting Governments defer the issuing of any special permit until". "Defer the issuing of any special permit until", with no shoulds, woulds, coulds or dos. Thank you.

**Chairman**

Thank you. Did Australia ask for the floor?

**Australia**

Well I had another point of English but I am not willing to put it up now.

**Chairman**

Well could I go back in time a bit. I think the Brazilian Commissioner suggested "refrain from". Does the sponsor of the Resolution have any comment on that?

**United Kingdom**

Mr Chairman, I found that both the suggestion "refrain from" and "defer the issuing" would both achieve the same effect; "refrain from" is closer to the original draft and therefore I would prefer it, but if the consensus would go along with "defer the issuing" I would obviously prefer to accept that as I think the general principal is one I would like to be included in our proceedings. Thank you.

**Chairman**

Thank you, France.

**France**

Thank you Mr Chairman. We appreciated the amendments from Brazil. We still have some problem with that proposal, especially with the end of the recommendation of the Resolution itself which says to give the Chairman of the Commission sufficient time to consult with the Contracting Governments in order to reach a decision as to how the Commission proceeds. That is far beyond the Article VIII. In according to Article VIII the Commission has nothing to proceed I am afraid, so I could, my delegation could accept a proposal on the topic only if there is a consensus on that topic. If there is no consensus, I am afraid I would be obliged to abstain. Thank you, Mr Chairman.

**Chairman**

Thank you. St Lucia.

**St Lucia**

Yes Mr Chairman. Not referring here to the "should", "would" or "refrain" it is question of the time element. Probably the Secretariat could inform us of how long it normally takes for circulation of the report, because this is sixty days after. Could you give us a rough idea so we know the time-span we are dealing with?

**Chairman**

I am sorry, repeat that would you?

**St Lucia**

It reads that "expiry of sixty days from the date of circulation of the report". Could we have a rough idea of how, what time span we are dealing with from past experience. When is the report normally circulated?

**Chairman**

Well my assumption would be it would be circulated immediately at the end of the meeting but I will ask the Secretariat to confirm that.

**Secretariat**

Mr Chairman, your assumption is quite correct. The normal practice would be for the report to be distributed from the Secretariat the moment it had been finally edited and prepared. Our experience is that in some cases it may take up to three weeks to arrive on the desk of the Commissioners of some Contracting Governments. Thank you.

**Chairman**

Thank you. Well I.... Japan.

**Japan**

Mr Chairman, I am going to talk about a very realistic side of the problem. In order to plan and establish a programme for the forthcoming year for the Southern Hemisphere we have to take full account of the review made on the previous year's research result. In consideration of that, giving the restriction of the sixty days will make the implementation of the programme practically impossible and therefore I ask the floor not to adopt this Resolution.

**Chairman**

Are there any other comments? As I see the position there is a proposal before us which has been seconded. It has had an amendment proposed at the end of the first paragraph which has been accepted by the sponsors of the Resolution and that is the words "in that intersessional meetings should normally avoided and called only in exceptional circumstances". It has had another amendment suggested to the beginning of the operative paragraph at the end, which would replace the word "resolves" with "recommends" and I think that has been accepted by the sponsor. And there have been various suggestions about the passage in the fourth line of the operative paragraph how the phrasing should be, but there was a proposal that it should be "refrain from issuing" and I think the sponsor accepted that too if I interpreted the reaction correctly. So I think there is a proposal on the table with certain amendments accepted by the sponsors and that is the one we are now considering. There has been I think a wish expressed by one delegation that it could be dealt with by consensus but we have received statements from some delegations which indicate their opposition and I think therefore we would need to proceed with a vote. Is that correct? Japan.

**Japan**

Mr Chairman, you are suggesting to resort to the voting. However, we still maintain that this is a matter in conflict with the Article VIII of the Convention and it is a very fundamental position of our government and therefore we cannot act without immediate instruction by our home government and therefore we oppose to the voting.

**Chairman**

I think the position is that the proposal is before us and the delegation, and any delegation, that disagrees will indicate that by voting against the Resolution, but I cannot refrain from putting it to the vote. If there are no other comments or observations I think we should proceed to a vote on this Resolution. Argentina.

**Argentina**

Can't we to take this Resolution by consensus but stating that there are two or three have said they oppose it and not agree on that consensus, does not mean unanimity. Thank you.

**Chairman**

Well I, the opportunity is open to us to do that. I think most delegations would certainly prefer that course but I think it is a question of whether the views of those who oppose the Resolution will be satisfied in that form. Could I ask then whether all delegations consider that a vote, sorry whether any delegation considers that a vote is essential, whether it insists on a vote as distinct from the alternative procedure of adopting it by a consensus with the opposing views of certain delegations recorded? Japan.

**Japan**

Since this is a matter that requires legal consideration, I believe that it is appropriate for the Commission to continue to examine this matter instead of resorting to vote. In the meantime we recognise the spirit of this proposal sponsored by the United Kingdom and we recognise that intersessional meeting could be inevitable and therefore we would respect the spirit of this proposal in this year's proceedings of our nation, and I think that should be the consideration now has been taken by this Commission and should be concluded.

**Chairman**

Does that indicate that you wish to take a vote? You don't want a vote?

**Japan**

I want to vote.

**Chairman**

Beg your pardon?

**Japan**

I want to vote...

**Chairman**

You want to vote.

**Japan**

My opinion, my proposal, postpone continue as discussion by the next Annual Meeting.

