

**INTERNATIONAL WHALING COMMISSION**

**42nd ANNUAL MEETING**

**Noordwijk, the Netherlands, 2-6 July 1990**

**VERBATIM RECORD**



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42ND ANNUAL MEETING**

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**INTERNATIONAL WHALING COMMISSION : 42ND ANNUAL MEETING  
2-6 JULY 1990, NOORDWIJK, THE NETHERLANDS**

**OPENING PLENARY SESSION  
Monday 2 July 1990 : 10.00 am**

**Chairman**

Commissioners, ladies and gentlemen, I declare the opening session of the 42nd Annual Meeting of the International Whaling Commission open. As Chairman of the Commission I would like to welcome you all to this meeting. I welcome especially those Commissioners and delegates who are attending for the first time. I look forward to working closely with all of you. This meeting is of especial importance - it takes place at an important stage in the history of the Commission. The task facing the Commission is a very demanding one. Let us all, with common efforts, shoulder our responsibility as an organisation to ensure proper and effective conservation of the whale stocks. The failure of our organisation in this respect will give the wrong signal to the world.

We are honoured today with the presence of the Minister of Agriculture, Nature Management and Fisheries in the Dutch Government, Mr Braks, who is sitting on my left on the stage. I should like, on behalf of the Commission, to express our gratitude to the Government of the Netherlands for the invitation to meet here in the very pleasant town of Noordwijk, and also for the very generous assistance provided to us. We are glad to be here and warmly appreciate the presence of a senior Minister of the Government, who has taken time to be with us here today. I have much pleasure, Mr Minister, in inviting you to give the address of welcome.

**Mr Braks**

Mr Chairman, Commissioners, ladies and gentlemen, good morning. It gives me great pleasure to welcome you on behalf of the Dutch Government here in Noordwijk for the 42nd Annual Meeting of the International Whaling Commission.

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To the Netherlands this is an important event in its relations with whales and whaling. Our country has been involved in industrial whaling activities right from the start. In the year 1612 the first Dutch vessels set out for Spitsbergen, one year after two British vessels, expeditions, had shown that large numbers of bowhead whales were present in that area. Within a few years the northern Atlantic had become the centre for a flourishing business focussed on the search for those blubbery bags of swimming silver. Warships were even sent along with the whalers to chase away the competing British vessels.

For quite a while the area was successfully monopolised by the Dutch. However, this nearly marked at the same time the end of the Atlantic bowhead whale. It is one of the first examples, ladies and gentlemen, of the virtual extinction of an animal species for commercial purposes.

All this happened more than three and a half centuries ago. One hundred and fifty years ago the famous American author and whaler, Herman Melville, wrote: 'The moot point is, whether Leviathan can long endure so wide a chase, and so remorseless a havoc; whether he must not at last be exterminated from the waters, and the last whale, like the last man, smoke his last pipe, and then himself evaporate in the final puff.'

Melville was convinced, however, that the whales could always escape to the Arctic and Antarctic and survive there. How wrong he was has been proven in the meantime.

Now the Antarctic is virtually void of large baleen whales of any kind, after probably more than one and a half million animals have been caught in a period of only about fifty years. This means an average of 30,000 animals a year.

At present we try to manage whaling through co-operation and regulations, now in this international forum, the International Whaling Commission, of which the Netherlands was one of the founding nations in 1946. In the early days of the International Whaling Commission there was still preoccupation of the mere economic value of whales.

In 1947, when the Dutch factory ship, Willem Barentsz, left the port of Rotterdam to set sail for the Antarctic, she was cheered by a large crowd of people, but now there is a completely different perception of whaling, not only here, but all over the world. In the Netherlands, public awareness of the need for the conservation of whales has become predominant.

With the decline of whale stocks, protests against commercial whaling have sprung up in all parts of the world, although not in every country to the same extent. The conservation of whales has become a global issue. It is part of a more general change in the attitude to the environment. We have always taken proper care of our home and our garden but only now we begin to realise that our home extends from the Equator to the Poles, and our garden from the Barentsz Sea to the Magellan Straits. This garden must be kept well ladies and gentlemen.

Whales are the roses of our garden and roses should bloom. To obtain this result we simply need to adhere to the objectives of the Whaling Convention, both to the letter and the spirit. This can only be achieved in close co-operation, with a lot of goodwill and through international regulations.

The International Whaling Commission still seems to be the forum with the most appeal for carrying out this task, but the International Whaling Commission has come a long way.

During recent years your Commission has made several important decisions that offer some hope for the future of the whales. Whales are animals with a slow growth rate. It takes years before they are sexually mature and they bear only a few young in their lifetime. This means that the management of whales and whaling requires a long-term view and wide horizons. We must not make hasty decisions or leave room for doubt. Nature does not allow us to conduct experiments because there is no way back if we fail in it.

The Dutch Government therefore continues to support the current moratorium. Any modification of the moratorium can only be considered when the comprehensive assessment of the relevant whale stocks has produced sufficient data on stock-identity, stock size and reproduction. There is of course also the need for a revised management procedure, which will have to be agreed upon before any resumption of whaling can be considered in our opinion. In the view of the Dutch Government, such a procedure should ensure the continued survival of all whale populations. It should also ensure that currently abundant populations are not depleted and that depleted populations are enabled to recover.

The deliberations in the International Whaling Committee have often concentrated on the whale species that are of direct commercial interest. I note with satisfaction that now other species have come into focus, species that are indeed clearly affected by human activities in the oceans. In this respect I would like to make a plea for strong support by your Commission of the resolution which was recently adopted by the United Nations General Assembly on the use of pelagic drift-nets in which so many animals drown.

I believe that the International Whaling Commission is the most competent forum to discuss the conservation of all whale species, be they blue or black, small or large, with teeth or without, polar or tropical. Many of these species have so far remained outside the scope of international conservation efforts, so here may lie a new task for you.

Sir Peter Scott, the world-famous naturalist and artist, once put it quite clearly by saying 'If we cannot save the whales, we cannot save anything.' Whales, like all other species, belong to this world. Many humans feel something special for whales, even when they have never seen a whale.

What in whales stirs our conscience is hard to tell. We know that some animals can generate strong feelings of sympathy and compassion. But whales do not have fur, and also they cannot be cuddled, so what makes them so special? Could it be their genius. Let me again quote from Herman Melville's epic *Moby Dick*: 'Genius in the sperm whale? Has the sperm whale ever written a book, spoken a speech? No, his great genius is declared in his doing nothing to prove it.'

This 'doing nothing' may be all right for the sperm whale, but I think that we humans owe it to our genius to prove that we, we together, are able to safeguard the continued existence of the other species with which we share this planet.

Mr Chairman, ladies and gentlemen, I have come to the conclusion of my opening speech. For many people this year is crucial to whales, for their survival will also depend on the decisions that you, during this conference, are going to take in the next days. The eyes of the world are once again focussed on you, remember that during your discussions.

I wish you a successful and fruitful meeting and I look forward to seeing you at the reception this evening in our residence, the Hague. I thank you for this morning's attention.

[Applause]

**Chairman**

Thank you, Mr Minister, for an interesting and imaginative address, and thank you for your kind words of welcome. I propose now to adjourn the plenary for a minute while I escort the Minister out of the meeting room. After that, I propose that we will get right down to work. I adjourn for one minute.

[Brief adjournment]

**Chairman**

The meeting is resumed. We have now covered Agenda item 1, the address of welcome, and now let's turn to Agenda item 2, the opening statements. As we all know there is a series of opening statements in the pigeon holes. They have been printed and circulated under reference number IWC/42/OS. This very procedure has been adopted only for saving time but that doesn't in any diminish the importance of these statements. I do recommend you all to study them. Are there any comments under these Agenda items. It would appear not.

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The next Agenda item is adoption of the Agenda. My intention is to deal with that item after having dealt with Agenda item 4, and after having had a coffee break. Is that acceptable? We then address ourselves to Agenda item number four, arrangements for the meeting. Dr Gambell, would you speak to this point. Dr Gambell.

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**Secretary**

Thank you, Mr Chairman. Most of you who are in this week's meeting will have had some experience of the sound system that we are using. It is the same as we have had during the past week, where if you wish to speak please wave your card so that we can identify you and then when the Chairman recognises you, press the button on your microphone. When you have finished you do nothing. Somebody else pressing a

button cuts you off, or the Chairman has total control to cut everyone off. The Secretariat of the Commission is housed in the rooms immediately behind the staging area here. If you require any assistance at all in connection with the meeting, documents, getting documents copied, typed up or any new documents, please ask at the Secretariat, which means going out through the main door and along the corridor. You will be checked at many points by security personnel - please have your badge clearly displayed so that they can identify you as a *bona fide* participant in the meeting. I should say that the room here will be locked up most nights at about 10 o'clock at night so that you will have access to the pigeon holes along the side, which is the means by which the Secretariat communicates with you. We put all documents in there for you, and any messages which are received, telephone messages, letters, or other communications, will also be placed in your pigeon holes rather than be given to you directly. And so until about 10 o'clock at night you will be able to come in and check your boxes for papers or other communications.

Concerning documents, only documents which have an IWC number, IWC/42/whatever it may be, are official Commission documents. All the other things you find in your pigeon holes are informal advice from various sources. If you do not wish to retain your documents, if they are valuable documents please put them in the return document trays on top of the pigeon holes; if it is waste paper, we have boxes for recycling the trees and we ask you to have a further environmental concern by putting papers for recycling. The hotel will see that they go to the proper place.

If you value anything, please do not leave it in this room unattended. We cannot guarantee things which are left in this room in terms of cases or cameras, or anything of that sort.

And one final plea from the Secretariat, the telephones and the fax machine in the Secretariat are just for Secretariat use. There are facilities in the hotel which the delegates can use, but we have had some difficulties with our lines being swamped with personal and private activities which has held up the work of the Secretariat.

And now, our host Minister has intimated in his opening address that he is hosting a reception tonight. You will receive invitations to that. It is being held in the Hague and buses will leave from the hotel here at 6 o'clock. You are asked to be downstairs waiting for the bus at 6 o'clock this evening for the reception and the invitations, although they do not say so specifically, are for all participants in the meeting, plus their partners if they are here. Then the buses will return from the Hague, leaving at 9 o'clock coming back to this hotel. Thank you, Mr Chairman.

**Chairman**

Thank you, Dr Gambell. Are there any questions about the practical arrangements? It would appear not.

We have now covered Agenda items 1, 2 and 4. I propose to adjourn the meeting for a coffee break. We have now concluded our first session which has been open. I propose to start the next session at eleven sharp and then the Press will not be present in the room. We are adjourned until 11 o'clock.

**Secretary**

I should just say that the coffee is being served in the Entresol, which is the room up the staircase here.

[Coffee break]

**Chairman**

May I ask the Press to leave the room immediately.



The meeting is resumed. I would now invite comments on the Draft Agenda which appears in document IWC/42/2. Firstly, I would like to have comments on the items that appear on the Provisional Agenda and after that we will deal with the order in which we may deal with it. As for the items, Dr Gambell has a proposal for an addition. Dr Gambell.

#### Secretary

Mr Chairman, after the Annotated Provisional Agenda was circulated 60 days in advance of the meeting, we received an invitation to participate in an FAO activity which is very much in line with the other items under 23.3 and I would suggest that we include a new item 23.3.6 which would be concerned with the FAO strategy for fisheries management and development, and there is a paper associated with this item, IWC/42/23. which gives the text of the communication from FAO to this Commission. Thank you, Mr Chairman.

#### Chairman

Thank you, Dr Gambell. Are there any comments about that proposal? That's not the case so I take it that we include a new Agenda item 23.3.6, FAO. Are there any comments on the proposed Agenda items? It would appear not. I would now like to refer to the order in which we will deal with these items. My intention, after the adoption of the Agenda, is to deal with Agenda item 5, Appointment of Committees, and after having dealt with Agenda item 5 I propose that items 8-17 be referred for consideration by the Technical Committee under the Chairmanship of Mr Fleischer, and I do hope that the Technical Committee will be able to conclude its work tomorrow, Tuesday. And immediately after the Technical Committee has concluded its work the Plenary will be resumed, starting by the Agenda items in the order they appear on the Provisional Agenda and my plan is to conclude the Commission meeting by Friday lunch at the latest. Are there any comments on the order in which we will deal with the Agenda items? It appears not. The Agenda is adopted. Iceland has asked for the floor.

#### Iceland

Thank you, Mr Chairman. Mr Chairman, the Icelandic delegation would like to inform the Commission that it will be making a proposal under Action arising, under Agenda item 10.1.2.2. for the re-classification of the central stock of the North Atlantic minke whales from Unclassified to Initial Management Stock and for an increase in the existing catch limits for the stock. I'm saying this for the information of the Commission so they can prepare themselves.

Mr Chairman, while I have the floor, I'm sorry, it is very difficult for us on this side of the room to hear you when you speak. Thank you, Mr Chairman.

#### Chairman

Thank you. I will try to speak louder. Thank you for that information. Japan.

#### Japan

Mr Chairman, Japan would also like to make a pre-warning of the action it intends to take in line with the reasoning given by the Icelandic colleague on Item 10.1.2.1. Thank you.

#### Chairman

Thank you, Japan. New Zealand.

#### New Zealand

Mr Chairman, New Zealand would like to give notice that it will have a Resolution to propose on the question of small cetaceans under item 14, Adoption of report of the Scientific Committee. Thank you, sir.

**Chairman**

- 5 Thank you, New Zealand. Are there any other further comments or information to be given on the Agenda items? We can now turn to Agenda item 5, which is the appointment of Committees. As for the Technical Committee, it is normal for all Commissioners to participate in it. I see no use in taking a poll. Am I right in assuming that all Commissioners will participate in the Technical Committee? That seems to be the case.

As for the Scientific Committee, I think it is necessary to ask Commissioners whether they wish to be represented in this Committee. Dr Gambell, will you make any comments necessary on the Scientific Committee and then poll Commissioners to determine if they desire representation on the Scientific Committee. Dr Gambell.

**Secretary**

Thank you, Mr Chairman. The Commission's Rules of Procedure require that at each meeting the Chairman shall poll the Commissioners to determine if they desire representation on the Scientific Committee and the Commissioners shall designate their members. So I will call down the roll and if Commissioners will say 'yes' or 'no' to representation on the Scientific Committee, this means that the Secretariat will communicate with the scientists who will be designated afterwards, I hope, by the Commissioners, through the coming year. The Scientific Committee has very much work to do in the coming year and we need to establish the postal arrangements so that all people who are to be involved in the work receive the documentation. So I will call down the roll of the Scientific Committee, yes if you wish your scientists to be involved, no if you do not wish that.

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

Thank you, Mr Chairman. I will contact those governments and make sure that we have the right addresses for their scientists. Thank you.

**Chairman**

Thank you, Dr Gambell. We have now established the membership of the Scientific Committee. As for the Finance and Administration Committee, I have nominated the Chairman, Mr Stewart from New Zealand, and the Chairman of the Technical Committee has nominated the Chairman of the Infractions sub-committee. I think that brings us to the point where we might adjourn the Plenary, and we can now immediately reconvene in the Technical Committee. I adjourn the Plenary.

**END OF FIRST PLENARY SESSION**

## SECOND PLENARY SESSION

Wednesday 4 July : 2.00 pm

### Chairman

Commissioners, ladies and gentlemen, the Plenary session of the Commission is now resumed. More than half of this week has now passed. It is the 4th of July. The 4th of July, I note, is the US Independence Day.

We have a heavy workload in front of us. May I ask Commissioners and speakers, therefore, to be as brief as possible in their interventions. The alternative to that is night sessions.

The day before yesterday, we concluded Agenda items 1 up to 5. I propose that we now start on Agenda item 6, Operation of the Convention and after having dealt with 6 I intend to deal with the finance and administrative matters contained in Agenda items 18 up to 22.

We will now deal with Agenda item 6. Commissioners will recall that we, in 1987, decided to establish a Working Group with the task of examining questions related to the operation of our Convention. This Working Group met in 1988 and reported to the 40th Meeting in Auckland and that meeting decided that the Group should convene again and it did so last year in San Diego. The 41st meeting decided, as we can see in the annotation to the Agenda, that Contracting Governments were invited to comment on the questions developed by the Working Group. We also decided that the issue should be included on the Agenda of this meeting and that this meeting will determine the date, duration and venue of the meeting of this Working Group.

For this Agenda item we have two documents: there is a draft resolution submitted by the USSR, in document IWC/42/24; and there is a document with those comments that have come here, and that document is called IWC/42/14. I think it is the Soviet Union that more or less started this process of discussing the operation of our Convention. I will invite USSR to have the floor. USSR.

### USSR

Thank you, Mr Chairman. Mr Chairman, the USSR delegation attaches great importance to the issue of the operation of the 1946 Convention. In the past we took the floor quite a few times with a view to explaining our approach to this matter, our vision of future co-operation among the Contracting Governments. The most detailed presentation of the Soviet position was given last year in the USSR response to the IWC Questionnaire, document IWC/41/CON1, and in the statement of the USSR delegation at the 41st Annual Meeting of the IWC, document IWC/41/30. Practically all these positions could be reiterated now, but I don't think it's necessary to come into details, since the situation in this particular field, of consideration of the issue of operation of the Convention, has not changed notably and unfortunately we haven't received an adequate response to the questions asked from a number of delegations, especially those which couldn't share our views. Indeed, Mr Chairman, apart from the general statements by some delegations that the Convention is a flexible treaty and can be adaptable to change in circumstances, and that we had better not touch upon this fragile instrument etc., not so much concrete was said by them. I would allow myself to guess that the poor response to the list of questions developed by the Working Group two years ago may, in fact, be understood as unwillingness to give concrete precise answers to those various pertinent and concrete questions listed by the Working Group but it is an obvious necessity that we should cope with in any case, since now this is the future of the Convention which is challenged.

I would like to limit myself to underlining the order of imperatives compelling us to raise the problem of necessary modernisation of the Convention, and to begin with the reasons of objective material, ecological and economical order, a fundamental change of circumstances as it is called under international law. The

Convention was elaborated in 1946 in a situation of relative abundance of whale stocks with a precise single purpose of management of whaling operations. With these stocks becoming more and more endangered, with consequent change of attitude of world public opinion and recent developments within the IWC, it is obvious that the order of priorities has changed and this is to be reflected in the Convention.

Under the Vienna Convention on the Law of Treaties a party may invoke a fundamental change of circumstances as a ground for terminating or withdrawing from a Treaty and it may also invoke the change as the ground for suspending the operation of the Treaty. However, it is obvious that it is preferable to take necessary actions on a co-ordinated multilateral basis.

The second sort of priorities and imperatives, they are reasons of scientific order. Discussions that we have had during the past days show clearly that without a new impetus to be given to international co-operation in which the IWC is called to play the central role of harmonisation of the research efforts of nations, it would be very difficult to come to sensible results in this field and this problem cannot be solved properly without the necessary modernisation of the Convention.

And third, reasons of legal order. We cannot close our eyes on the important changes in international legal order at sea, the new law of the sea reflected in the 1982 United Nations Convention on the Law of the Sea. All these developments must be taken into account and reflected in our Convention, and of course we cannot depart from the universally recognised rules of international law regarding observance, application and interpretation of treaties as they are reflected, for example in the Vienna Convention on the Law of Treaties. That is why we cannot agree to a broader interpretation of provisions of the 1946 Convention which goes far beyond the letter of this Convention and the original intentions of its authors. We should proceed by legal means, by necessary modernisation of the Convention.

And, Mr Chairman, I must say that if positive and necessary modernisation of our Convention is not initiated the Soviet party may be compelled to consider the relevance of its further participation in the Convention.

So, Mr Chairman, we are for speedy and balanced progress in solving the problem of the necessary adaptation of the Convention to existing realities. We would, of course, welcome any positive decision at this stage, however noting the predominant view here in this hall, which is to tackle first the issue of assessment and other related issues, and to this, for quite obvious reasons, we can ally ourselves to this common understanding and would merely suggest the following elements of a possible Commission's decision this year on the matter of the operation of the Convention.

First element, would be the first proposal, bearing in mind the last year's decision we would suggest the reintroduction of the invitation to all the Contracting Governments which have not yet done so to submit their comments, better late than never, on the questions developed by the Working Group in 1988, and obviously we would be most interested in learning the formalised elaborated position on the subject on every question of the United States Government, the United Kingdom Government, and other Contracting Governments, especially those who showed reluctance in sharing the USSR views on this issue.

Then we would suggest that the Commission decide upon the meeting of the Working Group to examine the issue of the operation of the Convention in the light of the comments received and taking into account the last developments including the discussions held on the problems of assessment, moratorium, new management procedures, and other related legal matters. We would suggest that the Working Group be convened a few days prior to the next IWC Annual Meeting as it was done last year.

In order to facilitate the future debate, the USSR delegation redrafted the last year's Soviet draft Resolution on this matter, trying to amalgamate all the constructive views expressed. The new draft was distributed as Commission document IWC/42/24 with a view to proceed to its examination at the next Annual Meeting of the Commission so that the Contracting Governments be in a position to have all the necessary time they need to study this draft.

To conclude I would like to read the proposed decision once more, so it would be as follows:

The Commission decides first that the issue of the operation of the Convention be included as an item on the Agenda of the Commission's 43rd Annual Meeting. Second, that the invitation to Contracting Governments to comment on the questions developed by the Working Group in 1988 in Auckland, be extended and that any such written comments be submitted before the next Annual Meeting. Third, the Working Group be convened during the week prior to the 43rd Annual Meeting of the Commission in order to consider written contributions of Contracting Governments and prepare recommendations to the Commission on the action arising. Fourth, that a draft resolution submitted by the USSR, document IWC/42/24, be held over for consideration at the 43rd Annual Meeting. Thank you, Mr Chairman.

**Chairman**

Thank you, USSR. May I commend Norway for being the only country that has responded. May I ask Norway if you will have any further comments.