**Chairman**

That then would be a further proposal I think and a separate proposal. I would not see that as an amendment but as a new proposal and, Argentina.



**Argentina**

Thank you, Mr Chairman. Perhaps the mid-way could be that we approve the Resolution temporarily for one year and, considering the proposal of Japan, next year we can consider again because there are legal aspects in concern. That means that we approve the resolution with a validity of one year, and following the opinion of Japan, next year we will consider again if this is permanent or not, because I think that it is quite important to get consensus and mechanism on this part. Thank you.

**Chairman**

I think we are getting into difficulties. We have a proposal before us, it's been seconded and I not sure that I entirely understand the position with respect to Japan, but it is strongly opposed to the Resolution and I think in those circumstances I would have no choice but to put it to the vote and I think I must do so very shortly, but Mexico asked for the floor followed by Norway.

**Mexico**

Thank you Mr Chairman. In view of the serious considerations raised by several Commissioners I will refer to my previous intervention where I suggested that the proper consideration of this proposal by the UK perhaps should be to discuss it better in a lengthy state perhaps during the discussions of the group working on, responsible to examine the questions related to the operations of the Convention, Sir.

**Chairman**

Thank you. Norway.

**Norway**

Thank you Mr Chairman. I have already stated that I would cooperate in adopting a Resolution at this meeting, but I note that there is strong opposition to the Resolution from several quarters and that there are strong desires to have an opportunity for an in-depth discussion of the contents of the Resolution. If we are seeking to further the spirit of consensus in the Commission it might perhaps be a wise idea to follow the suggestion of the Mexican Commissioner and to defer the determination of this matter until it has been examined in greater detail. In the meanwhile I think delegations have recorded that there is a strong sentiment in the Commission. We have heard the preliminary argument and each delegation is in a position to judge the situation. It would therefore not in my view be necessary to adopt an interim decision, thank you.

**Chairman**

Thank you. I think I would have to maintain from the chair that I see no consensus and therefore I do not see how we could adopt it, the proposal by consensus, and the only choice left to me therefore would be to put it to the vote, but I think the United States asked for the floor.

**United States**

We would like to withdraw our comment Mr Chairman.

**Chairman**

Thank you, well there have been proposals that no action be taken, sorry there have been suggestions that no action be taken, that the matter be deferred, but I do not think I have seen any indication from the sponsors that they would accept that suggestion and therefore it remains before the Commission. So I believe that the proper course in that case is to proceed to a vote.

I see no way out of this dilemma except through a vote, so I will proceed to do that and I will ask the Secretary to conduct a vote on the Resolution as it has been amended and accepted by the sponsors. Norway, very briefly please.

**Norway**

Mr Chairman, will you accept explanations of vote before the vote?

**Chairman**

If you wish to.

**Norway**

Thank you sir. In the light of the exchanges we have had on this subject I must regretfully abstain on the proposal. Thank you.

**Chairman**

Thank you. Does any other delegation wish to make a statement and explanation before the vote? St Lucia.

**St Lucia**

Same reason, will abstain from the vote, thank you.

**Chairman**

Yes, thank you. Mexico.

**Mexico**

For the same reasons Mexico will abstain.

**Chairman**

Thank you. St Vincent.

**St Vincent**

We must also abstain for the same reasons, thank you.

**Chairman**

Thank you.

**?????????**

Like wise

**Chairman**

Thank you then we will proceed to conduct the vote. Sorry, Japan.

**Japan**

Mr Chairman, we have expressed our view to oppose to the voting however we are now going to abstain because it is not understandable.

**Chairman**

Thank you. No other explanations of vote? Argentina.

**Argentina**

Thank you Mr Chairman, in order not to accept through a vote in a very particular matter of Article VIII, Argentina will abstain.

**Chairman**

Thank you. Brazil.

**Brazil**

Chairman, it is the understanding of my delegation that limiting the text of this Resolution in its operative parts, to say that we recommend we are not invading the sovereign rights of any country as stated in Article VIII of the Convention, this is why my country is voting in favour of this Resolution. Thank you sir.

**Chairman**

Thank you. Can we now proceed to the vote? I think so. Secretary, would you conduct the vote.

**Secretary**

Mr Chairman, the proposal before the meeting is the United Kingdom proposal contained in IWC/40/34 as amended in three respects. At the end of the first paragraph by the addition of the words "and that intersessional meetings should normally be avoided and called only in exceptional circumstances"; at the beginning of the finally paragraph the word "resolves" is replaced by "recommends" and that the paragraph reads "recommends that following consideration of any special permit, plural in brackets, for the purposes of scientific research at any intersessional meeting of the Scientific Committee the Contracting Governments responsible for the proposed scientific permits refrain from issuing any special permit", the wording continues unchanged till the end of the paragraph. This proposal requires a simple majority to be passed and the roll commences with Australia.

Australia	Yes	Oman	Abstain
Brazil	Yes	St Lucia	Abstain
Peoples Republic of China	Abstain	St Vincent	Abstain
Denmark	Yes	Seychelles	Yes
Finland	Yes	Solomon Islands	Abstain
France	Abstain	South Africa	Abstain
Federal Republic of Germany	Yes	Spain	Yes
Iceland	Abstain	Sweden	Yes
Japan	Abstain	Switzerland	Yes
Republic of Korea	Abstain	USSR	No
Mexico	Abstain	UK	Yes
Netherlands	Yes	USA	Yes
New Zealand	Yes	Argentina	Abstain
Norway	Abstain		

Mr Chairman, there were thirteen votes in favour, one against and thirteen abstentions so that the Resolution is adopted.