**Norway**

Mr Chairman, I thank you for your friendly reference to our singular role as a contributor to the question, list of questions, under this item. We would like first of all to commend the delegation of the USSR for having raised the question of review of the Convention, and for having presented its text to a Resolution. We do think that any organisation, including the International Whaling Commission, should regularly take a serious look at how it works, whether it is relevant to the tasks set by the Convention under which it works, whether it is up to the challenges raised both in the field of environment, in the field of managing an important living resource, conserving an important living resource like whales, in accordance with what is stipulated in the Convention. These are very basic questions which also this Annual Meeting have emphasised the need for us to go into regularly.

I would suggest that this could be done on two levels. On the one level we should be looking at, as I said, how this Commission operates in practice, how it succeeds in meeting its own priorities and programmes. That's the operational question which has to do with the question whether this is a credible and relevant organisation for the tasks it faces, including tasks that it itself sets out as priority tasks. The Soviet initiative has certainly encouraged us to look at our mode of working and at the question - whether we achieve what we are supposed to achieve, what we are supposed to achieve under the Convention in a way that is desirable.

As far as my delegation can see, we have reached a stage where the Commission is riven by a very fateful sort of split, a constellation of interests and of countries which are hindering this Commission in working on a consensus co-operative basis, and in reaching effective decisions on issues of great importance to member governments.

I would think that the second level, is the level on which the Soviet Union's proposal operates. That is a level of discussing the Convention itself, whether it is satisfying in terms of what this Commission could achieve at any one point of its history. As I understand the Soviet suggestion, they are saying that at this present stage the Commission has to a large extent abdicated in solving some of the main tasks that are in the Convention and member governments, not the Commission, it is for the member governments to draw conclusions, that the Commission should be restructured in the direction of a research society, a study society for whales, and actually be what it has been for some few years.

That, I think, is how I interpret the very thrust of the Soviet analysis and I think it is good to have it reduced to that very clear question. Should we draw the conclusion that this Commission, for the good of itself, reduces itself to what it is mostly doing, that is to be a study society?

We for our part think that, speaking about constitutional questions and the evolution of the Convention and the work of this Commission, that one basic constitutional test is now on our Agenda in several items. Comprehensive Assessment is one, it is certainly a part of this Commission's constitution how it solves a question like that. Management procedures, I would think that's also a vital question of constitutional involvement. Is it able to develop, put into effect, management procedures? Is it able to take decisions on quotas, on safeguarding a safe basis for conservation, management, the rational treatment of these unique animals which are the object of our having this Commission? These general views are also reflected in the submission we have made in reply to the list of questions, and I refer Commissioners to that reply. But I would like to make only one additional point because it concerns us to a very wide degree, and that is the horizon under which the Commission is approaching wider questions of whale research. We do think that while other international bodies relevant for the management of living resources in the sea are engaging on a multi-species and a broad ecological approach, this Commission in dealing for instance with research programmes, in evaluating research programmes, in recognising critical research needs, is starting from, and basing itself on, a single species approach. We think that in this day and age, where our concept of environmental concerns is also a concept of broad ecological concerns, then even the whale, big as it is, is part of this broad - it's not only part, it is a very conspicuous dimension of this ecological context and balance, and we think it would be right for this Commission to reflect an approach like that. It might be that a change of the text of the Convention itself is not what is needed. What is needed might be a more broadening of our own minds, to update ourselves to what is being accepted as the sort of guiding line in other relevant bodies like the International Council for the Exploration of the Seas.

Mr Chairman, again referring to what we have submitted in a textual way, I think I leave, I stop there. Thank you.

**Chairman**

Thank you, Norway. I have two speakers on my list, USA and Mexico. I give the floor to the US delegation.

**USA**

Thank you, Mr Chairman. The United States agrees with the USSR that further consideration of their Resolution should be deferred to the next year's Annual Meeting. The United States has participated in previous years in the Working Group established to examine the operation of the Convention. The US would be pleased to participate in future meetings of the Working Group if this Commission believes that such meetings would be beneficial, a proposition about which the United States does have some doubt. We note, however, that given the full Agenda before the Commission and the current climate of budgetary constraints, any additional meeting of the Working Group that would address the operation of the Convention should conduct its work without cost to the Commission beyond its existing budget. Subject to this guidance, as I have said, the US would be pleased to remain a member of that Working Group. Thank you very much, Mr Chairman.

**Chairman**

Thank you. Mexico.

**Mexico**

Thank you, Mr Chairman. Our delegation wishes also to endorse the Soviet proposal. We had been working on this subject and we have to recognise, Mr Chairman, that more than four decades have elapsed during which the international fisheries order has undergone important evolutions and transformations.

The most relevant has been mentioned - the adoption of the United Nations Convention of the Law of the Sea and also the implementation of a new scheme for the administration of fisheries resources. Our Commission should not stay behind these changes. Therefore it is necessary to update the legal framework accordingly to achieve the organisational objectives with the principles of international co-operation established by the Law of the Sea. In that respect, Mr Chairman, we explain why we support and we encourage this work to be taken at the next Annual Meeting. I also can say that we will provide additional written comments to those which have already been sent for this Working Group, sir. Thank you.

**Chairman**

Thank you, Mexico. Japan.

**Japan**

Thank you, Mr Chairman. Japan also supports the USSR. From the debate we have heard up to today at this meeting it is clear that the Convention itself was established at the time of the very large takes of the large whale species and the membership were those who were responsible for the large catches of those whales. It is also clear from the history, in that the Commission used to adopt the blue whale unit, that this organisation was established at the age of the whale oil cartel of the international community. In spite of those backgrounds it is also clear that the Convention is based on three objectives, those are the conservation of the whale stocks, the rational utilisation and the orderly development of the whaling industry.

However, from the debate that we have heard over the past few days here it is clear that the very little consideration is taken as regards the rational utilisation and also the benefit of the whaling industry's orderly development. In particular, this morning we have witnessed that this body of intergovernmental people do not even recognise the recommendation of the scientists. Since this Convention has been established to manage the large whale species, if we are to manage the small whales as well, then the Convention must be amended.

We have 36 member nations in this body amongst which, except for Switzerland, 35 are the coastal states. However, with regard to the small cetaceans there are 130 nations in the world which are related to the small cetaceans distributions along their coasts. If the IWC is going to manage small cetaceans we cannot make a very loose arrangement just to limit the management of the small cetaceans within the 35 coastal states within our body.

Furthermore, we have just heard that just adding a few words like "other whaling activities" the Commission is trying to extend its competence into somewhere with very ambiguous definitions. If we are to deal with the new age under the new order of the sea such as the United Nations Law of the Sea Convention, we should have a Convention that clarifies our task to manage the whales or small cetaceans or dolphins and be consistent with our task, the Convention should be consistent with our tasks being conducted.

**Chairman**

Thank you, Japan. I give the floor to Spain.

**Spain**

Thank you, Mr Chairman. In relation with matters concerning the working, I am referring to the operation of the Convention, the Spanish delegation want to express some comments of general interest. The goals of the Convention are, from our point of view, perfectly specified in the text and Schedule. As it is worded in the Convention's preamble, the International Whaling Commission recognises that whale stocks are susceptible of natural increases if whaling is properly regulated, which will permit to reach the optimal level. That will permit the safeguarding for future generations of these great natural resources.

From this perspective we understand, Mr Chairman, that the proper management is the means to achieve the conservation target. These aspects of conservation, as well as the study of whales, are included in the Convention under its actual wording. To obtain the goal of whale conservation the co-operation of Contracting Governments is needed, especially in the studies field as it is established nowadays in Article IV.

In relation with the scope of the Convention concerning species, the Spanish delegation considers that the Convention already contemplates the list included in Annex of the nomenclature. In relation with the area of coverage of the Convention and its relationship with the Law of the Sea, having deep legal implications, we consider that it should be referred by appropriate experts at the next meeting of the corresponding Working Group.

Concerning the type of whaling management scheme and other substantive issues, they can be discussed during the Annual Meetings of the Commission to precise the guidelines for the Scientific Committee work as it is done nowadays. This may indicate that the modification of the present Convention is not so urgent. If, as a consequence of this debate, the necessity of amending the Convention emerges, the procedure is established in its Article V. This could be, we think, the simplest way to solve the present shortcomings from this point of view and so it will be possible to avoid being involved in a very long-term process which will require the relation of norms, approval and ratification of new provisions for the whole of the contracting parties. Nevertheless, to continue those important discussions, and to make progress, the Spanish delegation is considering that a meeting of a new *ad hoc* working party will be very appropriate. Thank you very much.

**Chairman**

Thank you, Spain. United Kingdom.

**United Kingdom**

Thank you, Mr Chairman. I think I very much share the views that have just been expressed by the Commissioner for Spain. We may be trying to do far more than we actually need to do. I note that the Commissioner for Japan, as well as the Commissioner for Spain, are quite clear, as I am, as to the objectives of this organisation. We are concerned with conservation, for rational exploitation and for an orderly development of the whaling industry. Now over the years the balance between these various elements has changed. At the moment I would say that we might be in a conservation phase, perhaps because we had, indeed because we had underdone it in an earlier decade, but that doesn't mean to say that the balance doesn't change over time and the main objectives of the IWC, dealing with a global species, stay the same, so we are clear where we are going to go.

Now, we do come up with problems as we operate over time on the scope of the organisation. We have, for example, the possible debate on the extent of the competence in relation to various species, some of which are taken by whalers but for which there is no catch allowance made in this Commission. Now this is clearly something we need to look at. We are also looking at the tools we use, as the Commissioner for Spain said. We are looking at a management procedure. We found the one we had in the past we'd like to try and improve it. We are doing that at the moment so that the organisation is providing for it. We have scientific arrangements. We have a very complex arrangement. We could look at how the Scientific Committee integrates with other scientific bodies around the world as well as giving advice to the Commission, just to check where we have got to because all organisations grow and gather functions over time, and I think that our scientific work is perfectly capable of absorbing multi-species work which the Commissioner for Norway mentioned. Multi-species work is very much a science in its infancy. It's something we have to treat with care, we are certainly doing that in fisheries in the International Council for the Exploration of the Seas, and obviously as the tools of scientists improve we add to them, multi-species is one of them.



We have other areas of the Commission where there is provision for it to take account of various factors, for example the use of gear but we are not quite sure how far we should go, so perhaps we could examine, now we are in a much more modern world than we were 30 years ago, how much more we should be doing about the actual gear used, the humaneness effect. These are items that we can discuss in the Working Group.

We also have our own procedures to operate. I think that new members of the IWC sometimes find our procedures somewhat complicated and difficult and perhaps we could look at how we manage ourselves. These are all fairly wide tasks, but I don't see them as being fundamental and require saying the organisation is failing in its operation. Occasionally you have to take stock. I would therefore support the suggestion that I think both Spain made and the Commissioner for the USA, that we can have a Working Group next year and we should get it to address a certain number of issues. We shouldn't be looking for a very large-scale operation, we should define a few areas and focus in on them just as I've elaborated now.

My last comment is that I remember that the delegate for the USSR said he felt that the lack of replies from countries like myself, in relation to the long questionnaire, showed a lack of interest. I don't think that's true at all. We played an extremely active part in the Working Groups on the operation of the Convention up to now and I remember indeed in the last Working Group stating quite clearly that I felt that the Commission knew what it was doing. It needed to look at some of its procedures and the list of questions that was provided was extremely long. I think that while it may be helpful to send in very very brief ideas, most of them require a lot of explanation and it might be that the delegates would arrive overloaded with papers and perhaps discussion using the questionnaire as a list of headings might be the best way through. Thank you.

**Chairman**

Thank you, UK. I give the floor to Brazil.

**Brazil**

Thank you, Mr Chairman. We would just like to make a small intervention to thank the USSR for bringing up a subject which is also of concern to Brazil - the future of the 1946 Convention. We would agree with the reconvening of the Working Group next year if time permits in order there to discuss and conclude if we would really want to review the Convention. Thank you.

**Chairman**

Thank you, Brazil. Iceland has the floor.

**Iceland**

Thank you, Mr Chairman. I have listened with great interest to the previous speakers and I also want to commend the USSR for their intervention. I particularly would like to associate myself with the views expressed by the Commissioners of Norway and Japan. Mr Chairman, Iceland did participate in the previous Working Groups and we would look forward to doing so in the future. Thank you.

**Chairman**

Thank you, Iceland. Australia.

**Australia**

Thank you, Mr Chairman. I certainly agree with one of the comments of the Commissioner from the United Kingdom about newcomers and complex procedures. Having noted that, Australia notes that the major effort at IWC43 should be directed to the management procedures and further steps in the Comprehensive Assessment. Australia remains concerned, therefore, that the proposals to revise the Convention should not interfere with those important tasks which, of course, are fundamental to the points raised by Norway. Thank you, Mr Chairman.

**Chairman**

Thank you, Australia. Are there any further comments? That seems not to be the case.

The USSR has put forward four proposals, namely: one, include the Agenda item in IWC43; two, invite submissions of comments on questions developed in Auckland on our 40th meeting; three, convene a Working Group in the week before IWC43 to consider submissions and develop recommendations; four, hold over the draft submitted to this meeting until next year. Various views have been expressed and the USSR proposal has been supported. Can I take it that we accept the USSR proposal? Thank you.

That disposes of Agenda item 6. We will now deal with the finance and administrative matters in Agenda item 18 up to 22. The Finance and Administrative Committee was this year chaired by Mr Stewart, New Zealand. May I ask you to present the full report and after your presentation we will deal with the various items in Agenda items 18, 19, 20, 21, 22 and so on. Mr Stewart.

**Chairman of the Finance and Administration Committee**

Thank you, Mr Chairman. I shall do as you request and present my full report. The Finance and Administration Committee met on the 27 and 28 June and Miss Chandler of the United States delegation was appointed rapporteur and it adopted its Agenda. Before I start commenting on the different elements in its report which is contained in document IWC/42/9, could I just make the observation in order to place it in context, that it became evident to me, and I am sure to other members of the Committee, that the Commission is still feeling the effects of the, if I can describe it this way, somewhat unwise policy which was followed for a number of years whereby we knowingly used somewhat unreal figures for income and matched those with real figures for expenditure, and when the short-fall inevitably developed simply raided our capital reserves in the form of the General Fund in order to pay for current expenditure. As Mr Micawber once observed, this course leads to bankruptcy and we were almost at that point when the Commission met last year. Fortunately more realistic policies were then adopted and the worst was averted. We are not quite out of the woods yet but we are, in my view, well on the way to a return to financial stability but this is a painful process and we are still feeling it. Those are some personal observations, Mr Chairman, if I may, in order to place the report in context.

- 18 The first item we considered was the question of funding the Commission. We considered a modified method for calculating the financial contributions of member governments which had been put together
- 18.1 by the Secretariat after consulting governments and getting their views. The idea behind this method was to reduce the mandatory element in contributions in the form of a separate membership fee and increasing the fee for services rendered. It was really a sort of "user pays" principle. This was designed to reduce distortions in the budgeting process in the sense that if any members failed to pay the arrears would consist of the fairly nominal membership fee and not the whole contribution. This would also have had the effect of greatly reducing the amount of arrears being accumulated by members not paying and facilitate a return to active membership if financial circumstances permitted. The reactions to this proposal were varied, some supported, some were against, some didn't like particular bits of it, but there was in any event no consensus in favour of what one might call a Secretariat proposal. It would be fair to say that the strongest objections related to the small size of the membership fee. A sub-committee was, therefore, appointed under the Chairmanship of Mr Fischer, Commissioner for Denmark and it met on 27 and 28 June and considered various alternatives. Progress was made on a number of issues but agreement was not able to be reached on the Secretariat proposal. They then took up an alternative method suggested by Norway and this took the present system as a starting point and provided that the membership fee should be somewhere between a purely nominal amount and the equivalent of six shares, ie three shares, which under the present scheme a share would be about £3,500. It wouldn't include any shares related to the right to vote. This seemed to make quite good progress and nobody directly opposed it although a number of delegations thought it would be premature to recommend adopting it immediately and that some further time was needed for reflection.

The sub-committee therefore proposed to the Finance and Administration Committee that the present system should be retained for one more year and that, in the meantime, the Secretariat should circulate this compromise proposal to Contracting Governments with a view to a decision being taken at the next Annual Meeting. When this was considered by the full Committee there was some regret expressed that it wasn't possible to suggest a solution this year, but nevertheless it was decided to continue down that track. The Committee decided, therefore, to recommend to the Commission that the existing method be continued for 1990/91 and the resulting contributions to be requested from each Contracting Government are shown in Appendix 5 to the Finance and Administration Committee report.

The Committee further recommended that the modified method, as formulated by the sub-committee, should be circulated to Contracting Governments after the 42nd Annual Meeting and their views invited as a basis for further discussion next year. So the result is, Mr Chairman, that we don't have a new method of assessing contributions to suggest to you but we seem to have a fair measure of agreement on the way to go, and we are asking governments to consider it, and we recommend that for your approval in due course.

The next point we took up was the question of arrears of contribution, and you will recall that at the last Annual Meeting the Chairman of the Commission was requested to contact those governments in arrears and see if he couldn't encourage the payment of those arrears. He did a note on his contacts and he had to report that the results were disappointing and that substantial payments were unlikely to be forthcoming. The Committee expressed the hope that the Chairman would, nevertheless, persevere with his efforts if opportunity offered and he accepted to do so.

18.2

There was no action arising under 18.3.

18.3

We then turned to the review of the Provisional Financial Statement 1989/90, which appears as 19.1 in our report, and this is of course the account for the current year which ends on 31 August and, therefore, although there is some element of doubt still, it is a fairly accurate reflection of where we are, and that appears in Appendix 4, which has a slightly misleading title. The title is Provisional Budget 1990/91, but in fact if you look at the first table you will see that it says 1989/90, projected out-turn, and the figures below that are the ones we refer to under this item.

19  
19.1

We looked at the income side and the Secretariat reported that eight countries were in arrears and that, despite this, income had exceeded actual expenditure. There was a slightly larger realisation of contributions but there were substantial payments which were, in effect, windfalls and which are not recurring items and which, therefore, should not be expected to be repeated in future years but which, nevertheless, added to the income in the current year. The Secretariat made the point that the Commission's serious financial difficulties remained unresolved and one of their principal concerns is the small size of the reserve fund that they have very little capital to fall back on, and this becomes serious if contributions are slow in coming in.

On the expenditure side most of the items were fairly close to the anticipated levels. One variation was the question of rent for the Secretariat's headquarters which had been subject to a five-yearly review and, as you can imagine, after five years of stability if you catch up with market rates there is a fairly substantial leap. That has happened, but it would appear to the Committee, after looking at the matter, that the new rent being charged is not unreasonable compared with rents in the vicinity. It is suggested that you simply need to note this in due course.

We then turned to what is, of course, the more contentious bit of the financial examination and that appears under 19.2, the consideration of the estimated basic budget 1990/91, and that is for the year ahead, starting on 1 September. We looked first at the question of rent and there was some discussion whether there could be cheaper office accommodation, either in the UK or whether alternative venues,

19.2

even outside the United Kingdom, had been explored. There was some discussion whether it might be cheaper in the long run if the Commission had its own building or office space, but no recommendations or suggestions emerged from that. I think the general feeling was that that was an element which was beyond the Secretariat or the Commission's control, at least in the short term.

We got down to details, we looked at items of photocopying expenses, I don't think I need to comment on them. It did appear, however, that there might be some cost savings if we looked at a wider range of venues for the 1992 Annual Meetings and ones beyond that. The Secretariat, I think, has felt constrained up till now to try to locate the Commission in a place that - this is in the United Kingdom, because if we are invited by other governments of course that is largely a matter of decision by the host government - but if we remain in the United Kingdom then the Commission feels constrained to keep within a reasonable distance of airports, or not present too great transportation difficulties, and have a level of accommodation that Commissioners would find acceptable. The Committee's view, however, was that it could enlarge its area of search. It seems that in southern England there is great pressure. For obvious reasons there is not such a queue of organisations seeking to hold meetings in remoter parts of the British Isles. He was given a freer hand to look for cheaper accommodation, so it might be at the expense in future of the comfort of delegations but I am sure it will be appreciated if it's in the good cause of economy.

We discussed timing, and the preference would be for the months of June or July, later than that would present problems for delegations in communicating with home administrations and so on.

There was some discussion of the length of the meetings of the Commission itself and its Committees and, again in the interests of economy, it was the view that some attempt should be made to condense the 1991 Annual Meeting and of the Commission and its subsidiary bodies with perhaps some overlapping if necessary between the Scientific Committee and some of the Technical Committees, and the Committee recommended that the Commission should authorise the Secretariat to arrange the 1991 meeting on this basis. Of course, at that stage there was no knowledge that there could be additional meetings or Working Groups or others and this must, therefore, have a bearing on that but that is for the Commission to take into account.

The Chairman of the Scientific Committee, and here I am turning to Item 4 on page 3, explained in detail the expenditure required for scientific research and one member suggested that invitations issued to scientists should be directed through the government of the country concerned and thought that this might lead to offers to finance the attendance of that scientist. It was decided to recommend, however, that invitations to scientists should, in future, continue to be issued directly to the individual concerned but that a copy should be sent at the same time to the Commissioner of the country which would serve the dual purpose of keeping the government informed and giving it the option to fund the scientist's expense to ease the burden on the budget.

Turning now to page 4, the items in the allocation for research were accepted but there was questioning of the need to provide the full sum of £15,000 required for a separate, for an intersessional, meeting on North Atlantic fin whales and it was suggested by some that there could be some saving if this meeting were held in Reykjavik immediately before the next Annual Meeting. We couldn't reach a decision on that and, therefore, agreed to recommend approval of the proposed 1990/91 research budget with a reservation respecting the £15,000 in expenses associated with a Special Meeting on North Atlantic fin whales, which would appear in square brackets.

We then turned to income and there were really no major concerns expressed about the income elements, which seem to be factual enough, and really the debate centred around the level of contributions required from Contracting Governments. A number of delegations made it clear that an increase of the order of 30% for this item for the year ahead was higher than their current instructions contemplated and two

members expressly requested that a reservation be entered on their behalf. However, at the end of the day as they say, it was generally recognised that maintaining the Secretariat and undertaking the programme of activities proposed for approval, inevitably required a contribution from governments at this level. This relates back to my introductory remarks that we are, in effect, paying now for earlier decisions to keep the contributions artificially low while actually spending more than we received so, therefore, the jump that is required is larger than if we had made what I can only describe as sensible decisions in past years, and I am afraid that the responsibility for that situation lies with every delegation in this room and I think we must bear it.