**Chairman**

Japan

**Japan**

Mr Chairman, I have to express that we have to reserve our position on this matter.

**Chairman**

Noted, thank you. Is there any other, we must move on, is there any other item under Other Business relating to scientific permits? I think not, therefore we will conclude our consideration of scientific permits.

I had hope to continue by lunchtime but I omitted to say that I was not thinking of an Anglo Saxon lunchtime but more the Mediterranean or Latin American lunchtime which I think tends to be a little later so perhaps we could continue with our work. I am sorry, Antigua.

28      **Antigua and Barbuda**

Thank you, Mr Chairman, under Any Other Business Antigua and Barbuda wishes to support to the extent possible the work of the Scientific Committee and, please stop me if I am out of order, and the Commission and striving in their strive to achieve the Comprehensive Assessment. We noted with great interest that the recommendation of the Scientific Committee that its programme of work included a workshop to discuss and develop possible revised management procedures. Accordingly my country is pleased to offer to host this workshop in February 1989 and to provide the necessary facilities thereto. A formal invitation will be forwarded to the Secretariat in the very near future. Thank you Mr Chairman.

**Chairman**

Thank you for the invitation to host the workshop and we note that a formal invitation will follow.

**Antigua and Barbuda**

Thank you.

14A      **Chairman**

Thank you. We will now turn to Item 14A., Consideration of the Question of Various Kinds of Small Type Whaling and this is now open for discussion. Japan has the floor.

**Japan**

Thank you Mr Chairman. The Technical Committee have received the IWC/40/30 Japan Interim Relief Allocation Request. We have been expressing our views on this matter many times and we feel that we are repetitive. However this is a matter of great importance and please allow me to give some more detailed explanation.

This matter was generated with great importance to Japan when Japan was forced to withdraw its objection to the Moratorium in 1985. At that time Japan warned the Commission that this matter would be presented as an issue in the forthcoming meeting. However, Commission did not consider it in full until this day. I have repeatedly expressed that Japan, since the time of withdrawal of its objection to Moratorium, has faithfully abided by the decision of Moratorium. The small-type coastal whaling of Japan, although containing certain elements that are relating to commercial whaling, is the kind of whaling which has a cultural, nutritional, traditional and socio-economic value of the community which is engaged in this type of whaling, deeply dependent on the action of whaling. This Commission is a body established to manage the whales and whaling, and the resources. However, the Commission has made an exemption under the category of Aboriginal Subsistence Whaling because it considered there is an importance of human needs. At the International Workshop held in April this year under the guidance of Professor Freeman of Canada has concluded that, because of this cultural, nutritional, socio-economic, traditional and historical value of human needs required by the small-type coastal whaling communities, interruption of such whaling would greatly damage, with irreparable damage, to the communities' existence. Japan expects to see the Working Group which has been agreed to be established by the Commission would fully consider the matters related to this type of whaling. Until such time as this workshop comes with some sort of a conclusion, some Commissioners are in the view that the whaling should be interrupted. However, people cannot interrupt their existence. If, for the period during which the conclusion is still pending by this working group, does actually give irreparable damage to the existence of the community, what sort of measure does the Commission consider to give to these communities?

Because of this urgency of the human need we submitted this IWC/40/30. I officially present this request to the Commission according to the reasons that I have described. I hope the floor would take a very serious and prudent discussion.

**Chairman**

Thank you. Iceland.

**Iceland**

Thank you, Mr. Chairman. The delegation of Iceland wishes to express its sympathy to the Japanese interim relief allocation request. We are fully aware of the importance of this issue for the Japanese people and we recommend that governments be given time to consider the matter very carefully before they make their final decision. Thank you.

**Chairman**

Thank you. Brazil.

**Brazil**

Thank you, Mr. Chairman. I thank the Japanese delegation for that very detailed and in-depth explanation of their concerns in this specific matter. I had the occasion of expressing my views to the Japanese Commissioner and I now do it publicly in this Commission. Mr. Chairman, my delegation is deeply touched by the human aspects of the Japanese proposal and it is very difficult, I understand, for any Commissioner in this room to take any firm stand without having the sensation of having hurting a few feelings and needs. However, Mr. Chairman, we are government representatives around these tables and it is my duty to say that, since we are being asked to delve into the question of definition of coastal whaling next year, it would be inappropriate as of now to give any advance allocation to Japan lest we prejudge the outcome of our examination. This is the logic that leads me into proposing this question and I think that more time should be given to member countries to think and consider this question. Thank you, sir.

**Chairman**

Thank you. Norway then St. Lucia.

**Norway**

Thank you, Mr. Chairman. I believe that my delegation is, sadly to say, better placed than most other delegations to assess the hardships imposed by coastal communities which depend on whaling when their industry and livelihood are taken away from them. For that reason we have deep sympathy with the needs expressed by the Commissioner for Japan and, let me assure him, that we are also aware of the painful experience it must be to learn to live with the Moratorium. We would again stress, Mr. Chairman, that it is open for the Commission to broaden the base, to broaden the area of co-operation and to provide a better foundation for future consensus, by giving an understanding reception to the dignified plea which the Japanese Commissioner has presented. I wish to state on record, Mr. Chairman, that I believe that it is open to the Commission to find procedural ways in which a request could be accommodated without jeopardising the principles which the Commission feel should be observed and without prejudging the issue of other deliberations which we have undertaken to carry out. Thank you, Sir.

**Chairman**

Thank you. St. Lucia.