The level of contributions, as delegations will appreciate, is sort of the end product of an exercise whereby the Commission decides what it wants to do and that adds up to a certain figure, and what it costs to maintain the Secretariat and run its meetings, and that adds up to a certain figure. You add the two together and that is the expenditure that you have to meet. And then on the other side you look at other income in the form of various items which are listed and which I won't repeat, but such as UK tax recoverable, that's VAT, that are received back from the UK Government, staff assessments which are deductions from salaries paid to staff, payments by observers and so on. You estimate what your income from those sources will be and the difference between that income and what you are going to spend represents the amount that you have to levy from governments, and that is the hard reality and it means that we must all bear in mind very carefully that when we are agreeing on new work, or additional work, to be undertaken, there is a cost element and it is going to appear in the expenditure, and it will result in an increase in contributions.

So to sum up on this passage, the Committee recommended that the estimated budget for 1990/91, as detailed in Appendix 4, be approved by the Commission, subject to a decision being reached on the allocation of £15,000 for an Intersessional meeting on North Atlantic fin whales. The Committee noted that the budget includes fees for observers attending Commission meetings and recommends that for non-governmental organisations the fee should be £400 for each organisation. In accordance with the Commission's decision last year the fee for each observer from non-member governments and intergovernmental organisations, except where there are reciprocal arrangements, would be twice that of an NGO observer. Those recommendations will be for consideration by you.

We turned then to look at the reserves and the Secretariat had been anxious, as any good Secretariat would be, to have an adequate working capital in the form of reserves and had proposed that we might consider increasing that reserve by £100,000. This would have added significantly to member states' contributions this year and, although the Committee was sympathetic, it didn't feel that it could recommend such a move at this particular time, but it recognised that there is still an ongoing need to increase those reserves.

19.3

We then turned to the consideration of the advance budget estimates for 1991/92 which appears under 19.4. We simply took note of the Secretariat's projections for the year starting in September 1991 - to a large extent these are guess estimates, obviously factors such as inflation have to be wired into them, but we didn't feel there is any need to approve them, we simply noted them and I've no doubt that the Commission will wish to do the same. They appear in Appendix 4 again as the final line.

19.4

Under 19.5 we considered the question of funding for research where the Chairman of the Scientific Committee urged that members should consider making voluntary contributions directly to fund the research activities of the Scientific Committee and should also search out other funding sources for scientific research within their own countries. The Committee simply took note of this suggestion. It is something that we might all bear in mind. The Committee agreed with a suggestion from a member state that the Secretariat should be requested, in advance of the Annual Meeting, to invite governments to report the funding they have expended on research on whales undertaken on a national basis and that this should be circulated as a meeting document and, if the Commission agrees, no doubt it will endorse that.

19.5

19.6 Under 19.6, Action arising, one member state put forward a proposal that had been made during the discussion of the budget for the Annual Meeting, that the Commission might investigate the costs and benefits of holding its meeting every other year, every second year, once the Comprehensive Assessment has been completed and this had a certain amount of support. The Committee decided to recommend to the Commission that the Secretariat be requested to present a paper at the 1991 Annual Meeting giving financial implications of a change to biennial meetings and this would, of course, enable Commissioners to take the extent of potential savings into account in considering the matter.

20

20.1 We then moved through to Item 20.1, Invited participants to the Scientific Committee and we noted the list of participants. No further action seems to be needed there.

20.2 20.2, we took note of the Secretariat's request for more accurate predictions on numbers from each member state attending Committees, Working Groups and Annual Meetings. It seems that because very late notification is given by some delegations, the Secretariat are in effect reassembling at the last moment tables and chairs to accommodate crowds pushing in through the door who hadn't been expected, and running off more and more copies of documents, and they pointed out, not unreasonably, that if they had had a little notice - and I guess most delegations attending make their travel arrangements a little time in advance - then they could give a better service, so perhaps we could all just bear that in mind.

21 We then turned to date and place of Annual Meetings and, of course, the decision for the 43rd Annual Meeting in 1991 has already been taken, it is to be held in Iceland in May 1991. The precise dates of the Meeting will be determined following further discussions between the Secretariat and the host government, and at that time, if the Commission decides it wants to try to reduce the time allocated for meetings, that will also have to be imported into that discussion.

21.1 21.1 Meeting in 1991 has already been taken, it is to be held in Iceland in May 1991. The precise dates of the Meeting will be determined following further discussions between the Secretariat and the host government, and at that time, if the Commission decides it wants to try to reduce the time allocated for meetings, that will also have to be imported into that discussion.

21.2 Under 21.2, the 44th Annual Meeting, the fact is the Commission has received no invitations with regard to the 44th Annual Meeting in 1992 and, therefore, the Secretariat, in accordance with standing instructions, has no choice but to explore venues for the 1992 Annual Meeting in the United Kingdom, and I have mentioned earlier that it will widen its search to locations previously thought to be unacceptable. I find that phrase rather horrifying and I only hope that we don't achieve reductions in attendance through making it such an ordeal that people can't face up to it. But, however, it's all in the interests of economy. The Committee, therefore, recommended that the 1992 Annual Meeting be scheduled so that at least the Technical Committees and the Commission meetings do not conflict with the 1992 UN Conference on Environment and Development. The reasoning being that some delegations will have members who will need to attend both and it would be sensible to try to avoid any overlapping between the meetings.

Under Any Other Business, Item 5 on the same page, page 5, the Secretariat reported that Belize had formally requested, in 1988, the waiver of, or a reduction in, its outstanding contribution but the question had been referred to Commissioners at the 41st Annual Meeting but that no guidance had been given. The Committee took the view that silence didn't mean consent but meant no and it interpreted it that way and agreed that the request should not be approved, and it is recommending to the Commission that it authorise the Secretariat to inform Belize and since it has been waiting since 1988 it won't be before time.

The Committee then adopted its report, and it only remains for me to say that the Appendices I have referred to in some detail, but the items are set out, Appendix 4, and the second line 1990/91 Provisional Budget is the most important line to consider, but if there are any questions on the 1989/90 projected out-turn or the current, or the forthcoming year's provisional budget, or our peer into the future for 1991/92 I will do my best to explain, perhaps with the help of the Secretariat if need be, but then I would draw your attention to the provisional estimates of financial contributions 1990/91 appearing in Appendix 5. This is in a sense where it all happens, and this is the application of the decision to proceed on a scale of

assessments this coming year which will be the same as for the current year and designed to produce an actual income from contributions of £636,000, £636,165, and to achieve that, and given the experience of the likely shortfall, one has to in fact assess a total of £745,669. But I repeat that that is expected to produce in cash, in hard cash, £636,000, £636,165.

The Appendix 6 gives out, sets out, the proposed 1990/91 research budget which has the Special Meeting on North Atlantic fin whales at a cost of £15,000 still under reservation, and that is the sum content of the report.

It really only, the Committee naturally adopted its report. I can only conclude by saying that the Committee showed a very business-like efficiency. It made a detailed analysis of all these items. They were thoroughly gone over, all prospects for achieving economies were explored, the co-operation between the members attending was very good and we tried to bear out our own advice by condensing our own meeting and completed our work in considerably less time than that which had been allotted. Thank you, sir. That completes the presentation of the report, but I am ready to answer any questions that you or Commissioners may have in mind.

**Chairman**

Thank you, Mr Stewart, for this very illustrative report. I will soon invite general comments on this. St Lucia.

**St Lucia**

Thank you, Mr Chairman. Last year I suggested at this level, that in the light of increasing costs that the Secretariat should seek to get funding for research from outside sources. Now this is ...

**Chairman**

Excuse me.

**St Lucia**

Yes.

**Chairman**

Are you going to give some comments on the specific items contained in the report.

**St Lucia**

Yes, the item is Research.

**Chairman**

Can we wait with that until after the coffee break, then I will invite for specific comments.

**St Lucia**

Thank you.

**Chairman**

I plan to, after the coffee break, to invite for general comments and then have specific comments on the various Agenda items contained in the report. I now will adjourn the meeting for a coffee break and we will meet again at a quarter past four, and I will invite Commissioners to meet me in the Oranje Room at ten minutes to four for a Commissioners' meeting. The meeting is adjourned.

[Coffee break]

**Chairman**

The Plenary is resumed. Are there any general comments on the Report of the Finance and Administration Committee. The floor is open. France.

**France**

Thank you, Mr Chairman. I don't know, what do you mean by general comment? Do you think that a comment on the increase of the expenses would be a general comment?

**Chairman**

Let's turn it the other way round. If you have any specific comments on the recommendations which are in bold type in the report I would prefer you to wait for your comments, but if you have comments which regard the whole report or no special recommendations you can have it now.

**France**

Thank you, Mr Chairman. The French delegation can accept generally all the recommendations in that statement, stressing one especially, which is the reduction of the duration of the meeting and with, maybe not a reserve, but some comments, on the increase of the contribution and on the budget and I could comment later on that topic if you allow me. Thank you.

**Chairman**

Thank you, France. Are there any more general comments, or could we turn to the first recommendation. St Lucia have you a general comment or a specific one?

**St Lucia**

I presume it is specific. It has to do with the research part.

**Chairman**

OK. We come back to that. St Vincent.

**St Vincent and The Grenadines**

Thank you, Mr Chairman. Only to say that my delegation generally accepts the recommendations, mainly because we don't think we have any alternative, but we do note the amount that my country is paying and we can't help pointing out that we are, after all, what is called "a developing country", Mr Chairman. Thank you.

**Chairman**

Thank you. Can we now turn to, - Oman.

**Oman**

Thank you, Mr Chairman. It is a good opportunity to take this chance to speak on behalf of the contributions. I do feel the same feelings, I share the same feelings as the distinguished delegate of St Vincent and The Grenadines. Thank you, sir.

**Chairman**

Thank you. Seychelles.

**Seychelles**

Thank you, Mr Chairman. We would like to associate ourselves with the distinguished delegate from Oman. Unfortunately, we were unable to attend the meeting of the Finance and Administration Committee. We are, however, very deeply concerned at the inequity between richer and poorer countries implied by the current scales of contributions. We would like to reserve our position next year, and we



would like to discuss this and we would like to hope to present a paper on this matter. Thank you.

**Chairman**

Thank you, Seychelles. Brazil.

**Brazil**

Thank you, Mr Chairman. We would like to support the last delegations who have spoken about the problem of the level of contributions for developing countries. We would also like to say that we hope next year to be able to participate in discussions about a new method of calculating financial contributions. As we have seen in the report we are still using this year the old method because we have not come to an agreement on any new one. The method proposed to the Financial Committee was one that had some problems for some countries, amongst them Brazil. It was trying to resolve a problem of cash flow by changing the criteria of contributions with quite important political implications. We would be against any kind of scheme that had contemplated passive membership, cheap membership fee, which would maybe make our Commission have too many members and any kind of scheme that would dissociate membership with the right of vote and I think that is our main objection.

As to the level of contributions, we do think it rose maybe too much from one year to the other, that is at 30%. We believe that the level of contributions is not the end of a financial exercise but maybe the beginning. We should first examine how much income we do have and then try and tailor expenditure to that income. If there is more to do by the Commission there is always possibility for extra voluntary contributions. There are so many interested countries here, in programmes which are maybe not so fundamental to the Commission, maybe they could contribute voluntarily for them. That was the main thing I wanted to say. Thank you.

**Chairman**

Thank you, Brazil. Mexico.

**Mexico**

Thank you, Mr Chairman. We would like to associate to the last two speakers and I would also like to express a general comment, Mr Chairman. As you are aware my delegation has been deeply involved with the discussions of the Finance and Administration Committee for the last five years, and we keep communications through the years to the sub-committee. We were present this year at the last day, we were trying to have some input as representative of the developing countries which attended this Committee but we were not able due to a ruling of the Chair. So I will have, for that decision, Mr Chairman, perhaps to take the floor later in the discussions of particular items to make some reservations.

We have been asked for several years, and specifically the last one, to adopt a level of contributions which was extraordinary. There was last year an extraordinary effort given the status of the financial level of the Commission. However, this year again, there are grave requests for a 30% increase and has been pointed out by the distinguished Commissioner from Brazil, this is because we go on into an exercise of looking first at expenditures instead of looking at the income. We have to tailor these and we have to make a solution now because this is causing also problems to countries which are already in arrears. If we still are increasing the contribution there is no way, even if they had the political will to participate, that we will manage the economical need. Thank you, sir.

**Chairman**

Thank you, Mexico. France.

**France**

Thank you, Mr Chairman. Well, I think after what was said by Mexico I don't have many things to add because all the points I wanted to stress were addressed by Mexico. I wanted especially to draw the

attention of the meeting about the fact that each time we increase in that way the budget, the countries which are not able to comply with their obligation, financial obligation, will have more debts to pay. Our system is completely done in a way to increase their contribution, the contribution we know they are not able to pay just now, so that system cannot last for years and years because that will create legal obligations for them to pay more and more higher, so I think we really need now to find a new way of calculation. We really need to find something more stable in the way that last year we have accepted 40% of increase, I thought I would have had my head cut off in Paris when coming back. That didn't happen but this year I will have to come back with an increase of 30%. In our country, as you know probably, Mr Chairman, the general instructions are to accept an increase of zero percent in international organisations. We have made a great exception for the Whaling Commission which is a proof of the commitment of all the countries involved in the whaling, but I think there is an end in that exercise. Thank you, Mr Chairman.

**Chairman**

Thank you, France. These general comments will be recorded. Spain.

**Spain**

Thank you, Mr Chairman. My delegation wants to express also its great concern about the valuation of financial aspects of this Commission. The budget of last year, it increased in a very, very high level, nearly more than 40% and the estimation for this year is also about 30%. Our experience in other international commercial Commissions where we have, where we attend and have an important attitude and participation, we have seen the same kind of problems, financial problems, due to many factors. Sometimes some contributions for members that they don't pay, or they pay with a great delay. But in those cases what has been done, and we have some members, some colleagues that are here present in this Commission, know as I know, what has been done is to adopt practical attitudes like increasing in a very few levels the budget, the final budget of the last year, even increasing in zero, does mean that this attitude of financial adjustment is taken into account. But in this Commission what we see is an increasing, very worried in the last few years and we don't know what will happen to many of the countries here present. There is a way we want to ask for, looking for a greater moderation in the kind of expenditures of the Commission. One of the expenditures that are on the table is the cost of the location of the Secretariat. I remember that the Chairman of this group has expressed the general ideas that were in discussion in the group about looking for a saving money on this area. I don't know if it is the moment to discuss, clear and real discussion about this item, but of course it must be considered also because while we know that in many countries that have the headquarters of international commissions, the government of the country makes effort to subsidise, or make any kind of help. I don't know. We think that when there are difficulties everybody must be conscious, must look for solutions and we think that this aspect, altogether with a new method of calculating financial contributions, will be taken into account in a very serious manner. Thank you very much.

**Chairman**

Thank you. I have three speakers on my list. UK, Ireland and India. I give the floor to UK.

**United Kingdom**

Thank you, Mr Chairman. I was one of the members of the Working Group last year who sat through several, well a Saturday and a Sunday evening until at least half past eleven working through the finances of the IWC. What became clear is that the reason we had to live with a 40% increase last year was that we had actually been living on the reserves of the IWC for a number of years. That is, we had been spending more than we had been receiving because of our accounting system, which means that we count in revenue from members of the IWC who, in fact, have ceased to pay, so we were setting our budget in relation to an unrealistic income. So while the 40% was a very serious increase this represented living off income and we had run our reserves down to nothing. I think this year the Committee have examined very carefully why the increases are there. I note that even the expenditure on science is barely different, the Secretary

may be able to say how much it is. So perhaps we can get back on to an even keel now, but it was because we had not actually been paying full attention to what was happening to our reserves for a number of years that we have had to live with this difficulty now. Thank you.

**Chairman**

Thank you, UK. Ireland.

**Ireland**

Thank you, Mr Chairman. Ireland wishes to add its voice to the concern expressed by the other delegations on the increase in the level of contributions.

**Chairman**

Please can you press the button.

**Ireland**

Thank you. We wish to add our voice to the concern expressed by the other delegations on the huge increase in the level of contributions over the last year. We did consider, when the share system was first introduced, of just taking a membership share and decided that there wasn't much point in taking a membership share without knowing what was going on, but at the end of the day if some, a country like Ireland opts for just a membership share without the other facilities the Convention will end up losing money. The higher you put the contributions countries may decide not to have the same level of shares. So just to express our concern at the increase and hope that possibly, now that the Convention has got itself back on an even keel, that it could see its way clear to reducing the contributions in the coming years. Thank you, Mr Chairman.

**Chairman**

Thank you, Ireland. I give the floor to India.

**India**

Thank you, Mr Chairman. Mr Chairman, India would also support the proposal that an equitable formula should be evolved to determine the financial contributions of countries, particularly the developing countries like India. Actually, we are not a whaling country but we would like to remain associated with the International Whaling Commission activities because of our abiding interest in ecology and all our protection of environment including marine life. But the contribution has to be just, reasonable and it must conform to economic realities on account. Thank you.

**Chairman**

Thank you, India. USA.

**USA**

Thank you, Mr Chairman. The United States is sympathetic to the difficulties encountered by the Secretariat in crafting a budget when some members fail to meet their financial obligation to the Commission and others pay light. The United States, therefore, has considered with interest the proposal by the Secretariat and the compromise proposal put forward by the Norwegians in the Finance and Administration Committee. However, both proposals would alter the structure on which each government has historically based its contribution and thus older member governments' relative shares of the Commission's assessment. Both proposals thus have long-term implications for each member government. The United States therefore supports the recommendation we retain the present system, as distasteful as it may be and circulate the compromise proposal to member governments for their careful study with a view to further considerations of the proposal, and maybe even better ones, at the 1991 Annual Meeting so we can solve this problem. Thank you very much, Mr Chairman.

**Chairman**

Thank you. Federal Republic of Germany.

**Federal Republic of Germany**

Thank you, Mr Chairman. The Federal Republic of Germany fully shares the concerns expressed by France. Thank you.

**Chairman**

Thank you. Chile.

**Chile**

Thank you, Mr Chairman. Many voices have already been expressed and so I can be very brief. My delegation supports fully the views concerning the way the contributions are assessed which are very unfair and very difficult to pay for developing countries, and on the other hand there should be a close study concerning the expenditures of the Commission. Thank you very much.

**Chairman**

Thank you, Chile. Australia.

**Australia**

Thank you, Mr Chairman. Australia also shares the concerns expressed by many countries but reluctantly accepts the increase next year as inevitable. We also I think urge all members to look at the alternative proposals and give serious consideration during next year, so that hopefully, by next year's meeting, we can arrive at a new system which is both equitable and produces a more efficient and cheaper Commission. Thank you.

**Chairman**

Thank you, Australia. All these general comments will be recorded and will be an input to the next, to the work of the Finance and Administration Committee next year. May I ask the Chairman of the Finance and Administration Committee if he has any remarks to do?

**Chairman of the Finance and Administration Committee**

Thank you, Mr Chairman. No, not really. I think though that perhaps I could assure Mexico that the problem was simply that the Mexican delegate was not able to attend the Committee meetings for, I am sure, very good reasons, and then wished to amend the report when it was being adopted to make it appear that Mexico had, in fact, attended and had made a statement. Other members of the Committee felt that this was not very appropriate and it was suggested that the way was still open to make whatever statement was required here, in the Plenary session, and that was really the background to that.

It's certainly been helpful to have a wider expression of views on methods of calculating contributions and the criteria that should be taken into account than was available in the Finance and Administration Committee itself and I think that I can only say that the opportunity will of course, as has been already pointed out, be available to Contracting Governments to convey these when they are asked for their views on future methods of calculating contributions in the course of the year, and this will, of course, enable perhaps a wider range of views to be imported into the discussion next year. Thank you very much.

**Chairman**

Thank you, New Zealand. Before addressing ourselves to the specific recommendations I will give the floor to Peru.

**Peru**

I express our deep concern with the increase of the budget. It will be for developing countries, it will be a very heavy burden. That's all.

**Chairman**

Thank you. Mexico you had a comment.

**Mexico**

Thank you Mr. Chairman. I just want to thank the Chairman of the Finance and Administration to explain what in his mind was discussed in the room. My recollection is a little bit different and that is why I said in my previous interventions that I may have to take the floor again to make some particular comments during the discussion of this topic. Thank you Sir.

**Chairman**

Thank you Mexico. Before we turn to the specific assessment may I ask all speakers to speak closer to the microphone. The first specific Recommendation is to be found on page 2 in the Report, the second paragraph. 'The Committee recommend the Commission that the existing method of assessing contributions be continued for the year 1990/91'. Are there any comments on that recommendation? Can I take it that we adopt that Recommendation? Thank you.

The second Recommendations are in the same paragraph. 'Where the Committee further recommend that the modified method should be circulated to Contracting Governments after this meeting and their views be invited as a basis for further discussions next year'. UK.

**UK**

Thank you Mr. Chairman. I think the Committee worked very hard and I think their conclusion that for 1991 we have to continue as we are is correct. I think Norway has come forward with a very helpful proposal on how we might move forward and I think we should consider it. I would, however, point out that even Norway's proposal doesn't get over our basic problem that if we assume that all members of the IWC are paying substantial sums of money, we will end up having a fairy tale account, that is we will be assuming we have much more income that is actually coming in. Even with Norway's system we could find ourselves in three years time a deficit of £200,000 on paper. This really does mean we have to find a system that makes sure that the amount of money we have coming in is clearly accounted for and in addition is matched against what is going out. We will not avoid the problems that led us to a 40% increase last year if we can't move to a system whereby we actually account income coming in as being what we know we actually receive. So I would therefore urge, in addition to considering Norway's proposal which is certainly helpful, if members can come up with a solution that means income actually matches predicted income. Thank you.