**St. Lucia**

Thank you, Mr. Chairman. I have listened with tremendous concern to the Japanese cause and the presentations made to us over the last few days and I am in sympathy with what they have presented. In the first instance, we are dealing with a historical matter, socio-cultural matter, a matter of deep tradition and we are dealing with the human needs of the small villages, and I like to think of it in the same context that I would think of a small island like St. Lucia or any of those in the Caribbean in terms of our particular socio-cultural needs. Bearing in mind, of course, the recommendations of the Small-type Coastal Whaling in Japan report produced by twelve scholars from six different countries, I cannot help but be impressed with their presentation. With due concern for the whale itself I have gone around and checked with many scientists and I am told that the species involved are by no means endangered and therefore I think we ought not to endanger the socio-cultural life of a people while we are at the same time conserving the whale. I think the two could work hand in hand. I have heard concern about the Moratorium. You must bear in mind that the Moratorium is man-made. I have been made to understand by certain luminaries around here with much more experience than I have that, with goodwill, it is possible to give due consideration for the cause of the people in the small villages of Japan and therefore I am convinced that with our collective wisdom, reasoning and understanding and mature judgment we can do what we can to assist this particular plight of a particular people. Thank you.

**Chairman**

Thank you. France followed by Germany.

**France**

Thank you, Mr. Chairman. In a way I fully endorse the statement made by my colleague from Brazil. May I go further, if you will allow me, Mr. Chairman. The Commissioner for Japan has notably asked quite often for compassion from the other delegation throughout the communities involved in that small-type whaling. I'd like to indicate to the Commissioner from Japan that my delegation felt concern by his appeal for compassion and that it is in that spirit of compassion we have accepted the recommendation of the ad hoc Group to establish a Working Group and it is in that spirit of compassion that we could join a consensus in order to find a solution on that issue. Thank you, Mr. Chairman.

**Chairman**

Thank you. Germany.

**Federal Republic of Germany**

Thank you, Mr. Chairman. The documentation given by Japan and the explanations we got yesterday and today make it very clear that a big problem is related to the small scale coastal whaling in Japan if it has to cease now. That has been made quite clear, I think. Not only economic problems are involved here but also some social and cultural implications are at stake. But in making our assessment on this issue I think we have to take account of the Moratorium. That will be revised first in 1990 and we should not prejudge this decision. And another problem is, I think, that we will have to look at this matter in a wider way in order not to discriminate against other cases that may be involved too. So behind this background I have difficulties to give what the Japanese delegation at this time wants. Thank you, Mr. Chairman.

**Chairman**

Thank you. Mexico.

**Mexico**

Thank you, Mr. Chairman. We acknowledge the preoccupation of the government of Japan and its willingness to present information on the small-type whaling. We are also concerned with the human needs and the socio-cultural circumstances and we endorse the conditions set by the Brazilian Commissioner, the considerations set by the Brazilian Commissioner, as well as we want to concur in the spirit of co-operation as referred by the Commissioner of France, asking for this issue to be discussed and decide in the proposed working group. Thank you, Sir.

**Chairman**

Thank you. I think Switzerland asked for the floor followed by the UK.

**Switzerland**

Thank you very much, Mr. Chairman. I can endorse a great deal of what's been said round the table. We have, and I beg the Commissioner of Japan to believe that, listened with a great deal of sympathy and understanding to his very eloquent presentation of the issue and to the presentations of other members of his delegation. We were very encouraged that Japan has shifted from its position which was to request for its small-type coastal whaling the status of Aboriginal Subsistence whaling under Schedule paragraph 13. But under the present circumstance that means that this type of small-type coastal whaling is, falls under the Moratorium and it is our considered opinion that there is no reason that, and I should like to state that, under the present circumstances we do not feel in a position to support a lifting of the Moratorium in this particular instance. We did, however, acknowledge the problem together with all the other members of the Commission. We did support, and gladly so, the proposal to mandate a Working Group to look into this situation as regards various types of small-type whaling, coastal whaling, and report back to the Commission with a view of taking, if necessary, decisions that derive from the proposal of such a Working Group. Thank you very much, Mr. Chairman.

**Chairman**

Thank you. United Kingdom.

**United Kingdom**

Thank you, Mr. Chairman. To be brief, I think both my colleagues from Brazil and Germany put the points I would have made very clearly and eloquently and I would repeat we have a working party simply looking at small-type whaling next year and we need to look at that before we take any further action. Thank you.

**Chairman**

Thank you. St. Vincent.

**St. Vincent and the Grenadines**

Thank you, Mr. Chairman. It is the belief of the delegation of St. Vincent and the Grenadines that the request of the Japanese delegation for an interim relief allocation entails serious social, cultural and traditional implications. We do feel great sympathy and concern for the human needs of the local people in these remote communities whose lives may be jeopardised, and we would like to urge fellow Commissioners to consider this matter seriously and endeavour to resolve it in the spirit of consensus. Thank you.

**Chairman**

Thank you. Netherlands.

**Netherlands**

Thank you, Mr. Chairman. On behalf of my delegation I would like to express that we understand the hardships of the people concerned, and we have also been impressed by the presentation by the distinguished Commissioner of Japan of the last days. We like, however, to remind the Commission that we have always underlined the importance of maintaining the principle of the Moratorium in every respect and, therefore, Mr. Chairman, we share the opinions as have been expressed by the distinguished delegates of the Federal Republic of Germany and of Switzerland. Thank you, Mr. Chairman.