**Chairman**

Thank you UK. No further comments? I take it that we can accept this Recommendation from the Finance and Administration Committee as amended by the UK delegation. Is that accepted? Thank you.

Then we turn to the next Recommendations which are to be found on page 3 under the heading 'Recommendation'. 'Where the Committee recommends the Commission to note the provisional financial statement for the year 1989/90'. Can we adopt that Recommendation? Thank you.

The next Recommendation are under Item 3 in the middle of page 3 under the heading of 'Annual Meeting'. 'Where the Committee recommends as a cost saving measure that the Secretariat explore alternative times and places for the 1992 meeting and beyond'. Can we adopt that Recommendation? Thank you.

In the same paragraph there is another Recommendation. 'Where the Committee recommends that the Secretariat explore other locations within the United Kingdom. Can we adopt that Recommendation? Thank you.

In the next paragraph there is a Recommendation that the Commission authorise the Secretariat we arrange the 1991 meetings on the basis that a shorter period of time should be used. Can we adopt that Recommendation? Thank you.

In paragraph 4 on page 3 there is another Recommendation that invitations to scientists should in the future continue to be issued directly to the individual concerned but that a copy should be sent at the same time to the Commissioner of the country concerned. Can we adopt that Recommendation? Thank you.

The next Recommendation is to be found on page 4 in the end of the first paragraph. 'Where the Committee recommend approval of the proposed 1991 research budget with the reservation respecting the £15,000 in expense associated with the Special Meeting on North Atlantic Fin Whales'. As I remember the Joint Working Group of the Technical and Scientific Committee on the Comprehensive Assessment of the Whale Stocks has agreed that this Workshop should be held so I take it that the square brackets around this £15,000 should be deleted. USA.

**USA**

Thank you Mr. Chairman. Since the United States was involved in the square brackets I feel that maybe I should make a statement. The United States does support the timely completion of the Comprehensive Assessment and fully accepts the recommendation of the Scientific Committee that it hold a Special Meeting on the North Atlantic Fin Whales. The United States query is to how the Commission might minimise the cost of this Special Meeting in no way undercuts our support for the Comprehensive Assessment and the work of the Scientific Committee. However, costs are increasing at an alarming rate and we believe the parties should fully explore every possibility to minimise these costs. Thank you very much.

**Chairman**

Thank you USA. UK.

**UK**

Mr. Chairman I would just like to associated myself with the remarks made by the United States Commissioner that our querying the expenditure in no way reflected our view that it is very important to get on with the Comprehensive Assessment. But you have heard today many members saying we must make sure we spend only what we have to spend so we have to ask such questions, but I think that it is very right that we should go ahead with this one. Thank you.

**Chairman**

Thank you UK. Mexico.

**Mexico**

Thank you Mr. Chairman. Before we leave this allocation for research we would like to note that we support the Spanish suggestion and Recommendation. We just approve that we would like to broaden these Mr. Chairman and to propose to this Commission at the same time the invitation is given to an individual scientist and a notification to the government an invitation should be also given to the governments to see they can provide scientists from those governments on top of individuals with the Scientific Committee's electing. So this will broaden the spectrum of participants in any Scientific Committee discussion of a particular stock or issue. Thank you Sir.

**Chairman**

Thank you Mexico. Your views will be recorded and taken account of. I take it that we can adopt the recommendation on the first paragraph on page 4 with the square brackets deleted. Thank you. The next paragraph is to be found on the middle of that page where the Committee recommends that the estimated budget for 1990/91 in Appendix 4 is approved by the Commission. Can I take it that we adopt this? Mexico.

**Mexico**

Sorry Mr Chairman to take the floor again. As I explained before I am forced now this time to present my reservation on this income increase. Thank you.

**Chairman**

Please Mexico, will you speak a little louder or a little closer to the microphone. I did not catch what you said.

**Mexico**

Thank you Mr Chairman. As I expressed before my previous intervention I have to record for this meeting report reservations on the increase of the order of 30% along with the preceding Spanish delegation. Thank you.

**Chairman**

I take it that we can adopt that recommendation. Thank you. Next recommendation refers to the fee for Non-Governmental Organisation where the Committee recommends that the fee should be £400 for each organisation. Can I take it that we adopt that recommendation? Thank you. The next recommendation is to be found on page 5, paragraph 19.6 Action Arising where the Committee recommends that the Secretariat be requested to present a paper at the 1991 meeting giving the financial implications of a change to biannual meetings. Biennial meetings, not biannual meetings. Biennial meetings. That's a great difference. Any comments? Can we adopt that recommendation? Thank you. The next recommendation is to be found on paragraph 21.2 regarding the Annual Meeting for 1992 where the Committee recommends that the 1992 Annual Meeting be scheduled so that at least the Technical Committee and the Commission meetings don't conflict with the 1992 UN Conference on Environment Development. I take it that we can adopt that recommendation? Thank you. The last recommendation is to be found in para 5 Any Other Business where the Committee recommends that the Commission authorise the Secretariat to advise Belize. You can see what the recommendation refers to in the text in para 5. Can we adopt that recommendation? Thank you.

We have now dealt with all recommendations in the report which will mean that we have dealt with ... St Lucia.

**St Lucia**

You will recall Mr Chairman that before coffee I was about to say something and you asked me to hold it back, but I couldn't find an appropriate moment to make my intervention. May I do it now?

**Chairman**

You have the floor, but please speak a little closer to the microphone.

**St Lucia**

I will, thank you.

**Chairman**

You have the floor.

**St Lucia**

Mr Chairman, my comment relates to research. You will recall last year that I brought up this question of funding our research from external sources. Mr Chairman, I am fully aware that we, well, we should be fully aware of the situation. There are several multi-governmental and international organisations with very good endowment, very good funding from outside the organisation. In fact, in many institutions about 50% of the research and administration is from outside the organisation. I recognise a paper was put forward by the Secretariat but what I would like to do is encourage the Secretariat to pursue this matter a bit further. I am aware of several marine amusement parks, steamship lines, cruise lines, foundations, and other people with trust funds that are very intimately linked with the type of work that we are doing here, and I recognise that the Secretariat has not had the tradition of looking outside for funding but has depended on contributions from governments, but it is indeed getting very tight for all of us. So I would like to encourage the Secretariat to pursue this matter a bit further. And not only this, Mr Chairman, well-defined projects could be put forward which involve certain administrative costs (all the research involves administrative costs) so you could find that you could absorb a lot of the administrative costs together with your research and so decrease with time the contributions that the governments make. We have our obligations, we must stick to it, I agree, but at the same time if we start from now we could find ourselves with some good endowments coming into this organisation, particularly if people look up to it and recognise as the veritable body for the conservation of whales. Thank you very much Mr Chairman.

**Chairman**

Thank you St Lucia. What you have just said is taken note of in para 19.5 Funding for Research. St Vincent.

**St Vincent & The Grenadines**

Thank you Mr Chairman. On the same point and noting paragraph 19.5, reference to governments searching out funds themselves, but I don't think in the case, certainly not in the case of developing countries this might not be so easy, Sir.

**Chairman**

Thank you. In order to save time I propose that we go on in the following way. All the other aspects which are to be found in the Finance and Administration Committee report will be taken note of when we adopt the report itself under Agenda Item 22. And having dealt with all these recommendations I take it that we have dealt with Agenda Item 18, 19, 20 and 21. Chile.

**Chile**

[microphone not activated]

**Chairman**

Please, we can't hear. Closer to the microphone.

**Chile**

Yes. I was waiting, Mr Chairman, to the treatment of point 11.2, 18.2, to refer to a matter which concerns my delegation. In the document which has Document 42/11 in paragraph 23 it is stated the sanction of withholding of Commission documentation, and the suspension of the right to vote for a government more than three months in arrears with its annual payments came into effect in June 1990 for the Governments of Argentina, Chile and Solomon Islands. As I have taken part in the vote this morning maybe some delegations will query why I was voting and as there had not been mention of this fact that the Chilean Government has paid the contribution corresponding to the last period, I make this statement. Thank you very much.



**Chairman**

Thank you for that comment, Chile. I take it that we have adopted Agenda Item 18, 19, 20 and 21. Thank you. Can we then consider the report of the Finance and Administration Committee adopted? Thank you. I would like to extend my thanks to the Chairman of the Committee for his very able chairmanship and sterling work which the Working Group has done. I would also like to thank the members of the group. Thank you. That disposes of Agenda Item 22.

We now turn to Agenda Item 23 Cooperation with Other Organisations. The first Agenda Item is 23.1. There is a paper distributed in IWC/42/17. The Secretary will speak to that paper.

23

**Secretary**

Mr Chairman, under Agenda Item 23.1, general items under Cooperation with Other Organisations, we have introduced the document IWC/42/17 Cooperation Between Conventions - Biological Diversity. This document was circulated in advance of the meeting so I do not need to go into it in any detail, but to explain that there a number of international intergovernmental activities going on at this time to which the IWC has been invited to contribute or to take part in meetings, and specifically there is the question of biological diversity where there is to be a meeting held in Geneva next week. There is also a question on the second half of the cover page of the Planning and Coordinating Committee of the Marine Mammal Action Plan, where the United Nations Environment Programme in cooperation with the Convention on the Conservation of Migratory Species Secretariat is organising meetings to promote activities under that umbrella. The IWC receives these invitations and I would like the Commission to express a view on the degree to which we should be involved, whether we should send representatives to the meetings, whether we should make submissions and, if so, of what form. So it's really a question of not only recognising that we have a particular expertise but being prepared to share it with the rest of the world when there are appropriate activities in which we could and, in my belief, should be practically involved. Thank you.

23.1

**Chairman**

Thank you Dr Gambell. Are there any comments? Oman.

**Oman**

Thank you Mr Chairman. Mr Chairman, putting in consideration the financial situation and on the other side the importance of visiting some of these meetings, we recall some time ago, about two years ago, that there was such a discussion and there was within the discussion some agreement that some members of a delegation would be representing such meetings and reporting back. Correct me if I am wrong on that and what has happened. Thank you, Sir.

**Chairman**

Dr Gambell.

**Secretary**

Yes, Mr Chairman. It has been the Commission's policy for a number of years to ask a national delegate who is already attending a meeting to represent the IWC and we do have in the next item on our agenda, Observers' Reports, information sent back in that way. The situation we have in the item presently under discussion is slightly different because these to a large degree involve not representatives of the Commission but more actions at a Secretariat administrative level. If I might suggest what the Commission's response would be, I would hope that we can agree to cooperate to the maximum extent possible within the constraints of our finances, and to be ready to send appropriate documentation or other information from Commission archives and meeting documents and so on. I think that would be an appropriate response in our present circumstance, but I think we do need to make a formal commitment to cooperate with the rest of the world.

**Chairman**

Thank you, Dr Gambell. Are there any comments on that proposed decision? That seems not to be the case. Can we then agree to cooperate to the fullest extent possible given our financial constraints? Thank you.

- 23.2 We then turn to the Observers' Reports in Agenda Item 23.2. The first one is 23.2.1 about ICES. Dr Gambell.

**Secretary**

Mr Chairman, I would just introduce Paper IWC/42/10 which contains Observers' Reports from two of the four organisations at which we were represented by national delegates who agreed to act as IWC observers, and so these reports are tabled as the Observers' Reports for the IWC's benefit.

**Chairman**

Are there any comments on this Agenda Item? That seems not to be the case. Can we then take note of that Observer Report? Thank you.

The next Agenda Item 23.2.2 is about ICCAT. Sorry, Dr Gambell reminds me that all four agenda items are related to the paper which Dr Gambell just reminded us of. So I take it that we have taken note of all these four agenda items. Thank you.

Now we turn our attention to ... USA.

**USA**

Mr Chairman, as a point of clarification. As we stated in our annotation to the Agenda, the United States wished to work with representatives of other IWC members to identify and encourage the forms of cooperation called for in the UN Resolution on driftnets. We are in the process of doing that now by consensus and we would like very much if we could have that particular Agenda Item delayed, Mr Chairman.

**Chairman**

Thank you, USA. I think you are on the next Agenda Item 23.3.

**USA**

Thank you for that clarification, Mr Chairman.

**Chairman**

St Vincent.

**St Vincent & The Grenadines**

Thank you, Mr Chairman. I was wondering if like the previous item you are taking all these five points together or you take them one by one.

**Chairman**

We have recently agreed on all the items on 23.2. Or have you any comments on one of the specific sub-items under this Agenda Item? You have the floor.

**St Vincent & The Grenadines**

No, Mr Chairman, we are on 23.3 now aren't we?

**Chairman**

Please can you talk a little closer to the microphone. The rain makes it still harder to ...

**St Vincent & The Grenadines**

Is that better? We are on 23.3 now aren't we?

23.3

**Chairman**

Yes.

**St Vincent & The Grenadines**

Are you taking all the items together like the previous item?

**Chairman**

No, we take them one by one.

**St Vincent & The Grenadines**

We take them one by one. OK.

**Chairman**

Let's start by 23.3.1. Dr Gambell.

**Secretary**

Mr Chairman, under 23.3.1 IOMAC there is an annotation on page 12 which explains again a matter of IWC cooperation which at the moment is at a Secretariat level and I am seeking your agreement that we should continue to operate at this level, or ask you to modify that degree of involvement. The Indian Ocean activity, of course, was particularly important at the time when we were reviewing the question of the Indian Ocean Sanctuary, but I don't think just because the immediate discussion has finished on that that we should cut off contact with other Indian Ocean institutions. So if the Commission could agree to maintain the cooperation at the present level that would be a sufficient mandate.

**Chairman**

Thank you, Dr Gambell. Any further comments? India.

**India**

Thank you, Mr Chairman. My country would like to be kept informed of the result of this cooperation or if possible be associated with that activity. Thank you.

**Chairman**

Thank you, India. Any further comments? That seems not to be the case. Can we then decide as Dr Gambell proposed that we should ... Sorry, can you repeat that?

**Secretary**

Mr Chairman, I was suggesting that the Commission would maintain the existing level of cooperation at the Secretariat level.

**Chairman**

I take it that we adopt that proposed decision. India.

**India**

Mr Chairman, what I suggested was that at least we could be kept informed about the development in this area.

**Chairman**

Yes, your views will be taken account of. Thank you. We then turn ... The Chairman of the Scientific Committee.

**Chairman of Scientific Committee**

Yes, thank you Mr Chairman. I just wanted to remind you that we did have several items on our Agenda that relate to these and I'm not sure where we can pick them up. Maybe the Secretary and you can figure out a spot we can include this.

**Chairman**

Dr Gambell.

**Chairman of Scientific Committee**

It's on page 3 and 4 of the Scientific Committee report.

**Chairman**

May I ask the Chairman of the Scientific Committee to speak to the relevant organisation when we come to them under the specific Agenda Items.

**Chairman of Scientific Committee**

Yes, OK. The first one is a tricky one, the CCAMLR one, because it's not on your Agenda.

**Chairman**

Let's deal with those items on our Agenda first and then we come to the other ones.

**Chairman of Scientific Committee**

OK. Well then, the first one is just a short comment on UNEP which is 23.2.4.

**Chairman**

But let's deal with 23.3.2 first. We haven't dealt with IUCN yet. Oh, you refer to the previous section?

**Chairman of Scientific Committee**

Yes, I'm sorry.

**Chairman**

OK. You have the floor on that item.

**Chairman of Scientific Committee**

Just to be very fast. This is the UNEP item. The Scientific Committee reiterated the view it expressed last year that the IWC should continue to be involved in the Action Plan to the fullest extent possible. Members of the Scientific Committee are ready to assist in the work of the proposed Scientific Advisory Committee as requested. The Committee believes that the IWC should continue to be represented by an observer at any future meetings. That's all on that item.

**Chairman**

Any comments to that? I take it that we can take note of the opinion expressed by the Chairman of the Scientific Committee. Can we then turn to Agenda Item 23.3.2 IUCN? Dr Gambell.

**Secretary**

Mr Chairman, as the annotation records, the Commission has been invited to nominate an observer to the IUCN General Assembly to be held in Perth, Australia, in November/December this year. If there is anyone going who would like to offer to be our observer, I would be pleased to know.

**Chairman**  
The Seychelles.

**Seychelles**

Thank you, Mr Chairman. I would just like to say that the Seychelles will be attending the IUCN General Assembly in Perth, Australia, later this year, and if it is acceptable we could ensure that an observer's report of that meeting be presented to the Commission's meeting in 1991. Thank you.

**Chairman**  
Thank you. Australia.

**Australia**

Thank you, Mr Chairman. I'm delighted to wholeheartedly support that splendid suggestion.

**Chairman**

Thank you. Any other further comments? I think we all can wholeheartedly support the offer of Seychelles. Thank you. Can we then turn our attention to the Agenda Item 23.3.3 CITES? Dr Gambell.

**Secretary**

Mr Chairman, this is where we agreed that the St Vincent and The Grenadines humpback matter would be dealt with one more time.

**Chairman**  
St Vincent.

**St Vincent & The Grenadines**

Thank you, Mr Chairman. Mr Chairman, this is a matter that is a subject of exchanges between my Government and the CITES organisation. My understanding is that all whaling has been referred to in CITES in exchanges with my Government, yet we understand that CITES deals with commercial matters. It therefore seemed to us that CITES was defining our whaling as commercial in their organisation. That is why the reservation was made to point out that our whaling has not been prohibited in my country. I don't know much about CITES procedures and definitions, Mr Chairman, as I don't attend those meetings and it's enough for me to keep up with our definitions here in the IWC. But I don't think they have a category of aboriginal subsistence whaling as we do. So if we remove our reservation we don't want anyone in CITES saying thank you, your Government has now brought whaling to an end in your country. That could then be communicated back to our people and create problems. So that is our sensitivity, Mr Chairman, on this point. So long as this is understood, I think the matter can be resolved in the exchanges that are now going on in CITES with my Government, but I repeat that this has nothing to do with our commitments to the IWC made on the basis of our procedures and our definitions here. Thank you, Sir.

**Chairman**  
Thank you. Australia.

**Australia**

Thank you, Mr Chairman. Australia notes that under paragraph 13(b)(iv) of the Schedule that meat and products of whales taken in order to satisfy aboriginal subsistence needs are to be used exclusively for local consumption in St Vincent and The Grenadines, and we further welcome comments that the distinguished Commissioner for St Vincent and The Grenadines has just made. The report that appears also attributable to the Commissioner for St Vincent and The Grenadines in the report of the Aboriginal Subsistence Committee that the reservation to CITES lodged by St Vincent and The Grenadines does not affect the commitment made to the IWC nor to the fishery operation in St Vincent and The Grenadines is

also welcomed by Australia. Thank you, Mr Chairman.

**Chairman**

Thank you, Australia. Japan.

**Japan**

Mr Chairman, I am not knowledgeable about the St Vincent whaling and the situations in which this whaling is now undertaken. However, I feel sad hearing about the possible disappearance of such whaling habits, but I am sure there will be a need of consumption locally and for the future it is important to leave an allowance to make the import from other countries possible. That would be the jurisdiction of the St Vincent Government to determine, but this is my view.

**Chairman**

Thank you, Japan. Any further comments? I take it that the Commission take note of all the information given under this Agenda Item. Thank you.

The next Agenda Item 23.3.4 UN General Assembly. I know that there are some discussions and negotiations going on regarding this Agenda Item, so I would like to take up this Agenda Item at a later stage tomorrow or on Friday.

Then we can turn our attention to the Agenda Item 23.3.5 CMS. Dr Gambell, will you speak to that?

**Secretary**

Mr Chairman, again I refer to the annotation where your Government has invited the IWC to nominate an observer to the meeting under the CMS Convention on Small Cetaceans in the North Sea and Adjacent Waters. It's a matter of do we have somebody who's going who can be the IWC observer?

**Chairman**

Thank you, Dr Gambell. Sweden.

**Sweden**

Thank you, Mr Chairman. For obvious reasons Sweden is prepared to report on the outcomings from that meeting unless there is some other country who will attend it. Thank you.

**Chairman**

Thank you. Japan.

**Japan**

Thank you, Mr Chairman. Japan is not a member nation of CMS. However, in order to avoid the unnecessary redundancy I would like to ask the Secretary to the Commission through you, Mr Chairman, to let us know how many international organisations are involved in small cetaceans.

**Chairman**

Dr Gambell, can you enlighten us on that? Can anyone else? Ireland.

**Ireland**

You are talking about the Bonn Convention, the memberships, no?

**Secretary**

Mr Chairman, as I understood the question, it is how many international organisations are involved with small cetaceans and I don't have any feeling for the number at all. A fairly moderate number I would say.

**Chairman**  
Japan.

**Japan**

I am not asking the numbers, Mr Chairman. I would like to know specifically what organisations, intergovernment organisations, are involved in the matters concerning the small cetaceans.

**Chairman**  
Dr Gambell says that he has no idea.

**Japan**

Say for instance here we read Marine Mammal Action Plan by UNEP, and that is one, I believe CMS is also another intergovernment organisation.

**Chairman**  
Any further comments? Can we then accept the Swedish offer to act as an observer at that meeting? Thank you.

Then we turn our attention to the Agenda Item 23.3.6 regarding FAO. There is a document distributed containing document IWC/42/23. Would you speak to that, Dr Gambell?

**Secretary**

Mr Chairman, you will recall that this was an item added to the Agenda at the beginning of our meeting. FAO has invited this Commission to be involved in a review of the activities following the World Conference on Fisheries Management and Development held in 1984 and they are asking for our cooperation and assistance in preparing a report which updates the activities since that time. The terms in which the request is couched are that our organisation is invited to contribute on the manner and extent to which we have found the principles and guidelines contained in that strategy to be useful in reviewing or revising policies, and programmes of assistance to the fisheries sector. Again this is a question where the IWC is being invited to cooperate with other comparable organisations and it is a question of seeking and obtaining the Commission's approval to act at an appropriate level and in an appropriate way. If the Secretariat can have the mandate to deal with this at a level which requires no expense, that perhaps would be sufficient.