**Chairman**

Thank you. Spain.

**Spain**

Well, just in line with the ideas expressed by some other delegations, we want to express our sympathy for the social problems that have been mentioned by the Japanese delegate. Of course, there are many elements to be considered on this small whaling, coastal whaling in Japan and also, in line with the ideas being expressed by other delegations, I think the Commission should find procedural ways to deal in a serious way with this matter and so in the past we have endorsed and we continue to endorse the creation of a Working Group which had the responsibility of trying to analyse in depth this problem. Thank you.

**Chairman**

Thank you. Sweden.

**Sweden**

Thank you, Mr. Chairman. Just to associate myself with the views expressed by the Netherlands. Thank you.

**Chairman**

Thank you. Republic of Korea.

**Republic of Korea**

I understand fully the present situation of Japan, however this matter could be discussed and considered in depth in the working group established. Thank you.

**Chairman**

Thank you. Australia.

**Australia**

Thank you, Mr. Chairman. I think that I'd like to say that Australia, having closed down its last whaling station, is well aware of the social and the economic problems that can arise and we have great sympathy, therefore, with Japan in this matter. I would also like to express my personal sympathy for the distinguished Commissioner for Japan who has, I think, so clearly presented the problems with which Japan is faced to this Commission. However, at the same time, we are concerned of the need to preserve the Moratorium intact and we would urge the Commission to address this situation as a matter of priority at the next meeting.

**Chairman**

Thank you. China.



**People's Republic of China**

My delegation considers this problem of Japanese coastal whaling as a very complicated problem. Also need the Commission to have sufficient time to consider this problem. We propose this matter should be considered next year. Thank you, Mr. Chairman.

**Chairman**

Thank you. United States.

**United States**

Thank you, Mr. Chairman. Mr. Chairman, I would like to associate the United States with the comments of my many colleagues who support the conduct of a Working Group to study this issue of great importance to the small coastal communities of Japan. Thank you, Mr. Chairman.

**Chairman**

Thank you. Are there any other comments? Denmark.

**Denmark**

Thank you. Thank you, Mr. Chairman. Naturally, a part of the population in the Kingdom of Denmark, that is the Greenlanders and the Faroese, are dependent on whaling. However, in the light of the discussions we had, where we all agreed that the Japanese case is not what here is understood as Aboriginal Subsistence whaling, it was decided to create a Working Group to deal with this matter. We have always been very keen on having this problem solved in one way or the other, but we think what is very important is to have a general solution covering all possible aspects in different countries touched by these kind of problems and it is our position, the Danish position, that this thing must be seen in the light of the Moratorium and the Comprehensive Assessment. I would further repeat that we have noted with big interest the descriptions from the Japanese Commissioner and we are very impressed by the informations provided but we feel that it is a little premature to make a decision on an isolated proposal here and now. Thank you.

**Chairman**

Thank you. New Zealand.

**New Zealand**

Thank you, Mr. Chairman. New Zealand has listened very carefully to the case presented by Japan and has noted the difficulties it has outlined in that case. We are, however, very mindful of the existence of the Moratorium and the conditions that it imposes. We would therefore wish to associate ourselves with the positions that have been outlined by a number of other countries, but namely Australia, UK and the Netherlands.

**Chairman**

Thank you. Did Finland ask for the floor?

**Finland**

Thank you, Mr. Chairman. I would like to associate myself with the words said by the Danish Commissioner just a while ago and sincerely hope that the Working Group to be established could find some solution to this problem. Thank you.

**Chairman**

Thank you. Argentina.

#### **Argentina**

Thank you, Mr. Chairman. Argentina as well has always saw this situation with a great sympathy to Japanese problems, particularly the social and cultural ones, and this is why we are always strongly supporting the establishment of this Working Group and in that context Argentina will work in the future to give to this group a higher priority and its conclusion. Thank you.

#### **Chairman**

Thank you. I think then we have reached the point where a considerable sympathy and understanding has been expressed by most, if not all, delegations who have spoken as to the position in which Japan finds itself. But a number have expressed what one might call procedural problems or difficulties related to the preservation of the Moratorium, and others have said that their governments need more time for reflection. Others have drawn attention to the establishment of a Working Group, I'm sorry, yes, a Working Group which will consider small-type whaling at the next Annual Meeting, and a number have suggested that this question should be considered there as a matter of priority. I think, therefore, the Japanese request - that the Commission is not ready to take a decision on the Japanese request and I wonder if I could get some assistance from the floor as to how we should proceed. Japan.

#### **Japan**

Thank you, Mr. Chairman. I like to thank all the Commissioners who expressed their very sympathetic viewpoints and on behalf of the community people, we have the representatives of those local communities of remote areas of Japan attending this meeting and I am sure your sympathy will be conveyed to all these people in the remote communities. I am pleased to note the Chairman has noted the general agreement to set the priority on this matter at the Working Group deliberations. However, how can human living be interrupted during that time? This is the very reason why this presentation is made. I would like to refer to the comments made by the Commissioner for Germany in which he was concerned about the discrimination if anything, any special measure, be taken on the case of Japanese small-type coastal whaling. However, I like to reiterate that we have been asking the Commission to take measure since 1985 when Japan decided to withdraw its objection to the Moratorium. Therefore, I would like to ask the floor to understand that Japan has been considering very carefully how to progressively implement the Moratorium.