**Chairman**  
Thank you, Dr Gambell. Any comments? Mexico.

**Mexico**

Thank you, Mr Chairman. The delegation thinks that this request from the FAO is very important, specially from one of the working groups that have to meet next year. So we will ask the Secretary that when he has the summary to be sent to FAO to be circulated among Commissioners, specifically on the way our organisation over the last decade has to assist countries to respond to the opportunities and challenge arising from the new legal regime of the oceans. I think that will be very beneficial for the working group that was suggested by the Soviet Union. Thank you.

**Chairman**

Thank you, Mexico. Any further comments? That seems not to be the case. Can we then ask the Secretariat to contribute in the way the FAO wishes, given our financial constraints and taking into account what Mexico just has said? Thank you. Chile.

**Chile**

Mr Chairman, I am not aware whether I am out of order. When I raised this matter concerning the document 42/17 I think in relation to the marine mammals which I understand includes small cetaceans, there is a Planning and Coordinating Committee in the Marine Mammal Action Plan of UNEP, as I understand. And it says here in the document that UNEP and another organisation have agreed to convene a meeting between the key organisations and legal experts to discuss whether or not new legislation to protect marine mammals should be developed and, if so, the nature of the legislation. And at the end it says the IWC is invited to express its view on supporting this activity and to offer any comments on the matter. I think this point is closely related with the Resolution we approved in the Technical Committee yesterday concerning the small cetaceans. It is more of a query whether it is precisely on this matter or not.

**Chairman**

Thank you, Chile. You were talking about the document IWC/42/17?

**Chile**

Yes. They are going to consider about the relative merits of using existing international instruments, drafting new international instruments, or depending increasingly on existing or new national laws. I think this is very connected with what we are discussing yesterday, and they ask what the views of the IWC and any comment that we may have.

**Chairman**

Dr Gambell, will you comment on that?

**Secretary**

Yes, Mr Chairman. My notes on what transpired a few minutes ago on this is that we would cooperate to the fullest extent possible and that, in my language, means that we would send the kinds of information to which you are now referring and the latest decisions and previous position documents of the Commission. I am sorry if it was not clear, but this is the way in which we would cooperate at a Secretariat level, by offering appropriate documentation and explanation which might be of assistance or relevant to whichever meeting is concerned. That is precisely what we would do, but thank you very much for pointing out that this is a new item, a new piece of paper, that we can send.

**Chairman**

Thank you, Dr Gambell. I think we have another organisation to discuss here. I think the Chairman of the Scientific Committee will make a remark on CCAMLR.

**Chairman of Scientific Committee**

Yes, thank you Mr Chairman. This is CCAMLR, which is found on page 3 of the Scientific Committee report. In the discussions in the Scientific Committee in the Sub-committee for Southern Hemisphere Minke Whales, the Committee had noted that in developing an ecosystem approach to the management of whales, it could be important to take into account the abundance and distribution of other krill predators and the quality of the data available on these, recognising the need for more information on these predators and the fact that the evaluation of such information should properly involve the Scientific Committees of both IWC and CCAMLR. The Committee recommends that the terms of reference and participants for the Joint Workshop on the Feeding Ecology of Southern Baleen Whales should be expanded to cover studies of other major predators of krill, especially those pertinent to estimates of abundance and trends in abundance. The Committee agreed that planning for this meeting should continue in cooperation with CCAMLR with the aim of holding such a meeting in 1992. That's all, Mr Chairman.



**Chairman**

Thank you. Any comments? Japan.

**Japan**

Mr Chairman, Japan is a member of CCAMLR and IWC, both organisations. Through CCAMLR Japan has contributed a great deal by offering the krill research and IWC through IDCR programme contribution, and furthermore through the national research programme in Southern Hemisphere minke whales we expect to be able to contribute a great deal to the working group's tasks.

**Chairman**

Thank you, Japan, for that offer. Any further comments? That seems not to be the case. Can we then agree to encourage the Scientific Committee to work in the way the Chairman has just presented to us? Thank you. I think that disposes of Agenda Item 23. Thank you. USA.

**USA**

Excuse me, Mr Chairman. With the exception of 23.3.4.

**Chairman**

That's right.

**USA**

Thank you, Mr Chairman.

**Chairman**

We will come back to that later on. Can we now turn our attention to Agenda Item 24 the 41st Annual Report. This document is contained in IWC/42/11. Will you comment on that, Dr Gambell?

24

**Secretary**

Yes, Mr Chairman. The Annual Report which is published in the Commission's printed volume each year is offered in draft at the Annual Meeting. This was circulated 60 days before the meeting and so it does require revision, particularly we will make the proper notice which our Commissioner from Chile has already pointed out, that the contribution is now in order, and we will also check that all the catch figures and so on are as up-to-date and reliable as possible. So we offer you this draft subject to amendment and if there are significant changes, please do let the Secretariat know so that we can get everything right before it is printed. Thank you, Mr Chairman.

**Chairman**

Thank you, Dr Gambell. Any comments? India.

**India**

Do you have any time frame, Mr Chairman, to receive these amendments? I mean, by what date should you receive them?

**Chairman**

Dr Gambell.

**Secretary**

September, Mr Chairman.

**Chairman**

Thank you. Can I take it that we approve this draft on the 41st Annual Report? USSR.

**USSR**

Thank you, Mr Chairman. Mr Chairman, referring to Table 2 of the draft report on page 4, I would like just like that to be reflected that the actual figure of the whales taken in total by the USSR is 178 instead of 179, and then the phrase about the total take by the USSR and the USA will not be needed. Thank you, Mr Chairman.

**Chairman**

Thank you, USSR. Your comments will be recorded. Any further comments? That seems not to be the case. I take it that we have approved this document. Thank you.

I propose now to adjourn the Plenary, but before doing so may I ask Dr Gambell if you have any information regarding the distribution of the report of the Technical Committee?

**Secretary**

Mr Chairman, the report of the Technical Committee is all written and, as far as I know, it's being copied and should be in the pigeonholes very soon. If you give me one moment I can check exactly when.

**Chairman**

My reasons for asking, Dr Gambell, is that I intend to start tomorrow at 9.30 by going through the Technical Committee report. Dr Gambell? We have copied 150 copies and they will be distributed very soon and the rest will be distributed within half an hour. So my intention is to start tomorrow in Plenary at 9.30 by dealing with that report. But before adjourning the Plenary, China has asked for the floor. China.

**People's Republic of China**

Mr Chairman, the documents of the International Register of Whaling Vessels, IWC/42/12, I can't agree with the name of Taiwan printing in the documents. The official name of Taiwan should be Taiwan, Republic of China and this should be pooled under the People's Republic of China. Please make a correction to it. Thank you.

**Chairman**

Thank you. Your comments will be recorded and acted on. Thank you. I adjourn the Plenary until 9.30 tomorrow.

**END OF SECOND PLENARY SESSION**

**THIRD PLENARY SESSION**  
**Thursday 5 July 1990 : 11.45am**

**Chairman**

The Plenary is resumed. I would like to extend my thanks to the Technical Committee and its Chairman. We have a heavy workload before us. I think Commissioners and delegates might plan to possibly have a night session tonight. It depends on how the work passes on after lunch. I propose that we start with Agenda Item 8 Infractions 1989 Season. May I ask the Chairman of the Technical Committee to present the Technical Committee report on that Agenda Item. Mr Fleischer.

8

**Chairman of Technical Committee**

Thank you, Mr Chairman. We reviewed the report of the Technical Committee on Infractions that was chaired by Norway and the important points are presented on page 1 of our report and as you can see over the page the Technical Committee took note of the report and endorsed the recommendations it contains. I should point out, Mr Chairman, there is a recommendation from previous years which was carried on by this Technical Committee.

8.1

**Chairman**

Thank you, Chairman of the Technical Committee. Are there any comments? Denmark. Denmark you have the floor.

**Denmark**

Thank you, Mr Chairman. I refer to the discussions earlier today in the Technical Committee concerning the bottlenosed whales in the Faroe Islands. We asked for guidance whether this should be transferred to this item on the Agenda or how to deal with it. I don't know if it's the proper time to discuss it now. Thank you.

8.2

**Chairman**

Please, Denmark, will you repeat your question.

**Denmark**

Thank you, Mr Chairman. I refer to the report from the Technical Committee on page 32 under Plenary Item 14 Small Cetaceans. There was two and a half lines describing a bottlenose situation in the Faroe Islands. As we mentioned, we feel that this is some kind of a misunderstanding for two reasons. First of all because it's not a small cetacean, second because it's not a take in a drive fishery but it was two stranded whales. So therefore I ask for guidance of what point to refer this, if it should be taken up here in point number 8 because it was mentioned in the Infractions Committee and the Chairman of the Technical Committee advised us to defer this question to the Plenary. Thank you, Mr Chairman.

**Chairman**

Thank you, Denmark. I think it's the proper way to discuss this Agenda Item just now. You have the floor.

**Denmark**

Thank you, Mr Chairman. As I said, we have in the Infractions group already described this situation - that it was a stranding - and it has nothing to do with drive fisheries, and we propose that this two and a half lines should be deleted. Thank you.

**Chairman**

Thank you, Denmark. As far as I understand we can't delete something that is adopted in the Technical Committee report but we can note your comments here in the Plenary. Thank you. Are there any other comments? That seems not to be the case. Can I take it that the Plenary endorses the report of the

Technical Committee and adopt the recommendations contained therein? Chile.

**Chile**

With reference to the recommendation, are you referring to the recommendations or to the resolutions which have been proposed by and adopted by the Technical Committee? Or you will devote the special item to the resolution?

**Chairman**

There is no resolution on this Agenda Item.

**Chile**

New Zealand and the co-sponsors - you are going to deal with it after?

**Chairman**

The New Zealand resolution will appear under another Agenda Item.

**Chile**

OK.

**Chairman**

Under Agenda Item 14.

**Chile**

Very good.

**Chairman**

Can I then take it that the Plenary endorses the report of the Technical Committee and adopt the recommendations therein? Thank you. That disposes of Agenda Item 8.

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We then turn our attention to Agenda Item 9 Commission's Competence to Set Catch Limits for Baird's Beaked Whales in the North Pacific. Chairman of the Technical Committee. Just a moment, New Zealand asked for the floor.

**Chairman of Technical Committee**

Thank you, Mr Chairman. On page 2 of our report you can find the discussions related to this Agenda Item. As you can see there was a suggestion to broaden the spectrum of these discussions and to include all cetaceans which were not listed in Table 3 of the Schedule. This was proposed by the US delegation explaining that there was the objective, and as you may note also, Mr Chairman, there were some reservations during the discussions and it was agreed to pass this matter to the Plenary meeting and the reservations for further discussions. Thank you.

**Chairman**

Thank you, Chairman of the Technical Committee. Are there any comments? New Zealand has asked for the floor.

**New Zealand**

Thank you, Mr Chairman. It's in reference to the statement which New Zealand gave in which we quote an extract from the Report of the 12th (1960) Annual Meeting of the Commission. It occurs to us that since not all delegations carry around records of meetings for the last thirty years, we wondered if we could ask the Secretary to run off copies of the extract concerned and put it in the pigeonholes at this meeting so that all delegations should be aware of what's contained. Thank you.

**Chairman**

Thank you, New Zealand. The Secretary has taken note of that wish. Are there any further comments? The US.

**USA**

Thank you, Mr Chairman. I would still again like to expand on our intervention on this issue. I'm not asking for, questioning or saying any statement about the competence of the IWC. All we would like to do is to broaden the debate covering those species which from time to time come under commercial exploitation and in order to be able to discuss that in the debate we just want to change the wording to 'Cetaceans not listed in Table 3 of the Schedule'. It's a relatively simple change in the name of an Agenda Item. Thank you, Mr Chairman.

**Chairman**

Thank you, US. Are there any further comments? Japan.

**Japan**

Mr Chairman, I would like to reiterate our basic position here and would like to have our position reserved. This Convention was established with three objectives: first, the conservation of whale stocks; second, the rational utilisation of the whale stocks; and third, orderly development of the whaling industry. In the very initial period of time of its convention the member countries were those engaged in whaling of the large whale species. Japan maintains the position that the Convention only extends to those species listed in Nomenclature presented at the first meeting of the IWC. We have a very basic question in consideration of 139 nations of the world which are the coastal states. We only have the membership of 36 countries within which, except for Switzerland, 35 are the coastal states, and I have a serious doubt whether or not this organisation is an appropriate organ to deal with those many other species not listed in Nomenclature. With regard to the matters of the competence of the catch limits of Baird's beaked whales, this has a history in our meetings when many years ago the Netherlands proposed to include this in our Agenda, and we have been discussing this as if we have been discussing the ideological beliefs for many years. I think this kind of matter should be deferred to be discussed at the Amendment of Convention Working Group which the USSR is suggesting.

**Chairman**

Thank you, Japan. Denmark has asked for the floor.

**Denmark**

Thank you, Mr Chairman. In our opinion we are now talking about proposals aiming at changing the Commission's competence. We feel that those kinds of questions are related to a possible maybe change of the Convention as such at this Working Group and that decisions on that kind of matters should take place in a diplomatic conference. Thank you.

**Chairman**

Thank you, Denmark. United Kingdom.

**United Kingdom**

Thank you, Mr Chairman. I would like to support the recommendation, suggestion made by the United States. As the Commission for Japan has said, we are concerned with the orderly development of the whaling industry. We have also heard during the course of this conference that at times when either minke whales are in short supply or there is a ban on their taking, whalers in order to earn their living turn to pilot whales and Baird's beaked whales as examples. It seems that if we are as a body to be concerned with orderly development of whaling we need to consider our competence in relation to species which the whalers catch. I note that the Commissioner for Denmark stated that the extent of the competence of a body should be discussed in a diplomatic centre. I would suggest, however, that we as a

body ourselves, need to have this discussion, and as the Commissioner for the USA has said, to discuss what is the best way forward to deal with the competence on these additional cetaceans. Thank you.

**Chairman**

Thank you, UK. Sweden.

**Sweden**

Thank you, Mr Chairman. We would also like to associate ourselves with the suggestion made by the US Commissioner. Without entering into discussion on the competence of the Commission, we think it would be useful to have a broader discussion under this Agenda Item. Thank you.

**Chairman**

Thank you, Sweden. Switzerland.

**Switzerland**

Thank you, Mr Chairman. Switzerland also shares the views expressed by the USA and by the United Kingdom. The history of whaling has always shown that first the big species have been taken and then in the long run, when the bigger ones have become scarce, there have been taken smaller and smaller ones, and I think it would be good to look at small ones before it is too late to prevent damage.

**Chairman**

Thank you, Switzerland. Iceland.

**Iceland**

Mr Chairman, it will be recalled that in the Technical Committee Iceland expressed its reservations on this question. Thank you, Chairman.

**Chairman**

Thank you, Iceland. New Zealand.

**New Zealand**

Thank you, Mr Chairman. New Zealand associates itself with the United States in this matter, and it does suggest that since, as New Zealand pointed out in the earlier discussion, the Commission has already arrived at a conclusion as to whether or not all whales are covered by the wording of the Convention and has said that they are covered, and that decision has not been repealed and has not lapsed and is still in force today. I'm assuming that the delegations who take a different view are in effect proposing that the Commission should restrict the competence in some way because I think the competence exists now, and what they are suggesting is tantamount to a proposal that the Commission should restrict that competence. Thank you, Sir.

**Chairman**

Thank you, New Zealand. Mexico.

**Mexico**

Thank you, Mr Chairman. My delegation wishes to support the views expressed by the distinguished delegate from Denmark. We consider that this is a question of principle, and if we are to deal with cetaceans in general we must first amend our Convention. Thank you.

**Chairman**

Thank you, Mexico. Netherlands.

**Netherlands**

Thank you, Mr Chairman. I do not wish to repeat the discussion we have had in the Technical Committee but only I want to support the US proposal and leave it at that. Thank you.

**Chairman**

Thank you. Japan, have you asked for the floor? No? Sorry. Australia.

**Australia**

Thank you, Mr Chairman. We wish to strongly associate ourselves with the comments just recently made by the Commissioner for New Zealand. Australia has long emphasised the view that the Commission's charter is for all cetacea. Thank you, Mr Chairman.

**Chairman**

Thank you. Federal Republic.

**Federal Republic of Germany**

Thank you, Mr Chairman. I want to support the US proposal.

**Chairman**

Thank you. Spain.

**Spain**

Thank you, Mr Chairman. My delegation wants to express its reservation about competence of this Commission to deal with these species. Thank you.

**Chairman**

People's Republic of China.

**People's Republic of China**

Mr Chairman, China's Government is very concerned the over-exploitation and the serious depletion of the cetacean resources. In view of the fact that the smaller cetaceans are distributed, are in the waters, especially within the 200 miles, you are ????? to know that the sea and the recreations of the international conventions. So the Chinese Government already issued a law of the wild animal protection, all the rare and the endangered species are under this protection policy. Any commercial hunting of these species shall be assisted penalties under the law. In view of the above, the Chinese delegation have the opinions that the IWC might make a recommendation to the coastal countries to carry out the policy to increase the measure to protection of its own to increase the conservation of the resources and their rational utilisation. Now our policy is to issue the law of the animal protection law is according to our own conditions and the natural resources, so I think the other countries, the conditions are quite different, so we suggest the IWC make a recommendation to the states concerned to issue their own laws to control their own natural resources. Thank you.

**Chairman**

Thank you, China. France.

**France**

Thank you, Mr Chairman. We do think that this is exactly the kind of debate we should avoid. Each year, forty-five years after the implementation of the Convention, we are still debating on the field of competence of that Convention. Each time we stick on principle we will have exactly the same result hours or let's say minutes (to be kind) of discussion on that matter with no progress from one year to the other one. As long as one member of the Commission does not agree with the field of competence we can't do anything. It seems that as soon as I speak there is strong support again.

[sound of heavy rain]

[laughter]

**Chairman**

Please go on.

**France**

If Jupiter allows me to go on ... Well, I'm quite lost now, Mr Chairman. Well, coming back on principle and practice - our delegation will really insist in the fact that we must find a practical way to tackle that matter and no longer speak on principle. As I said, as long as one member does not agree on the field of competence of that particular point we can't do something accurate, something efficient, and what we need here is efficiency and not principles. So we are really the fact that some countries are in favour and some countries are not in favour is probably, while quite interesting to know, but has nothing to do with the action we need, and the action we need is to consider if there are some species in danger or not, and to save them if they need and to deal with them normally if they don't need to be saved, if they are not in danger I mean. So once again our delegation recommends that the Commission deal with that on a practical basis to avoid the principle debate which has no end. Thank you.

**Chairman**

Thank you, France. Chile.

**Chile**

Thank you, Mr Chairman. I agree what has been stated by the previous speaker and reluctantly I must make a reservation on this issue according to what in this resolution of seven countries we are deciding that there exist differences in views between members on the regulatory competence of the International Whaling Commission. So, although we support this Resolution, we have to make a reservation concerning the issue in principle. Thank you very much.

**Chairman**

Thank you, Chile. Just for information, we are not dealing with that Resolution for the time being. Thank you. Brazil has asked for the floor.

**Brazil**

Thank you, Mr Chairman. Brazil can support the proposal by the US as to those species which are not listed in Table 3 but which still are listed in the Schedule in other parts of it. We would agree with France that it is maybe a pity that we have always to discuss this question in a legal framework because that does not enable us to fully endorse the proposal. Thank you.

**Chairman**

Thank you, Brazil. St Lucia.

**St Lucia**

Thank you, Mr Chairman. Purely to express that St Lucia is in no position to make any decision on this at the moment. As I have explained before, our fisheries are controlled by the Organisation of Eastern Caribbean States with the Fisheries Desk. I would like to consult with them and in fact I will give the Secretariat the relevant information on that Fisheries Desk so that if they feel it desirable they will be able to have an input. But since we operate as part of a regional organisation I think in all fairness we ought to consult with that organisation. Thank you very much.

**Chairman**



Thank you, St Lucia. Are there any further comments? US.

**USA**

Thank you, Mr Chairman. US just would like to note that it's been very interesting based on our proposal, we are and have been debating the competence of the IWC to manage species involved in commercial whaling that are not listed in Table 3 of the Schedule under this Agenda Item. Thank you, Mr Chairman.

**Chairman**

Thank you. St Vincent and The Grenadines.

**St Vincent & The Grenadines**

I don't recall asking for the floor, Mr Chairman.

**Chairman**

You have the floor.

**Seychelles**

Thank you, Mr Chairman. Whilst taking into account what the distinguished Commissioner for France has just said and recognising the legal differences, my delegation wishes to associate itself with the US proposal. We have always believed that it is within the IWC competence to regulate directed takes of marine cetaceans of all species, whether large or small. Thank you, Mr Chairman.

**Chairman**

Thank you, Seychelles. Are there any further comments? That seems not to be the case. We have a formal proposal in front of us, US proposal to retain this on the Agenda but the text should be changed to "Commission's competence for cetaceans not listed in Table 3 of the Schedule". This proposal has been seconded, a series of various views have been expressed. Can I take it that we accept the US proposal? Denmark.

**Denmark**

Thank you, Mr Chairman. I can be very brief. My Government will not accept such a proposal. Thank you.

**Chairman**

Thank you, Denmark. Japan.

**Japan**

Mr Chairman, the Japanese delegation associates itself with Denmark.

**Chairman**

Thank you, Japan. This being the case I think we have to proceed to a vote. Secretary, will you conduct the vote. Dr Gambell. Before proceeding to vote, New Zealand has asked for the floor. New Zealand.

**New Zealand**

Thank you, Sir. I don't know if it can be helpful at all, but we and others would have preferred to have avoided a vote if possible and it occurs to us that we have yet to decide what to do with the Resolution sponsored by New Zealand and a number of others on small cetaceans, and could I suggest - it may be impractical - but maybe you could consider it if that Resolution had any prospect of being adopted by consensus then maybe that would point out that the Commission is seeking to develop a practical approach rather than a legal approach, and it might then be possible to hold this item over until next year when perhaps it may not be necessary. Thank you.

**Chairman**  
USA.

**USA**

Thank you, Mr Chairman. The US delegation could agree with that intervention by New Zealand. Thank you, Mr Chairman.

**Chairman**

Thank you. Any further comments? Can we then defer any decision on this very sub-item until later on? Denmark.

**Denmark**

Just a question of clarification. Does this mean that the proposal we have been discussing is now withdrawn? Thank you.

**Chairman**

New Zealand.

**New Zealand**

No, Mr Chairman. If I may explain what I had in mind, I suggested in the interests of trying to find ways of avoiding a vote on this we could perhaps defer the vote until after we have dealt with the Resolution sponsored by New Zealand and a number of other countries on small cetaceans, and if we could reach a consensus there and agree to it by consensus, then my delegation would not see the need to proceed with this particular proposal and I think the United States, sponsor of the Resolution, agreed with that, so I suggest we just put it a bit further back in our agenda.

**Chairman**

Thank you. New Zealand has proposed, seconded by the US, that we defer this to later on in the Agenda. I take it that we could otherwise adopt the Report of the Technical Committee except for this very item. No comments on that? I take it that the Technical Committee Report is adopted, and we defer this very sub-item to later on in the Agenda. Thank you. We will now start on Agenda Item 10 Comprehensive Assessment of Whale Stocks. May I ask the Chairman of the Technical Committee to present the Report of the Technical Committee. Dr Fleischer.

10

**Chairman of Technical Committee**

10.1 Thank you, Mr Chairman. The topics dealt with in the Technical Committee under this Agenda Item starts on Page 2. We listened to the Report of the Scientific Committee on Management Procedures. This is presented on Page 2, Page 3 and over the page on Page 4. During the discussion of this in the Technical Committee there was expressed appreciation of the work by the Scientific Committee and support for the plans of the intersessional meeting which has great importance for the 1991 target date. Then we discussed priority stocks which is on Page 5 of the ...

**Chairman**

Sorry, Chairman, I think we could deal just with sub-item by sub-item. Are there any comments on this first sub-item? That seems not to be the case. Please proceed.

**Chairman of Technical Committee**

Thank you. We looked at the priority stocks and start with the Southern Hemisphere minke whales. We received the report from the Scientific Committee which is on Pages 5, 6, 7 and 8 of our report and then we concentrated our discussions on these stocks. There was a proposal by one of the delegations to have a classification of the stock given the Scientific Committee report, then there were some discussions on

when to take this decision, the action arising for these stocks, and it was considered by the Technical Committee there was to be taken after we received the full report of the Scientific Committee as a whole. Therefore, Mr Chairman, we moved to North Atlantic minke whales. Do you want me to stop now or should I continue?

**Chairman**

I want you to stop here. Are there any comments? That seems not to be the case. Please proceed.

**Chairman of Technical Committee**

Following the procedure which was approved by the Technical Committee we listened to the full report of the Scientific Committee and we reviewed the North Atlantic minke whale stocks thus presented on Pages 9, 10 and 11 of our report, and some bits over the Page 12. Then we centred our discussions and again there were some congratulations to the Scientific Committee for the completion of a major task and there were some delegations speaking in favour of reclassification of the Northeastern and Central stocks. Given the information given by the Scientific Committee and given that it was close to consensus. This also, Mr Chairman, due to the general question of what the Commission will do when the Comprehensive Assessment is complete. I shall raise this question to you.

**Chairman**

Thank you. Are there any comments?

**Chairman of Technical Committee**

May I proceed?

**Chairman**

We will take up these issues under Action Arising, so please proceed.

**Chairman of Technical Committee**

Thank you. Briefly we review other stocks and most of the discussions in the Technical Committee dealt with the future work plans. The Scientific Committee, as you are aware, Mr Chairman, agreed to have three specific items for the next Annual Meeting which are management procedures, bowhead whales and North Pacific minke whales and it was a discussion including new topics to this in the Technical Committee. One of those was to complete the North Atlantic minke whales assessment and also another general question was raised by the New Zealand delegation expressing concern that the Special Meetings of the Scientific Committee which have restricted attendance by its nature might be designated as a full meeting and this was supported also by the Australian delegation. Do you want me to stop here or should I ...

**Chairman**

Any comments so far? Please proceed.

**Chairman of Technical Committee**

Then we reviewed the Report of the Joint Working Group which is Agenda Item 10.2. There was supervision by Mr Piney from France, Vice Chairman of the Technical Committee, and we inform on the intersessional meetings, the Genetics Analysis of Cetacean Populations meeting which was held in California, some issues in management procedures, and the Working Group specifically endorsed the recommendation that Dr Kirkwood should continue to chair the future Comprehensive Assessment management meetings and that he should be present at the 1991 Annual Meeting. Then, Mr Chairman, we turned our attention to the Gray Whales Special Meeting which was held in Seattle. The Joint Working Group noted the recommendations of this Special Meeting for future research with this stock. The Report of the Joint Working Group also reviewed the Southern Hemisphere minke whales and North Atlantic minke whales and after some discussion the Joint Working Group endorsed the 1990/91

10.2

Work Plan including the proposed intersessional meetings.

In general, Mr Chairman, the Joint Working Group agreed that as a group it has served its functions and recommends to the Technical Committee that this group should be disbanded. When we discussed the action arising there was a proposal ...

**Chairman**

Sorry, may I ask if there are any comments?

**Chairman of Technical Committee**

There was a proposal for the Central stock of minke whales to be classified as IMS. There was some discussion if we should proceed as a Technical Committee with that, or some delegations felt that instead of classification at this time we should wait for the new management procedures to be developed. This was discussed later and after the discussion we then came to an agreement we have to vote on this proposal which was made by Iceland to classify the stock as IMS and, Mr Chairman, the results of the vote were 6 votes in favour, 20 against and 3 abstentions, therefore the proposal was defeated. Before closing this matter Iceland indicated it would propose a specific catch at the Plenary.

**Chairman**

Are there any comments? Iceland.

**Iceland**

10.3 Yes, thank you, Mr Chairman. Well, as we all know, Mr Chairman, the membership in the Technical Committee is the same as the membership in the Plenary body. I have seen one of the merits of the Technical Committee to have a free discussion with an emphasis on technical and scientific matters which need not then be reproduced in the Plenary. Therefore at this stage I would note that there is a reflection of that debate in the Report of the Technical Committee. I must say, even though the Report itself is on pink paper, the debate is not as colourful when it is written down in this form as it was when it took place. But having said that, Mr Chairman, I nonetheless concluded that even though the proposal was not recommended to the Commission by the Technical Committee, I think it merits consideration in the Plenary and I would therefore propose that the Central stock of North Atlantic minke be classified as an IMS. Thank you, Chairman.

**Chairman**

Thank you, Iceland. Norway.

**Norway**

Mr Chairman, Norway would like to second that proposal. Thank you.

**Chairman**

Thank you, Norway. Japan.

**Japan**

Mr Chairman, Japan supports the proposal by Iceland.

**Chairman**

Thank you, Japan. St Vincent.

**St Vincent & The Grenadines**

St Vincent and The Grenadines also supports the proposal, Mr Chairman.

**Chairman**

Thank you. Are there any further comments? Australia.

**Australia**

Thank you, Mr Chairman. Much of this has already been said before but I take it we really now need to say it again. Australia noted yesterday in the Technical Committee that customary practice in this Commission has led to the abandoning of mandatory application of paragraphs 10(a) to 10(c) of the Schedule with respect to stock classification. Many stocks in the tables of the Schedule are unclassified, many of those classifications have been adopted by consensus, therefore Australia does not see that the Commission is any longer obliged to set one of the three classifications, particularly in light of the recent reports from the Scientific Committee that the old management procedure is inadequate. As we stated yesterday, we think that we should no longer attempt to apply paragraphs 10(a) to 10(c) to set catch limits. We consider that paragraph 10(e) overrides the procedure for setting catch limits and we see that classification was intended to be an integral part of setting catch limits. Therefore on this ground we see no reason or necessity to alter classifications within the exploitable categories which includes the unclassified category. We do not have the same reservations about the application of the Protected Stock category because recent Resolutions on Special Permits have recommended that Contracting Governments take special care when contemplating the issuance of permits for taking whales from Protected Stocks. Thus that category still serves some purpose. On the question of applying the old management procedures 10(a) to 10(c) in any particular case, we note that in the Report of the Scientific Committee there actually remain fundamental problems of stock identity such as the example that we are currently discussing. This is the issue on which revised management procedures will stand or fall. We see that all these discussions contribute to the essence of the Commission's reconsideration of paragraph 10(e) as envisaged in that provision. In this context we basically reiterate our view that the Report of the Scientific Committee regarding problems with the existing management procedure, developments of revised management procedures, and general continuation of problems of stock identity, we regard paragraphs 10(a) to 10(c) in abeyance except for the continuation of the Protected Stocks category in light of the recent Special Permit Resolutions. Consequently, we do not see that replacement of 10(e) is possible until the Commission has been able to contemplate replacements for paragraphs 10(a) to 10(c). Accordingly, we think it would be impossible to reclassify the stock that we are currently discussing. Thank you, Mr Chairman.

**Chairman**

Thank you, Australia. Are there any further comments? Switzerland.

**Switzerland**

Thank you, Mr Chairman. We also think that paragraph 10(e) is very clear and we strongly support the opinion expressed by Australia right now.

**Chairman**

United Kingdom.

**United Kingdom**

Thank you, Mr Chairman. I would agree that I think we need to leave the stock unclassified at present. We know that if we used ... I explained this two days ago and I was trying to be shorter than I was then ... but to use the New Management Procedure to arrive at a stock classification, there are two conditions relating to the use of the HITTER model and to the stock identity, and also we are using a tool which very thorough work on exploring the revised management procedures has shown does have some problems. And I think that we would be wise to wait and see a better management procedure and then classify stocks if that is what the revised management procedure calls for in the light of the management procedure that we as a Commission feels provides, meets our objectives of stable catches and protecting stocks. Thank you.

**Chairman**

Thank you, UK. Sweden.

**Sweden**

Thank you, Mr Chairman. I would like to support the views by New Zealand, Switzerland and the United Kingdom. We would also like to refer to the Scientific Committee report, more specifically the part dealing with the management procedures. There says that the Scientific Committee found that the NMP-based procedure was not robust, and in some cases even caused a simulated stock to be extinguished. The Scientific Committee therefore agreed that the testing of an NMP-based procedure should be abandoned. This to our opinion clearly indicates that there is an agreement in the Scientific Committee that a revised management procedure must be developed, and we therefore fail to see how the classification of stocks or setting of catch limits can be done, undertaken without a revised management procedure in place. Thank you.

**Chairman**

Thank you. Norway.

**Norway**

Mr Chairman, the logic being argued here with an asserted authority as if consensus views are being given on the interpretation of the Schedule, I must say that I am somewhat surprised to which length an attempt is here being made to muster arguments which suspiciously remind me of procrastination. When it comes to this Commission making decisions which it is required to make if we are going to read seriously and take seriously Schedules adopted by this Commission. We would remind you - we are certainly reminding ourselves - and I think we should remind each other, that the language is set out in rather clear terms, and there is one overruling sentence in point 10 under classification of stocks. It says all stocks of whales shall be classified in one of three categories according to the advice of the Scientific Committee as follows. Then follows the classifications. We do have until we amend the Schedule and until a new Schedule is adopted, this is the constitution on which we shall have to act. The only valid basis. Mr Chairman, again we have seen advanced the argument that the New Management Procedure from 1974 is useless, it is not reliable, in brief it is not going to serve as a basis for management decisions. Mr Chairman, this is not a consensus view. In this Commission there have been expressed views that there are deficiencies attached to the New Management Procedure which has led this Commission to set as a priority task the development of revised management procedures. But there has been no substantiated, as far as my delegation knows, no substantiated evidence that the New Management Procedure used within time periods that we are speaking of here is not a basis that we could make decisions on. And we have also taken uppermost to distribute to Commissioners a paper where we set out views on the reliability of New Management Procedures and we point to the refutation of the view that the New Management Procedure has led to over-exploitation of stocks in the period when we were setting catch limits. So, Mr Chairman, I wanted to make clear that the delegation of Norway holds that until revised management procedures are adopted the present ones, that is the New Management Procedure from 1974, is a valid one. We take the strongest reservations to views implying that the Schedule as formulated should be set aside. The Schedule demands that the Commission makes decisions on classification of stocks. Thank you, Mr Chairman.

**Chairman**

Thank you, Norway. I have six speakers on my list - Seychelles, Japan, USA, New Zealand, Netherlands and Federal Republic. At least the Chairman is quite hungry now so I suppose that we break for lunch and resume our deliberations at 2 o'clock. Iceland has asked for the floor.

**Iceland**

Mr Chairman, you say the Chairman is angry or hungry?

**Chairman**

I am hungry, but I can get angry. The Plenary is resumed at 2 o'clock.

[Lunch break]

**Chairman**

Commissioners, ladies and gentlemen, I hope we all have had a good lunch and nobody is angry. We have now covered Agenda Items 10.1, 10.2 and are on 10.3 with regard to the Agenda Items which appear in the Technical Committee Report. When we have covered all the issues that are in that report we will come back for a general discussion on all the agenda item covered in Agenda Item 10.

We were just discussing the Central Atlantic minke stock. I had six speakers on my list. I give the floor to Seychelles.

**Seychelles**

Thank you, Mr Chairman. Maybe because since it's raining perhaps the distinguished Commissioner from France should speak instead. I wish I could bring some sunshine from the Seychelles so that we could all enjoy it. As far as the matter in hand is concerned, in the Technical Committee we reiterated the technical reasons for which we oppose the classification proposal. These would apply if the Commission were to try to apply paragraph 10(b) of the Schedule. We will not reiterate them right now. However, we believe that the distinguished Australian Commissioner explained before we broke for lunch why we should not seek to apply paragraphs 10(a) and 10(b). In fact his statement was so crystalline in both style and substance that we have very little else to add except to associate ourselves with his views. Thank you.

**Chairman**

Thank you. Japan.

**Japan**

Thank you, Mr Chairman. The previous speakers mentioned about the validity of the present management procedure. However, if it is the case that the current management procedure is not so valid there is a risk that it will fall into a self inconsistency. Because it will mean that even the classification in the Schedule itself will be invalid. And it also seems that the speakers seem to have an over-anticipation that the revised New Management Procedure will be a very complete one. Presently some of the stocks that have not been classified are not only due to the decreased level uncertainty but increased level uncertainty such as in the case of the gray whales, and therefore in spite of those defects the New Management Procedures have been utilised to an extent that we can still rely on the assessment of those stocks that have enough information. We believe that our scientists have the commitment to complete the development of the revised management procedure by 1991 Annual Meeting. However, that is the scientists' commitment and we cannot really force them to present something imperfect at 1991. Therefore this is a promise that could be overturned. However, if that happened, what would be the alternative and we do not have the answers. Therefore in the interim the validity of New Management Procedure still remains. If we exercise caution in the application of the New Management Procedures we achieve the goals of conservation at the same time other requirements of the Convention. The confusion and mix-up of the classification under New Management Procedure, whether or not it is valid in the interim, combined with the expectation of the perfect revised management procedure to appear in front of us in the very near future would only leave us with a void period in the International Whaling Commission's tasks. Thank you, Mr Chairman.

**Chairman**

Thank you, Japan. United States.

**USA**

Thank you, Mr. Chairman. Some delegations have stated that there is no scientific basis for the decision taken in 1982 to implement paragraph 10(e). However, the US wishes to call your attention to the debate on the moratorium proposals undertaken by the Scientific Committee in 1980. At that time documentation was presented of the breadth and depth of uncertainties which existed in the stock assessments undertaken by the Committee. It was noted that not one whale stock assessment existed which was free from some of the uncertainties identified. It was further stated that the greatest failure of the New Management Procedure was that it did not take account of these uncertainties in some numerical practical manner. Consequently, as the Committee's report indicated, some members viewed this as untenable and suggested that it was reasonable to consider developing and adopting management regimes, including the cessation of whaling, if necessary which decreased the risk of whaling in the face of such uncertainties. My delegation recalls this bit of history from ten years ago because it believes that the scientific situation has not changed substantially since that time. We do note the great progress made in obtaining improved estimates of abundance, but nonetheless we observe that consensus on scientific issues was not achieved for any of the in-depth assessments undertaken this year by the Scientific Committee. For example, the issue of stock identity still causes considerable difficulties in providing scientific advice. The US therefore strongly believes that until such scientific uncertainties are resolved and adequate assessment of whale stocks are possible, and until management procedures are adopted which are sufficiently robust to handle any remaining uncertainties, the cessation of commercial whaling as defined in paragraph 10(e) should remain in force. Thank you, Mr Chairman.

**Chairman**

Thank you. I give the floor to New Zealand.

**New Zealand**

Thank you, Mr Chairman. My delegation would wish to associate itself with the views expressed by the delegation of Australia and it's clear to us that paragraph 10(e) has been superimposed over the top of the other provisions of Article 10 and will automatically remain in force until a decision is taken by this Commission to remove or replace it. But even if Article 10(e) were not there, Mr Chairman, we would still have some difficulty with the proposal to classify the stock. As we see it, at the beginning of Article 10 doesn't say all stocks of whales shall be classified in one of three categories. It says all stocks of whales shall be classified in one of three categories according to the advice of the Scientific Committee, and as we have pointed out there is no advice from the Scientific Committee, there is only a conditional statement from the Scientific Committee. Thank you, Sir.

**Chairman**

Thank you. Netherlands.

**Netherlands**

Thank you, Mr Chairman. I would at this point simply wish to refer to the general statement that I have made under this agenda item in the Technical Committee reflecting our view that the New Management Procedure is not a satisfactory basis for the management of whales, and we therefore believe that pending the development of a revised management procedure the classification of the Central stock of North Atlantic minke whales should remain unchanged, and indeed no changes should be made to the classification of any whale stocks as they currently appear in the Schedule. Thank you.

**Chairman**

Thank you. Federal Republic.



**Federal Republic of Germany**

Thank you, Mr Chairman. I want to associate myself with the views expressed by Australia and US. Thank you.

**Chairman**

Thank you. Brazil.

**Brazil**

Thank you, Mr Chairman. I would also to associate myself with the views expressed by Australia and say that we cannot consider favourably Iceland's proposal to reclassify the North Atlantic Central stock of minke whales. Thank you.

**Chairman**

Thank you. Switzerland.

**Switzerland**

Thank you, Mr Chairman. Mr Chairman, some may find it quite amusing that a land-locked country like Switzerland is a member of this Convention and, for that matter, a member of this Commission. Now Switzerland originally joined this Convention because it was felt that the fate of the whales did not leave us untouched, even us not untouched - it was also our concern. We realise that this Convention is not only a Convention for the conservation of whales, but also a Convention for, finally, rational utilisation of whale stocks. Therefore our mandate this year has been rather open. We were to listen to the scientists' evidence that has been brought up and base our decision upon that. From the scientific report at hand and from the following discussions we have learned that the slow growth rate of whale populations made it impossible to detect a substantial change in whale numbers, especially minke whale numbers, as a consequence of the zero catch limit. The stock of minke whales in the North Atlantic could be classified, as has been said, as an Initial Management Stock, but only if results of a special scientific model (the HITTER model) was used as a basis for assessment, and that there was disagreement in the Scientific Committee if in fact this model is appropriate for the purpose aimed at. Furthermore that there was severe doubt that the New Management Procedures would indeed allow a sustainable management of the whale stocks, and it would then lead much more to the decline. Furthermore that the development of revised management procedures is itself a goal of the Comprehensive Assessment and that the revised management procedures which should indeed allow an effective management of whale stocks, should be on the table at the earliest next year. Thus the Comprehensive Assessment of these stocks is to us at the moment not finished. We have also learned that there exist problems still with stock identity which should be solved and that stock identity is a condition *sine qua non* for the statistic evaluation of the research data. In view of all this there remains, among other things, definite doubt and the benefit of the doubt goes to the whale. We therefore think a reclassification or classification of whale stocks in this year premature, and would not want to take a hasty decision in such an important matter. I also wish to remind you that on the Appendices to CITES, of which Switzerland also is a member, the minke whale and other whales is listed in Appendix 1 which means by definition that it is a species considered endangered with extinction. As long as this is so and this matter remains unsolved, we would not see how commercial hunting could be allowed and how a moratorium could be lifted.

**Chairman**

Thank you, Switzerland. Chile.

**Chile**

Thank you, Mr Chairman. For the interpretation reasons which have been abundantly explained by previous delegations, and also because my delegation considered that the Scientific Committee has not arrived to a clear interpretation of which are the stock identities, my delegation will also have to vote against the proposal for classification. Thank you very much.

**Chairman**

Thank you. Any further comments? That seems not to be the case. Iceland.

**Iceland**

Thank you, Mr Chairman. I said earlier that I should not repeat the arguments that the delegation had made in the Technical Committee, nor shall I now deal directly with the comments made this morning and afternoon following the intervention of the Commissioner of Australia. Actually, at this stage I merely like to summarise the views of the Icelandic delegation in seven points. Mr Chairman, the situation is very clear to the delegation of Iceland. First of all there has been no amendment to the existing management procedures and there is no proposal before this meeting to amend those procedures. Secondly, the options discussed by Australia and New Zealand to pick and choose from amongst the provisions of the Convention or unilaterally to place clauses in abeyance is not open to this Commission, Mr Chairman. Thirdly, with respect to the statement that paragraph 10(e) overrides other provisions of the Convention, I should point out that that paragraph applies to the period until 1990 or on the other hand the period until a Comprehensive Assessment is completed. The proposal before us refers to a possible classification with application from 1990 and relates to a stock whose Comprehensive Assessment has been completed. I repeat that. The Comprehensive Assessment has been completed. Fourthly, Mr Chairman, and as a consequence of this, we must use existing procedures which are being used with respect to other stocks dealt with by this Commission. Fifthly, Mr Chairman, the Schedule obligates the Commission to classify stocks and, following on that, sixthly, the Scientific Committee has made clear its view that the stock should be classified as an Initial Management Stock. Seventhly, Mr Chairman, the question of classification is independent of the clauses on catch limits. Even for unclassified stocks there is a management obligation in the Commission. Finally, and as a general point, I can only say that any action taken by the Commission flying in the face of advice of the Scientific Committee has serious implications on the future of this organisation. Such action exposes a basic flaw in the working methods under the Convention. Mr Chairman, it seems to me that we have no alternative than to propose a vote on the proposal before us. Thank you, Chairman.