At the informal Commissioners' meeting I have asked the Commissioners to refer back to their home governments because of the urgency of the nature of this request. There are a couple of Commissioners whose government would never possibly give the very prompt reply to such consultation. However, I repeatedly asked them to confer with their home government. From the deliberations given at this floor at this time I don't think I have heard any of the replies from the home governments on this kind of consultation. And, therefore, I think the best we could do to accommodate the discussions from the floor at this time is to ask the Commissioners to refer back to their member governments, and those member governments would reply to the Chairman of the Commission by 30th June and the Chairman would decide, based on those replies, what measure should be taken by the Commission.

#### **Chairman**

I think this poses a problem for the next Chairman. Switzerland.

**Switzerland**

Mr. Chairman, I wonder whether through you I could ask the distinguished Commissioner for Japan for some information, for some additional information, for some clarification. Do I understand him to state that he is of the opinion that the Commissioners round this table do not represent their governments' views?

**Chairman**

I didn't - if I could answer that - I don't think we need to discuss that question. All Commissioners here represent their governments when they speak. They represent their government's views. It didn't seem to me that we needed to debate that point.

I wonder if I could regard this as a request by Japan in which he would state that he would welcome any further comments by governments, and invites governments to offer those comments, and could the Commission simply take note of the Japanese request. Would that be possible? I think I detect that it is not possible. Japan.

**Japan**

Thank you, Mr. Chairman. I have to reiterate. We are asking the floor through you, Mr. Chairman, to give the period of time until 30th June to welcome the comments by the governments through the Chairman.

**Chairman**

Could I invite comments on this proposal? Netherlands.

**Netherlands**

Thank you, Mr. Chairman. I have, Mr. Chairman, I can understand it, but I have some difficulties with the proposal of my distinguished colleague of Japan because I think that the decision making has to take place in the Commission itself and it could not be done by - in - a postal way because I understand that Japan would know before the date mentioned by the Commissioner how the Commission is thinking about it. Well - and - I can hardly imagine how such a procedure would work. Thank you, Mr. Chairman.

**Chairman**

Thank you. St. Lucia.

**St. Lucia**

I think I sense what the Japanese are saying that - mind you it was an informal meeting, but the impression I got was - that there are certain bilateral arrangements with some governments and some Commissioners may wish to have further consultation before making a decision on the matter and I think this is why the matter is being deferred, but I will stand corrected if Japan has any better explanation.

**Chairman**

Japan.

**Japan**

Thank you, Mr. Chairman. I am sorry to be repetitive but the opinion of my delegation is that the International Whaling Commission is a body to manage whales and whaling. However, this case we are now putting in front of you relates, has the relevance, great relevance, with the human needs and that is beyond the competence of the Commission. And, therefore, we would like to ask the signatory nations to the Convention on the matters as such presented by the case of Japan, and therefore we are suggesting that will set the time period until 30th June.

**Chairman**

Thank you. Norway.

**Norway**

Thank you, Mr. Chairman. I think we are at a stage where no one is really fully aware of the procedural situation and we are not fully aware of what the Japanese Commissioner would be able to obtain from the Commission if his request were met. Might I suggest, Sir, that, even if we are short of time, you could suspend the meeting for five minutes in order to confer with the Japanese Commissioner and possibly allow some other Commissioners to approach the Chair so that at least we could resolve some of the uncertainties of the situation. Thank you, Sir.

**Chairman**

Thank you. I think that is a useful suggestion. Perhaps we might take a fifteen minute break. I want to press on with the meeting so in fifteen minutes time I will resume the discussion. I think, if we can forgo our lunch in the meantime, it's better to get the meeting concluded. So, in fifteen minutes time I will reconvene. Thank you.

- - - BREAK - - -

**Chairman**

We will resume the discussion of this item. I have spoken to the Japanese Commissioner and I have scribbled a few words which, I hope, reflect his position but, if not, he will tell me and I will try to put it in better form. But I believe that his suggestion to the Commission is that Governments which, after reflecting on the Japanese request, have further views to express should be invited to convey those views to the Secretary by 31 July 1988 for circulation to Contracting Governments and Commissioners. Would you like me to read that again? Commissioner for Japan, particularly? As I said, I think the request is that Governments which, after reflecting on the Japanese request, have further views to express should be invited to convey those views to the Secretary by 31 July 1988 for circulation to Contracting Governments and Commissioners. Perhaps now if I just read it once more as constituting the Japanese request. Governments which, after reflecting on the Japanese request, have further views to express should be invited to convey those views to the Secretary by 31 July 1988 for circulation to Contracting Governments and Commissioners. I think, Commissioner for Japan, the collation point would need to be the Secretary rather than the Chairman for purely practical reasons. That is normally our practice. Could I ask the Commissioner for Japan if I have interpreted his wishes correctly? Japan.

**Japan**

Thank you very much, Mr. Chairman. Your summary is correct. Thank you.

**Chairman**

Thank you. Does any delegation wish to speak on this point? As I see it, this would be optional to governments. It's up to those who after further reflection have views to express. Sorry, Japan.

**Japan**

I think this matter would be generated in due course because you have summarised the views of my delegation. However, I like to reiterate that this matter be treated with priority at the Working Group.

**Chairman**

Thank you. I think that was suggested by a number of delegations and I didn't hear any views to the contrary, so I think that would be the wish of the Commission. Can I ask whether the suggestion, the request, of Japan as explained is acceptable to Commissioners ? United Kingdom.

**United Kingdom**

Sorry, Mr. Chairman, would it possible to repeat again the reference to priority in the Working Group. I didn't understand what was said. Thank you.