**Chairman**

Thank you, Iceland. Iceland has put forward a proposal to classify the Central Atlantic minke stock to IMS. It has been seconded, it has been opposed. I see no other choice than to proceed to a vote. May I ask the Secretary to conduct the vote. Dr Gambell.

**Secretary**

Mr Chairman, the proposal before this Plenary session of the Commission is for an amendment to the Schedule for the classification of the Central stock of minke whales in the North Atlantic. This proposal has been put forward by Iceland, seconded by Norway, and requires a three-quarters majority of those casting an affirmative or negative vote to amend the Schedule. I repeat, this is a proposal to classify as an Initial Management Stock the Central stock of minke whales in the North Atlantic. It requires a three-quarters majority of those voting yes or no to amend the Schedule.

Following yesterday's vote I will start the roll at Brazil - no; Chile - no; People's Republic of China - abstain; Denmark - no; Finland - no; France - no; Federal Republic of Germany - no; Iceland - yes; India - absent; Ireland - no; Japan - yes; Republic of Korea - abstain; Mexico - abstain; Monaco - no; Netherlands - no; New Zealand - no; Norway - yes; Oman - no; St Lucia - yes; St Vincent & The Grenadines - yes; Seychelles - no; South Africa - no; Spain - no; Sweden - no; Switzerland - no; USSR - yes; UK - no; USA - no; Australia - no.

Mr Chairman, there were 6 votes in favour, 19 votes against, with 3 abstentions, so that proposal is defeated.

**Chairman**

Thank you, Secretary. The Icelandic proposal is defeated. Are there any further comments on this agenda item? Iceland.

**Iceland**

Thank you, Mr Chairman. You will recall that in my previous statement I noted that a classification of the Central North Atlantic of minke whales as Initial Management Stock rather than an unclassified stock does not deal with the question of catch limits. I would draw the attention of the Commission to the evaluation of the Scientific Committee of an annual take of 200, 300 and 400 minke whales in the coming five seasons. It is evident to the Icelandic delegation that despite an extreme cautious approach where one, for example, would conservatively assume an MSYR of 2% and taking the lower confidence interval of the abundance estimate, that under a catch regime of 200 whales annually over a period of five years the stock would remain virtually unchanged at 78-79% of its initial or pre-exploitation level. As a result of this assessment, Mr Chairman, we therefore propose a catch limit be set for this stock for the 1991 season at 200 whales. If a revised management procedure is available at our next meeting the catch limit for the 1992 and later seasons will need to be reconsidered. Thank you, Chairman.

**Chairman**

Thank you, Iceland. Are there any comments to this proposal? Norway.

**Norway**

Mr Chairman, I think the delegation of Iceland has argued convincingly for the proposal and we would like for Norway to second the proposal.

**Chairman**

Thank you, Norway. Japan.

**Japan**

Mr Chairman, Japan supports the Icelandic proposal.

**Chairman**

Thank you. Are there any further comments? St Vincent.

**St Vincent & The Grenadines**

St Vincent & The Grenadines also supports the proposal, Mr Chairman.

**Chairman**

Pardon, I didn't catch ... You also support the proposal? Thank you. UK.

**UK**

Mr Chairman, I am slightly puzzled. We seem to be developing a new management procedure whereby we ask the Scientific Committee what happens if you take 200, 300 or 400 whales. Our problem has been that the New Management Procedure has been found during the course of the discussions of revised management procedures perhaps not to be able to live up to the objectives that we hoped it would have, and for this reason I find it slightly difficult to accept an arbitrary decision of 200 when we don't really have a framework in which that particular proposal came. Thank you.

**Chairman**

Thank you, UK. New Zealand.

**New Zealand**

Mr Chairman, I would suggest that this proposal is really contrary to our Schedule. Our Schedule in 10(e) says that catch limits shall be zero and here we have a proposal to set a catch limit. How can we vote on something which is not in accordance with the Schedule which governs this organisation? Thank you, Sir.

**Chairman**

Iceland has a comment on that.

**Iceland**

Mr Chairman, a first facetious comment would be to ask the Commissioner of Australia to look at an almanac.

**Chairman**

Pardon, I didn't catch ...

**Iceland**

Sorry, the Commissioner from New Zealand to look almanac to see that the year 1990 is the year that we are making this proposal. Mr Chairman, of course this may require ... but I didn't mean to make that facetiously, I shouldn't have said it as a facetious comment, Mr Chairman, but that is the situation. Thank you.

**Chairman**

Thank you. If we see the Schedule on Page 13, we can read on paragraph 10(e) - this provision will be kept under review based upon the best scientific advice and by 1990 at the latest the Commission will undertake a Comprehensive Assessment of the effects of this decision on whale stocks and consider modification of this provision, and the establishment of other catch limits. So, as far as I can take it, it's possible to vote on a catch limit now. Any comments on that? Australia then US.

**Australia**

Mr Chairman, in line with comments that I made earlier it does seem to me that this is - and here I agree with the Commissioner of New Zealand or Australia, I'm not sure who - that until we have understood and looked clearly at the item which I think is 10.2.1 it's going to be rather difficult to consider this particular proposal because it's my understanding that 10(e) remains until the Commission has discussed it more fully.

**Chairman**

Thank you. US.

**USA**

Thank you, Mr Chairman. I would like to reiterate the US view that the cessation as implemented in paragraph 10(e) remains in place and therefore we are questioning the validity of having a vote on a catch limit where we already have one of zero, and we are leaving 10(e) in place. Thank you.

**Chairman**

Any further comments? My ruling of this situation is that we now will proceed to vote. Norway.

**Norway**

Mr Chairman, for once I ask for the floor in order to support the Chair's interpretation of the 10(e) part of the Schedule. In our view there is a clear obligation set for the Commission by this year to reconsider upon the best scientific advice catch limits. Thank you.

**Chairman**  
Thank you. US.

**USA**  
With great respect, Mr Chairman, I would like to appeal against the ruling of the Chair.

**Chairman**  
Denmark.

**Denmark**  
I will support the proposal for procedures from the Chair. Thank you.

**Chairman**  
Point of order. USA. Can you speak to the microphone?

**USA**  
During the discussion of any matter a Commissioner may raise to a point of order, and the point of order shall be immediately decided by the Chair according with these Rules of Procedure. A Commissioner may appeal against any ruling of the Chair. The appeal shall be immediately put to a vote. The Chairman's ruling shall stand unless a majority of the Commissioners present or voting otherwise decide.

**Chairman**  
Have you a point of order, France?

**France**  
Half, Mr Chairman. I would recall all people in the room that we are an international body, that means we all don't speak English and when it's coming to legal matter it would be really better if everybody could understand exactly what were the rule established by the Chair and what was the contestation by United States. Thank you.

**Chairman**  
Thank you, France. I have made a ruling that it's possible for this Convention to vote on the Icelandic proposal to set a catch limit. It has been appealed by US and, due to the Rules of Procedure in the heading "Rules of Debate C.1" this appeal should be voted upon. That's my understanding of the situation. Can we then proceed to vote on my ruling here? I think so. Japan.

**Japan**  
Mr Chairman, I like to clarify our position with regard to this voting, subject to the voting. Japan shall abide by the existing Schedule and Convention and based upon the Scientific Committee's Report we shall vote.

**Chairman**  
Thank you. UK.

**UK**  
Mr Chairman, I don't want to hasten into votes too quickly. I think the Commissioner for Norway said, and others have said, we haven't - sorry, Commissioner for the United States - we haven't actually discussed 10(e) as such and under 10(e) we have to ...

**Chairman**  
UK.

**UK**

Can you not hear me?

**Chairman**

You can't speak on substance on this procedural motion. I think we have to proceed immediately to vote.

**UK**

But, Mr Chairman, it's a point of order. I don't see that we can vote on a catch limit when we don't feel that we've discussed something that allows us to discuss it before.

**Chairman**

We are not voting now on a catch limit. We are voting on my ruling. Dr Gambell, will you proceed to a vote.

**Secretary**

Mr Chairman, the issue before this Plenary session is the Chairman's ruling that the proposal from Iceland on a catch limit should be voted on. It is as a result of a point of order by the USA under our Rules of Debate procedural motion C.1, and the Chairman's ruling was that we can vote on the Icelandic proposal for a catch limit. If you vote yes, you support the Chairman's view that this matter, that this substantive matter, can be voted on. If you vote no, against the Chairman, you decide that we cannot vote now on the Icelandic proposal. A simple majority of those voting will carry or defeat the Chairman's ruling.

The roll starts at Chile - no; People's Republic of China - abstain; Denmark - yes; Finland - abstain; France - no; Federal Republic of Germany - yes; Iceland - yes; Ireland - abstain; Japan - yes; Republic of Korea - abstain; Mexico - abstain; Monaco - no; Netherlands - abstain; New Zealand - no; Norway - yes; Oman - abstain; St Lucia - yes; St Vincent & The Grenadines - yes; Seychelles - no; South Africa - no; Spain - abstain; Sweden - abstain; Switzerland - no; USSR - yes; UK - no; USA - no; Australia - no; Brazil - abstain.

Mr Chairman, there were 8 votes in favour, 10 votes against, with 10 abstentions, and so the Chairman's ruling was defeated.

**Chairman**

Thank you, Dr Gambell. Iceland has asked for the floor. I listen with interest about your interpretation about the weather, this outcome.

**Iceland**

Mr Chairman, in ordinary circumstances I would be grateful for weather of the kind that we are experiencing now because it would give delegations here some idea of what to expect in Reykjavik next year but, Mr Chairman, I think that we have in this room today experienced an even greater storm than that which is outside. The procedure which has just taken place can only be interpreted as a view that the Commission is not prepared to take decisions on the basis of the 1982 decision. Mr Chairman, Iceland did not object to the 1982 decision. Its acceptance of that decision was predicated on an understanding that the cessation would be for a period of five years. We were prepared to await the conclusion of the Comprehensive Assessment on the relevant stocks and I must admit we were concerned that efforts were being made to arbitrarily delay that assessment. We must now be careful that the decision of 1982 not be interpreted as an indefinite moratorium. In practical terms this would mean, as we have just seen in this room, that the assent of that small number of states which have opposed all whaling as a matter of policy, either as a stated aim or as a hidden aim - I repeat, that the assent of that small number of states would need be attained in order for this Commission to carry out its responsibilities. This raises a danger that that decision in 1982 will now at this late stage in its development be regarded as a breach of the Whaling

Convention. Who would have thought, when this decision was adopted in 1982, that we would see what has just happened in this room?

We should recall that the Convention specifies that amendments to the Schedule such as were adopted in 1982, and I quote from the Convention, a) they shall be such as are necessary to carry out the objectives and purposes of this Convention and to provide for the conservation, development and optimum utilisation of the whale resources, b) shall be based on scientific findings. We have proposed a catch limit with reference to paragraph 10(e), wording which states that catch limits, refers to catch limits for the 1986 coastal and 85/86 pelagic seasons and thereafter being zero. One can only read 'thereafter' as meaning until 1990. If no quota is adopted by the Commission as proposed by Iceland and taking of stocks which are not under the Convention classified as Protected would be dealt with by states concerned applying the appropriate sub-paragraphs of paragraph 10.

Mr Chairman, we must return to basic principles on this question. What was the stated goal of the 1982 decision? It was not to set a moratorium, although it is often referred to as such. This can be confirmed by the statements made by sponsors of the proposal at that time. It was not a proposal to establish indefinite moratorium and neither to take up again the question of catch limits. I quote from a relevant statement from the records of the Commission at the 34th session: "We have also taken into account", says one of the sponsors, "opinions that have been expressed amongst member states here which suggest that it is necessary to provide also for the possibility of review and reassessment and, if the scientific information should so suggest in the interim, perhaps even a resumption of some form of commercial activity." Unquote. Further on that sponsor says that the proposal embodied two basic propositions, the second of which was an additional clause which provided for the setting if necessary and under scientific advice of catch limits other than zero. The decision taken was the response to information that a number of stocks were subject to depletion. A statement by the Commissioner of the United States emphasised the fact that there was a need for a Comprehensive Assessment which caused that scientific input which was received at that time to be relevant. The scientific programmes which have since been developed sought to complete the knowledge we had about whale stocks. The intention was not for aesthetic or moral reasons to ban the taking of whales for ever, but rather to allow the exploitation of whale resources when the state of individual stocks allowed.

Mr Chairman, the situation with respect to the Central stock of North Atlantic minke whales which we have just dealt with is as follows. First, no commercial exploitation had taken place since 1987. Second, whales had not been taken from the stock by Iceland for scientific purposes under Article VIII of the Convention. Third, an extensive scientific research programme had been undertaken to assess the status of the stock. Fourth, the Scientific Committee identified this stock as a priority stock for the purposes of the Comprehensive Assessment. Fifthly, the Scientific Committee completed at its recent annual meeting the Comprehensive Assessment of that stock. Sixth, the Scientific Committee agreed that the stock be classified as an Initial Management Stock, although this was not endorsed by the Commission a few minutes ago. Seventhly, the Scientific Committee had accepted as a best estimate of the number of whales in the stock the estimate of 28,000 animals. And as I said earlier, it could be concluded from the Report of the Scientific Committee that an annual take of 200 whales over a five year period would have a negligible effect on the size of the stock. Mr Chairman, when I spoke earlier of the situation which followed the adoption or the refusal to make a reclassification of the stock to Initial Management Stock, I expressed concern about the impact such a decision had on the future of the organisation. I can only say that my concern has doubled since then. Thank you, Chairman.

Chairman

Thank you, Iceland. Seychelles has asked for the floor. No, sorry. Norway and New Zealand. Norway.

#### Norway

Mr Chairman, still under the impression now the statement just delivered by the Icelandic delegate, I would like to associate the delegation of Norway with all the wording and all the emphasis that the delegate of Iceland gave to this moment. I think it has been said by many delegations coming to this Annual Meeting that it would take place at an historic stage in the life of the Commission. I think this Annual Meeting will be remembered, and not because it lived up to the challenges that the Commission itself has put on the agenda for this year. And I think, Mr Chairman, that what we have just experienced dealing with an agenda point of that central stature relating to the whole constitutionality of what we are doing in this Commission, central to all the main purposes of the Convention, and we have seen that a group of countries - and I would say at this point a misguided group of countries - have had recourse to a procedure enforcing a ruling against the Chair on a question which member states that have vital interests have based themselves on the expectation that the Commission would be able to live up to its own commitment to review on the best scientific advice Schedule 10(e) and set and consider other quotas than the zero quotas set by the 1982 decision. I am speaking to this point, Mr Chairman, fully aware that the position of Norway in this question is different from the position of almost all other member states of this Commission in the one sense that Norway in 1982 took a reservation to the 1982 decision on zero catch and we have maintained that reservation all the way since. We are aware, and we have been reminded of it today, that that was a decision that was made without an advice and basis, and without basis in a recommendation from the Scientific Committee; and in denying a vote on the proposal raised by Iceland this Commission has again acted not on the basis but in contravention to what the Scientific Committee had to say in regard to this special stock, the Central stock of the North Atlantic minke whale stock. Mr Chairman, I would have liked this meeting to have been a fit marking of a historic stage in the life of the Commission. It seems that it's going to be a meeting where we are not going to prove to ourselves nor to people following our deliberations that this Commission is taking care of its tasks in a credible and relevant way.

If you allow me, Mr Chairman, I would like to draw your attention to the fact that questions coming up about the relevance and credibility of the way this Commission has been working during the last few years, also raise the question of finding alternative fora, alternative ways, alternative frameworks for discussing pressing issues that have to do with the rational management and develop and conservation management of living resources. I would like to refer, Mr Chairman, to the fact that in April of this year government representatives from countries in the North Atlantic met in Tromso in Norway and signed a Memorandum of Understanding on cooperation between countries bordering the North Atlantic Ocean. It's a Memorandum of Understanding of cooperation in research, in conservation, and management of marine mammals. The countries concerned are Norway, Iceland, Greenland, the Faroe Islands, Canada and the USSR. They have also been invited to sign the Memorandum and join this important cooperation. Under this Memorandum of Understanding a Committee is established to enhance the signatories' cooperation in research on marine mammals and their roles in the ecosystem, including where appropriate multi-species approaches. This new forum has taken up contacts with a relevant body of management and research on marine resources, that is the International Council for the Exploration of the Sea, and the ICES has reacted, responded, positively to this invitation. Mr Chairman, this was a sundry piece of information that I wanted to give, not in a dramatic way, but I thought that it is a piece of information which reflects on the situation that we have just experienced in this room. Thank you, Mr Chairman.

#### Chairman

Thank you, Norway. I have three speakers on my list - New Zealand, UK and US. I give the floor to New Zealand.

#### New Zealand

Thank you, Mr Chairman. I think we have moved into a discussion of paragraph 10(e) of the Schedule and we have heard quite a long statement by one delegation, so I wonder if you permit me to make a short



statement by my delegation. I was involved in the drafting of paragraph 10(e) in 1982 and I can assure the Commission that it was designed as an integrated whole. It provided for a certain sequence of events - a five-year cessation of whaling at the end of which, and in the course of which, it could be reviewed on an annual basis if need be, and by 1990 at the latest the Commission would undertake a Comprehensive Assessment of the effects of this decision on whale stocks and consider modification of this provision which is a zero catch limit. And if it modified the zero catch limit, and it would have to do that first, then it could establish other catch limits. Now, you know, I really would have to say that the Resolution wasn't one that gave Contracting Governments freedom to choose not to comply with parts of it, but to insist on compliance with other parts, but in fact we are complying with the terms because by 1990 we are considering modification of the zero catch limit, but we haven't agreed to modify it, and that's the essential point. And until we agree to modify the zero catch limit then it's not possible to establish other catch limits, otherwise we would have two in force, so I think we are perfectly within the bounds of legality with the decision just taken by the Commission. Thank you.

**Chairman**

Thank you, New Zealand. UK.

**UK**

Thank you, Mr Chairman. I would agree with the Commissioner for New Zealand. My point was that I'm sorry I didn't get across what I meant by a point of order, and I think we've been victims of our own agenda item. I pointed this out in the Technical Committee, and I was going to try and point it out again as a point of order before we took that vote. We have a provision in the Schedule that says by 1990 we shall undertake a comprehensive assessment of the effects of the moratorium decision. So far in the Commission we have advice from the Scientific Committee, and the Technical Committee has taken note of that advice, but we as a Commission have not actually discussed it yet, and the paragraph as drafted goes on to state after we've done ... it states we undertake a comprehensive assessment and then it says consider modification of this provision and the establishment of other catch limits. The point of order I was trying to make was that we were doing things in the wrong order for 1990. Thank you.

**Chairman**

Thank you. US.

**USA**

Thank you, Mr Chairman. Having to take that point of order was probably one of the most difficult things that I have done as a Commissioner, but the purpose of raising the point of order was to ensure proper orderly procedures were followed in a very very important thing for the United States which I have stated several times in terms of our view on how we proceed with paragraph 10(e). 10(e) provides in the final clause that the Commission may (in quotes) consider modification of this provision - the zero catch limits of the first sentence - and establishment of other catch limits. We strongly believe that it was not in order to establish other catch limits without modifying the zero catch limit of 10(e) itself, and so therefore, Mr Chairman, I felt obligated because of the US stand in this area to call a point of order. Thank you very much, Sir.

**Chairman**

Thank you. Monaco.

**Monaco**

Mr Chairman, as I have understood the criticism of the vote recently made was that we voted for the absolute and permanent abolition of hunting of whales. I have not understood that to be so by our vote. Secondly, another thing which I think is important to bear in mind that one of the phrases which is very important in this discussion is "under the best scientific advice". Now, in view of the fact that we know that there are more modern methods constantly being developed in science for the study of whale

behaviour, with the greatest respect to the Scientific Committee I don't think it can be right to accept their decision, their recommendation, as absolute and binding, and therefore my delegation is in favour of prolonging the moratorium for a while to give a chance to scientific methods becoming more efficient, and during that time the whales might be allowed to look after themselves in accordance with their best devices. Thank you.

**Chairman**

Thank you. Australia.

**Australia**

Mr Chairman, I simply want to associate myself both with the comments, very clear comments, of the Commissioner for the United Kingdom and the comments of the Commissioner of the United States of America. Thank you, Mr Chairman.

**Chairman**

Thank you, Australia. Japan.

**Japan**

Mr Chairman, Japan concurs with the statement given by Iceland and Norway. It seems clear to me now that this Commission is a body which does not keep the promises which have been agreed upon by themselves. I just cannot understand why this forum would not support the Icelandic proposal which is the action based on the effort of scientists, our own Scientific Committee. If the Scientific Committee is going to continue the Comprehensive Assessment as promised in the next year, what kinds of tasks would they perform? They would not come back with the classifications, they would not come back with the catch limits. Are they going to come back with the photographs of the cetaceans? Concerning the Southern Hemisphere minke whales which our nation is gravely concerned with - at the Scientific Committee the discussions almost reached the total agreement, but only a very few opposed to it. The Southern Hemisphere minke whales have been unclassified. However, the most recent Scientific Committee report states that the Area I IMS, Area II IMS, Area III SMS, Area IV SMS, Area V IMS, Area VI IMS, and that is the Report of the Scientific Committee. The Scientific Committee Report also suggests that even if any further analysis is made to give the abundance estimate in future, this classification would not very much change. Going back to history of the Southern Hemisphere minke whale stock assessment, in 1975 the anti-whaling scientists asserted that there would be only 20,000 minke whales in Southern Hemisphere. In comparison, the Japanese scientists, based on their sightings surveys, claimed that there would be 400,000 minke whales which are larger than 8 metres which are the commercially takable size. In order to resolve such divergent views in the Scientific Committee, in 1978 Japan offered the IWC to provide vessels, crew, labour and other logistic requirements to implement the International Decade of Cetacean Research on Southern Hemisphere minke whales, and according to that plan IWC launched on the sightings surveys in that area.