**Chairman**

A number of delegations considered that the Japanese position would be a matter of priority at the Working Group to be established on small-type whaling, and I think that Japan is asking that its position would be regarded in that Working Group as a matter of priority - the situation that he has explained. I don't think he was necessarily asking for more than that but could I have confirmation of that ? Thank you. Yes, that's confirmed. We have then a form of words. Is it acceptable ? Can the Commission accept this procedure ? It would seem so. I see no objections. Thank you, I think it is then accepted. Is there any other matter under this Item 14a that any delegation wishes to raise ? If not, I think we can move to the next item.

I'd like now to take Item 28, Other Business, and I have a question or a matter for consideration and decision there. That is, who will be the convenors of the committees and groups that we have established in the period ahead ? So far as Finance and Administration Committee is concerned, the chairman or the convenor is appointed by the Chairman of the Commission and the Infractions Sub-Committee is appointed by the Chairman of the Technical Committee. I think Socio-Economic Implications Committee is under the chairmanship of Mr. Marques-Porto of Brazil and I take it that he will be in a position to convene the next meeting. And Commissioner Iglesias of Argentina is the convenor of the Committee on the Operation of the Convention. The Aboriginal Subsistence Whaling Sub-Committee has been chaired by Mr. Aitken of New Zealand and could I ask if it would be possible for him to convene the next meeting ?

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**New Zealand**

Yes, thank you, Mr. Chairman.

**Chairman**

Thank you. Would that be acceptable? The Humane Killing Group has been chaired by Mr. Hauge of Norway and I wonder if we could ask him to convene the next meeting? Norway ?

**Norway**

Thank you, Mr. Chairman. I think he would be ready to do that.

**Chairman**

Thank you very much. Would that be agreeable? The Joint Working Group on the Comprehensive Assessment was chaired by Dr. Fleischer who, I think, probably now would not regard himself as being able to do it... or would you ?

**Mexico**

Mr. Chairman, you just mentioned because I am being elected as Chairman of the Technical Committee I should take care of the Infractions Sub-Committee. That is my understanding ?

**Chairman**

The appointment is by the Chairman of the Technical Committee.

**Mexico**

I will be available to help in the Joint Working Group if that is desirable, Mr. Chairman.

**Chairman**

Well, if you are prepared to. I thought you might choose to be relieved of the responsibility for the Joint Working Group but if that is your wish thank you. The Committee of Commissioners on Indian Ocean - Mr. Delpech, I think was the Chairman. Could you convene the next meeting? Thank you. That leaves us with the Working Group on Small-type Whaling which is going to be, I suggest, an area of increasing importance and which calls for experience of the Commission and considerable diplomatic and other skills and I think it is an important assignment. The proposal from the Chair is that Mr. Fischer of Denmark be asked if he would assume this rather onerous responsibility. Would you be available, Mr. Fischer ?

**Denmark**

Yes, Mr. Chairman, if that is the wish of this Commission. I will do my very best, thank you.

**Chairman**

Thank you. Is it the wish of the Commission? I think it is. Thank you very much. Yes, the Secretary has asked for the Chair.

**Secretary**

Mr. Chairman, I would just like to raise two points on this issue. Could I ask Mr. Delpech if he considers that his small group of Commissioners will need to meet or work by correspondence ?

**Seychelles**

Thank you, Mr. Chairman. We haven't decided on that yet, so I am afraid I can't give you an answer. Thank you.

**Secretary**

Mr. Chairman, then if I could just elaborate on the second point which is that we have potentially nine groups identified. We have a maximum of six or possibly seven days in which for those groups to meet. Could I therefore ask all the convenors to give consideration to the amount of time that their groups might need to complete their work when they have had an opportunity to think about what is involved, so that when the Secretary comes to make the arrangements for next year's meetings there will be information available to him on the time that is needed and the extent of overlap that may be possible or must be avoided. Thank you.

**Chairman**

I think that covers ... Sorry,.... Brazil.

**Brazil**

Chairman, taking up the point made by the Secretariat, I would ask whether it would be possible for the members of the Socio-Economic Group to forward their views during the intersessional period and that the Secretariat could perhaps notify governments asking them to do so. Since this group has not met for a long time, it is perhaps good to remind them that these, any documentation, should be received well in advance for distribution to facilitate the work of the Socio-Economic Group at the next session. Thank you, Sir.

**Chairman**

Thank you, that is a very good move and, yes, that shall be done. Thank you. I think then I have covered the question of Committees and Working Groups. Is there any other business..... The United Kingdom has asked for the floor.

**United Kingdom**

Thank you, Mr. Chairman. I am sorry a little earlier I wasn't quick enough when my colleague from Antigua and Barbuda made a kind offer for the Scientific Committee Management Meeting to take place there, because in fact it is a meeting which we had also intended to proffer an invitation to the Scientific Committee and this would be forwarded to the Secretary who, no doubt, will consult with the Chairman of the Scientific Committee on the most suitable venue. Thank you.

**Chairman**

Thank you. Is there any other business? Well I think the only remaining item of business, or the only two remaining items, are Items 26 and 27, Election of Chairman and then Election of Vice-Chairman. Could I first take up Item 26, Election of Chairman. Are there any nominations for the position of Chairman? Denmark.

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**Denmark**

Thank you, Mr. Chairman. Mr. Chairman, Dear Colleagues. As you all are very much aware, a lot of important tasks are to be dealt with in the coming years. One of these tasks will be one of our main interests, the Comprehensive Assessment. There are questions to be dealt with. Not surprising, differences in points of view as seen today, for instance, between our member countries on various aspects in our co-operation here. To deal with these important challenges I propose that Mr. Irberger, the Swedish Commissioner, should be elected as our new Chairman. I am sure that the Swedish Commissioner will be able to guide our work in the coming years in a fair and, to all, satisfactory manner. Thank you, Mr. Chairman.

**Chairman**

Thank you very much. I have received a nomination for Mr. Irberger of Sweden. Are there any other nominations? I see none. I think therefore we should elect Mr. Irberger by acclamation.

Could I move on then to the next item, the Election of a Vice-Chairman. Do we have any nominations? France.

**France**

Thank you, Mr. Chairman. In order to help our new Chairman in such a difficult task, I'd like to propose for the post of Vice-Chairman the delegate of Mexico. We all know Mr. Fleischer for the important work he has done as Commissioner for his country and also for the benefit of the whole Commission. Thank you.

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**Chairman**

Thank you. I have a nomination for Dr. Fleischer. Are there any other nominations? It would appear not. I therefore declare Dr. Fleischer elected as Vice-Chairman and I think we should give the usual acclamation to record it.

I think, unless I am very mistaken, that this brings us to the end of the business of this session and I suspect ... I'm sorry ....Sweden.

**Sweden**

Thank you, Mr. Chairman. I am deeply impressed by the support which has been given to me. I am very honoured. Thank you very much, fellow Commissioners. My experience of the IWC is limited to the period when you, Mr. Chairman, have been chairing the IWC. I have learnt from your able and efficient chairmanship. I thank you for that, Mr. Chairman. I do look forward very much to chair the IWC. It is a challenge for me. The IWC is facing several important tasks. I hope all Commissioners will join the efforts to safeguard a healthy future for IWC. Thank you.

**Chairman**

Thank you. Yes, Mexico.

**Mexico**

Thank you, Mr. Chairman. As I expressed before, I take this not on a personal merit but as a recognition of my Government's efforts in the IWC matters and I hope that spirit of international co-operation which was presented during the discussion of the Technical Committee will endure and that will lead us to a constructive work. Thank you, Sir.

**Chairman**

Thank you very much. The Soviet Union.

**Soviet Union**

Ladies and Gentlemen, Comrades. Allow me on behalf of the Soviet delegation, on behalf of all members of the IWC, of my fellow Commissioners, to express my hearty gratitude to our Chairman, Mr. Stewart, for the huge work that he has done for this Commission. His human abilities, his professional background, allowed us to solve successfully those questions which appeared during his chairmanship. But we hope that the traditions which were laid down during his chairmanship will be followed by the new Chairman and Vice-Chairman. I would like to wish him good health, happiness and all other sorts of happiness which are available as the earth. Thank you.

**Chairman**

Argentina.

**Argentina**

Thank you, Mr. Chairman. May I, on behalf of the 'Former Chairman Group', to say as well that my great admiration for your work and your wonderful task and your magnificent job. All my homage to you, Sir. Thank you.

**Chairman**

Thank you very much. Well, it's difficult to know how to respond and this is the last time I will address you in the capacity of Chairman. I don't know whether I will be associated with the Commission in future or not, but I will certainly retain very many good memories both of the work we achieved and of the Commissioners and Delegates who I met and with whom I am proud to call - among whom I am proud to call - my friends. I have had every courtesy and co-operation during my three year term as Chairman and I can only thank you very sincerely. I also would really like to record my special tribute to the Chairmen of the Technical Committee during my time, Mr. Martin Haddon for two years and Dr. Fleischer for this year, who have been outstanding in their work and the support they have given, and please accept my thanks. I also would like to record my deep appreciation of the work of Dr. Gambell who is unfortunately not with us today but he has been a tower of strength and his services to the Commission, I think, are quite outstanding and, furthermore, owing to his unavoidable absence, we had the good fortune to have staff of the quality of Martin Harvey and Greg Donovan who stepped into the breach and



ensured the smooth working of the Commission in a way that I am sure Dr. Gambell would be most proud, and I think it's a great credit to them, and I don't forget the people who have worked in the 'back room' and produced the documentation and enabled the ship to forge ahead so steadily. My thanks to them. I also would like to warmly congratulate the new Chairman, Mr. Irberger. I must say it is a great relief, on giving up the Chairmanship, to know it is going into such good hands and I am sure, under his wise chairmanship, this Commission will continue to be a very effective body. I think it only remains to me to wish you all well in the future, to say that I will certainly not forget you and to wish every success to the Commission ... but I think the United States Commissioner is ... Are you?

**United States**

Yes.

**Chairman**

Oh, I'm sorry. I'd better interrupt at this point because at the end of this I was going to close the meeting.

**United States**

Thank you, Mr. Chairman. On behalf of all of the other Commissioners I would like to have all of us join in in thanking the Government of New Zealand for hosting the IWC this year. As representing the host country for next year we certainly hope that you will be able to, in the capacity of Commissioner, join us in San Diego, California, next year and again, on behalf of all of us, would you please pass on to all of the officials in New Zealand what a wonderful opportunity it was to be here. We have been treated extremely well and it was an excellent meeting. Thank you very much, Sir.

**Chairman**

Thank you for those kind remarks. I will certainly pass them on to the authorities concerned and I confirm I would hope to be in San Diego next year. So, with those remarks, I don't think there is any more to be said. Thank you very much one and all. Good luck. Good fortune. The Fortieth Annual Meeting of the IWC is now closed.