**Chairman**

Sorry, Japan. We are now discussing the Central Atlantic minke whale stock, so and after that we will deal with northeastern Atlantic minke whale stock, and then we come to the Southern Hemisphere minke whale stock, so I prefer you to wait with your comments on that stock until later on. Japan.

**Japan**

Yes, Mr Chairman, I shall follow your ruling. However, I just wanted to refer to this case to show that the Scientific Committee has achieved a great scientific achievement in correct assessment of the stocks. However, the Commission seems to ignore the achievement and reports by the Scientific Committee.

**Chairman**

Thank you, Japan. I take it that we have now dealt with the passage of the Scientific Committee Report which deals with the Central Atlantic minke stock. I am now propose that we proceed in the Scientific Report with next item which deals with northeastern Atlantic minke whales. Will the Chairman of the Scientific Committee, of the Technical Committee - sorry - proceed on this. Japan first.

**Japan**

Mr Chairman, at least this Commission showed their will against the Chairman's ruling. I believe it will be useful for Mr Chairman to call for the Commissioners' meeting to discuss this matter.

**Chairman**

I intend to have a Commissioners' meeting in connection with the tea break a little later. I now give the floor to the Chairman of the Technical Committee. Dr Fleischer.

**Chairman of Technical Committee**

Thank you, Mr Chairman. We can continue with the action arising which was taking place in the discussion of the Technical Committee. We discussed when dealing with northeastern Atlantic minke whales also of the need of classification as request by the distinguished Commissioner from Norway. It was seconded by other countries but, Mr Chairman, there was not agreement on the classification and therefore the Technical Committee agreed to transmit these two views to the Plenary session. Thank you.

**Chairman**

Thank you, Dr Fleischer. Any comments on that? Norway.

**Norway**

Mr Chairman, in the situation where we have had I am not quite aware, are we at action arising now?

**Chairman**

We are on action arising on the northeastern Atlantic minke whale stock.

**Norway**

Then, Mr Chairman, I would like to refer to the fact that in the Technical Committee we referred to the Report of the Scientific Committee dealing with the Northeastern Atlantic minke whale stock where we raised the question and requested a reclassification of the Northeast Atlantic minke whale stock from the present classification of Protection Stock on the basis of the research done and the extensive data presented to the Committee, which we also set out in our letter to the Secretariat requesting that the reclassification question be put on the Agenda for this Annual Meeting. We know that the Scientific Committee in dealing with the reclassification question did not see itself in a position to give a collective view or recommendation to the Commission. Instead it listed three views on the classification of the Northeast Atlantic minke whale stock. The Norwegian participants in the Scientific Committee representing the extensive long-term research carried out on this stock and with reference to the stock estimate and the interval given for the size of this stock, they requested and suggested in the Scientific Committee that this stock should be now reclassified to Sustained Management Stock. Other members of the Committee did not agree and suggested that the stock should remain classified as of now. Others again thought the stock should be reclassified as Unclassified. The Norwegian delegation holds the view that our request for reclassification of the northeast Atlantic minke whale stock has not been weakened. We have noted that the delegation of Iceland during discussions in the Technical Committee proposed as an alternative to the Norwegian proposal that the Northeast Atlantic minke whale stock be classified as Unclassified. In the circumstances I would on behalf of the Norwegian delegation say that we would not object to discussion here in the Plenary now taking place on the basis of that alternative Icelandic proposal. Thank you, Mr Chairman.

**Chairman**

Thank you. Iceland.

**Iceland**

Second.

**Chairman**

Any other comments? UK.

**UK**

Thank you, Mr Chairman. I'm sorry my suggestion for a slight reversal of the order of the agenda hasn't been taken up, but as we are on the Northeast Atlantic minke whales I will make these points. I think even if we were to use the New Management Procedure, and my reservations on this I think are now well known, I don't see how as a Commission we could reclassify the Northeast Atlantic minke stock. We have in the Scientific Committee Report one group suggesting SMS, another group suggesting Protection Stock, and another group suggesting what appears to be a mixture between Protection Stock and Unclassified. It would seem that to raise the stock out of Protected status we should have to assume a high population increase, we should have to take the higher estimates of abundance, and we should have to use the CPUE data over which there are many doubts, and for this reason I do not think we should move from the present classification as a Protection Stock. Thank you.

**Chairman**

Thank you, UK. US.

**USA**

Thank you, Mr Chairman. The US agrees with the statements of the distinguished Commissioner from the UK for all of the reasons we've given several times before. Thank you very much.

**Chairman**

The Netherlands.

**Netherlands**

As I have said before, Mr Chairman, we think that we need a completed Comprehensive Assessment before we can decide to change any reclassification of whale stocks in any respect. I wish to point out that Norway itself has emphasised that any Comprehensive Assessment of the Northeast Atlantic minke whale stock for problems which are identified in the Report of the Joint Working Group remain outstanding. So on that basis I would be against any change in the present classification. Thank you.

**Chairman**

Thank you. Switzer... Sweden.

**Sweden**

Can't you remember where you're from, Mr Chairman? We would just like to associate ourselves with the statement made by the UK Commissioner. Thank you.

**Chairman**

Thank you. Seychelles.

**Seychelles**

Thank you, Mr Chairman. I did not ask for the floor, but since I have it now I will associate myself with the views of the distinguished Commissioner from the UK. Thank you.

**Chairman**

Sorry for my mixing up. St Vincent.

**St Vincent & The Grenadines**

Thank you, Mr Chairman. Mr Chairman, my delegation supports Norway's request for classification as it's right under the Schedule. However, we believe the Report of the Scientific Committee does not provide a consensus for either Protection Stock or Sustained Management Stock, and we therefore favour that we follow the path used with the Central stock, that is Unclassified.

**Chairman**

Thank you. Federal Republic.

**Federal Republic of Germany**

Thank you, Mr Chairman. Taking account of the different views expressed in the Scientific Committee I would like to associate myself with the view expressed by UK. Thank you.

**Chairman**

Australia.

**Australia**

Thank you, Mr Chairman. Yes, I would also like to associate my delegation with the remarks of the Commissioner of the United Kingdom. But also to add that I share her apprehensions that we might be drifting into the same kind of difficult waters that were just in, and I hope we can somehow avoid that. Thank you, Mr Chairman.

**Chairman**

Thank you. Switzerland.

**Switzerland**

Thank you, Mr Chairman. We share the opinion expressed by the UK and the Netherlands in this matter.

**Chairman**

Japan.

**Japan**

Mr Chairman, there seems to be various views expressed at the Scientific Committee, and therefore what the Commission could do as regards this classification of this particular stock is make this stock Unclassified.

**Chairman**

Thank you, Japan. Could I ask Norway to repeat its proposal - the exact wording? Thank you.

**Norway**

Mr Chairman, our proposal is now the same as the proposal made by Iceland, that is to classify - to reclassify - the northeast Atlantic minke whale stock as Unclassified - to reclassify from Protection Stock to Unclassified.

**Chairman**

As far as I can understand 'Unclassified' is not a classification at all. We have three stock classifications, so you want to delete the present classification of Protected Stocks or ...

**Norway**

Yes, Mr Chairman. We have only become the slaves of a terminology which has sneaked in on us. Thank you.

**Chairman**

Thank you. We have before us a proposal to delete the present classification of the Northeast Atlantic minke whale stock. The present classification is Protected Stock. This proposal has been seconded and it has been opposed. Before going to vote I have three speakers on my list. First Japan, then US, then UK.

**Japan**

Mr Chairman, Japan supports the proposal of Norway.

**Chairman**

US.

**USA**

Thank you, Mr Chairman. I would like to emphasise the statement again made by the UK that I hope that we aren't heading down the same road we were before, and that I think that before we do that I think there would be a possibility that if we could adjourn for coffee or something and have a Commissioners' meeting we might be able to sort some of this procedural material out and make for a much smoother operation. Thank you very much, Mr Chairman.

**Chairman**

Thank you, US. UK.

**UK**

I was going to ask a different question, but I think the idea of a cup of coffee is a good idea, Mr Chairman.

**Chairman**

Thank you, UK. I think it's a general agreement that we will have some coffee and tea. I propose that we adjourn the Plenary until half past four, and I call Commissioners to a meeting as soon as possible in the Oranje Room. Ten minutes to four at the latest. The Plenary is adjourned.

[Tea break]

**Chairman**

Commissioners, ladies and gentlemen, the Plenary is resumed. The confusion of the present situation is partly due to the whims of the Chair but also partly due to the differing opinions expressed in the Technical Committee. We will now proceed with the vote which we embarked upon. Secretary, will you conduct the vote?

**Secretary**

Mr Chairman, the proposal before this Plenary session is from Norway, seconded by Iceland, to remove the classification from the Northeastern stock of North Atlantic minke whales which is at present classified PS - Protection Stock, to remove that classification. This is a meeting of the Plenary session of the Commission. It is an amendment to the Schedule and therefore requires a three-quarters majority of those voting to amend the Schedule. This is an amendment to the Schedule to remove the classification of the Northeastern stock of North Atlantic minke whales, presently classified PS, on the proposal of Norway, seconded by Iceland, and a three-quarters majority will amend the Schedule in that way.

We start the roll at Chile - ...

**Chile**

I have started in the previous voting.

**Secretary**

We will start the roll at the People's Republic of China - abstain; Denmark - no; Finland - no; France - no; Federal Republic of Germany - no; Iceland - yes; Japan - yes; Republic of Korea - abstain; Mexico - abstain; Monaco - no; Netherlands - no; New Zealand - no; Norway - yes; Oman - no; St Lucia - yes; St Vincent & The Grenadines - yes; Seychelles - no; South Africa - no; Spain - no; Sweden - no; Switzerland - no; USSR - abstain; UK - no; USA - no; Australia - no; Brazil - no; Chile - no.

Mr Chairman, there were 5 votes in favour, 18 against, with 4 abstentions, so that proposal is defeated.

**Chairman**

Thank you, Dr Gambell. That disposes the paragraph on northeastern Atlantic minke whale stocks contained in the Report of the Technical Committee. I will now open the floor for general comments on Agenda Item 10.2.1 Review of Schedule paragraph 10(e) before embarking on the next paragraph in the Technical Committee. The floor is open. Australia.

**Australia**

Thank you, Mr Chairman. I would like to make a statement on behalf of my delegation about this particular matter and to help delegates I have actually had this also circulated. At its Annual Meeting in 1982 this Commission set in place Schedule paragraph 10(e), the so-called moratorium on commercial whaling, to take effect from the 1986 coastal season and the 1985/6 pelagic season. We note, however, that the late start has meant that for some stocks the moratorium has been in place only two years. As is well known, since 1979 it has been Australia's position that it is opposed to whaling while recognising the traditional subsistence needs of some communities. While strongly committed to support of the IWC as the most appropriate body for the conservation and management of all cetaceans internationally, and to strong support for the endeavours of the Scientific Committee, Australia has maintained its position and has sought consistently within the Commission to further its objective of a ban on whaling, and believes that paragraph 10(e) remains in place and takes precedence over paragraph 10(a) to 10(c).

As part of its commitment to the IWC Australia has supported the work of the Scientific Committee in the development of a revised management scheme, RMS for short, to replace what has become known as the New Management Procedures which are incorporated in the current Schedule paragraphs 10(a) to 10(c). Australian scientists had been instrumental in introducing those NMP procedures to the Commission in an attempt to redress the severe over-exploitation of large whales which had occurred in the 1950s, 60s and 70s. Any suggestion to remove 10(e) must incur a series of consequent actions, especially implementation of a revised management scheme to replace 10(a) to 10(c). We believe that members of the Commission must read carefully the Progress Report provided by the Chairman of the Management Procedures Working Group, and that is document IWC/42/4, Annex R, as well as the reports of the Scientific Committee and Technical Committee Joint Working Group in relation to procedures and time-scales for implementation of an RMS and its application to particular stocks. In particular, members of the Commission must examine carefully the implications of the iterative process which is implicit in advice to the Scientific Committee on weightings to be applied to the three management objectives identified by the Commission. In addition, there will need to be agreement on incorporating those weightings in an agreed RMS, its implementation as Schedule amendments and the provision of management advice from the Scientific Committee that would result in Schedule amendments and catch limits for commercial whaling. It is our view that it will not be possible under the current timetable for the Scientific Committee to provide to the Commission at its 1991 meeting both an agreed RMS and management advice on which Schedule amendments allowing commercial catches in '91 could be based.

We consider that formally agreement would have to be reached on replacements for the current Schedule paragraphs 10(a) to 10(c) before the Scientific Committee could reasonably be expected to frame its advice based on an agreed RMS. Before that occurs the Management Procedures Working Group requires guidance from the Commission on weightings to be given to the three management objectives identified by the Commission.

The Scientific Committee has recognised that in order for the Commission to be able to make a fully informed decision on the relative emphasis to be placed on management objectives, or on possible protection levels, the Commission must be provided with sufficient information on the quantitative effects of different decisions for it to be able to judge their implications clearly. The Commission has not yet been in a position to provide that advice to the Committee and the recommended RMS that the Scientific Committee provides to the Commission at its 1991 meeting is likely to include a series of alternative assessments based on different weightings of the Commission's objectives, on which the Commission must subsequently base its decisions. Further, while the development process and the screening during development is exhaustive and has been carried out with the direct involvement of scientists from the countries most directly affected by paragraph 10(e), it is our view that some member governments would be unwilling to agree to the application of a revised management scheme through binding Schedule amendments that they had not been able to review thoroughly in their own time. If that occurred, the process would lead to a delay in establishing the formal framework within which the Scientific Committee would operate in providing its management advice to the Commission. We are making these comments because a number of countries have rightly made the point that it appears that constantly new demands are being made. This statement is being made in order to set out what we feel are the activities that have to be consequent on removing 10(e).

It is our view that, bearing in mind the progress made so far, and the intentions of the Scientific Committee to submit its recommendations at the 1991 meeting of the Commission, in a formal sense the following steps will need to be taken before commercial catches of whales could resume. The Scientific Committee would have to provide advice to the Committee at IWC43 on preferred option or options for a revised management scheme, including quantitative information on the effects of different weightings in management objectives in relation to catch limit stability, acceptable limit of risk of depletion below chosen levels, and maximising continuing yield and possible protection levels. Advice from the Commission to the Scientific Committee Management Procedures Working Group on weightings to be applied to procedures would need to be given. There would need to be a review by Commission members of preferred option and requirements for implementation in the Schedule. Schedule paragraphs 10(a) to 10(c) would have to be replaced by agreed provisions based on an RMS formally adopted by the IWC, those formal provisions to be implemented by the Scientific Committee in determining advice on catch limits and establishing other management measures that may be required. We would also need advice on catch limits from the Scientific Committee based on the RMS Schedule amendments and stock assessments, and consideration of advice in Commission and implementation through Schedule amendments and replacement of paragraph 10(e). The procedures and requirements of the RMS will not be the same as those familiar under the New Management Procedures and will depend on the form of final management procedures recommended by the Scientific Committee for acceptance by the Commission. Based on attributes of the five procedures currently under consideration, they are likely to include, for example, requirements for data of minimum standards of accuracy, precision and independence from whaling operations to be available on each operation under consideration. Issues of stock identity are crucial in the application of the new procedures as tested.

In our view it will be essential to acceptance of a revised management procedure that members agree that catch limits will not be established outside that new revised management procedure by the Commission. There are many other issues which also impinge on the processes described above and will need to be taken into account as the impact of a revised management scheme on other Schedule provisions is determined. Such diverse issues include observation and inspection, the funding of the Commission on



the basis of equitable loading among members, provisions dealing with infractions and, a topic of considerable interest to Australia, humane methods. It is clear to us that considerable work remains to be completed even following acceptance of a revised management scheme, and it's in that light that I'm making these comments.

Mr Chairman, as we said in our Opening Statement, Australia is strongly committed to continuing the work of the Commission. We have offered this statement in the view that in this important year all member countries need to take full cognizance of the work that remains to be achieved if the three objectives of the 1946 Convention and this Commission are to be met without threatening the particular resources exploited or the integrity of the ecosystems of which they are component. Thank you, Mr Chairman.

**Chairman**

Thank you, Australia. Are there any further comments? France.

**France**

Thank you, Mr Chairman. Even if I can't agree on every word said by my Australian colleague, I would like to say that we share the general objective and description of the situation made by Australia, and this opinion is established in the line of the commitment by France when we accepted and since the establishment of the moratorium and in our view this line is still valid. Thank you, Mr Chairman.

**Chairman**

Thank you, France. Finland.

**Finland**

Thank you, Mr Chairman. As we make our review on Schedule paragraph 10(e), the commercial whaling moratorium, Finland would like to recall the World Conservation Strategy to which we and many other states represented in this Commission have adhered. The Strategy, which advocates the principle of sustainable use of living resources, specifically called for a moratorium on the commercial whaling until such a time as three conditions are met. The first of these that member nations of the IWC should no longer be supporting or assisting whaling activities by non-IWC member states. We are pleased to note has been met. As for the other two conditions, I would like to remind the Commission that these were that a moratorium should be maintained until, first, permitted levels of exploitation are safe and effective mechanisms exist for detecting and correcting mistakes in the management of any stock. And, the consequences for the ecosystems concerned of removing large portions of the whales' populations and such populations' capacity for recovery can be predicted. In the light of comments in the Report of Scientific Committee regarding the inadequacies of the existing management procedure, clearly neither of the other of two conditions has yet been satisfied. Finland considers that the present efforts of the Scientific Committee to develop a revised management procedure will go some way towards meeting these other conditions, but only if supplemented by, for example, a strengthened and comprehensive international system for monitoring any future commercial whaling activities. Until such time as these areas are cleared up, we believe that the Commission should be failing in its responsibilities under the 1946 Whaling Commission if it were to consider in any way modifying the present moratorium on commercial whaling. Finland would also like to recall in this connection the strong body of public opinion in our country which is against any commercial killing of whales on scientific, ethical and humane grounds. Thank you, Mr Chairman.

**Chairman**

Thank you, Finland. United States.

**USA**

Thank you, Mr Chairman. This morning, earlier today, I don't know which - the US was making some comments on paragraph 10(e) and on the New Management Procedure and how well it was working or not working, and I was relating some history that went back to 1980 because of some statements by some delegations that there was no scientific basis for the decision in 1982 to implement paragraph 10(e). And I would like to remind some here that that history of concerns about this go back much further than that. As early as two decades ago, in 1970, there were meetings by concerned scientists with a number of countries participating. It was agreed by the whole of some of these conferences that a rigorous new management scheme for whales was crucial to avert a complete collapse of the world's whale populations. Key to this was the recognition of the need to accurately identify and define various regional stocks. In 1974 this Commission optimistically approved what it called the New Management Procedure. This system was followed from 1975 through 1986 with results that we should hope we should not have to repeat here. It has not been successful in maintaining stock levels, as was mentioned in the 1980 Group of Scientists. It has not been successful in maintaining stock levels. This was recognised by our scientists who, meeting in Honolulu in 1976, told us that the New Management Procedure was not working and that many of them felt that it was unlikely to ever work. We have supported an effort since 1986 to revise the New Management Procedure and we have had a number of meetings to work on this objective. Now these efforts have been absorbed by the Comprehensive Assessment to which we are committing altogether some substantial resources. We are told in the Scientific Committee Report that scientists are endeavouring to complete this work on management procedures over the next year. It also seems quite clear that there is a consensus that the New Management Procedure is not working and that the most glaring continuing problem is the inadequacy in our ability to identify stocks for management purposes, something scientists recognised 20 years ago. We must allow the deliberative process of designing a revised management procedure for commercial whaling to continue without interruption or distraction.

We should all agree, as have our scientists, that the New Management Procedure as applied to commercial whaling is not workable, that it should be replaced as soon as possible and that we should not even consider the probable mismanagement of whale stocks that would occur if whale stocks were to be subject to a flawed management procedure in the interim. Therefore, Mr Chairman, the US as reflected in our US laws and policies and most recently in a Resolution passed by our Congress, strongly believes that until such scientific uncertainties are resolved and adequate assessment of whale stocks are possible and management procedures are adopted which are sufficiently robust to handle any remaining uncertainties, the cessation of commercial whaling as defined in paragraph 10(e) should remain in force. Thank you very much, Mr Chairman.

**Chairman**

Thank you, US. I give the floor to Sweden.

**Sweden**

Thank you, Mr Chairman. Sweden believes that this Schedule paragraph 10(e) is in action and will remain so until the Commission decides to consider modification of the zero catch quotas. We believe that the need for a sound scientific basis for commercial whaling must be the major goal for the IWC. Sweden agrees with the course of events that, as Australia stated, need to be fulfilled before paragraph 10(e) can be amended. This includes the interactive forces of advice on weightings of the Commission's management objectives, incorporation of these into a revised management procedure, and the assertion that data of scientific precision and reliability are available on the stocks to be exploited as well as other regulatory mechanisms. It's important to note that we do not strive for a ban on whaling but for the sound management of whales as a natural resource. Thank you.

**Chairman**

Thank you. Brazil.

**Brazil**

Thank you, Mr Chairman. We would like to agree with the Australian and the US declarations, especially with the fact that we favour that a ban on commercial whaling must be maintained until we feel sure that a really safe management procedure can be devised and implemented. Thank you.

**Chairman**

Thank you. New Zealand.

**New Zealand**

Thank you, Mr Chairman. I have touched on certain aspects before so I'll be very brief and set out the New Zealand position. Paragraph 10(e) of the Schedule stipulated that any modification of the zero catch limit should be considered in the light of the Comprehensive Assessment of the effects of the 1982 zero catch limit decision on whale stocks over a five year period, that is from 1985/86 to 1990. Because commercial whaling under the objection procedure until 1988, however, the conditions precedent to the review contemplated for 1990 have not been fulfilled. The position has been further clouded by the development on a significant scale since 1985/86 of whaling under research permit. Since there cannot be a Comprehensive Assessment of the effects of non-catching over a five year period it would, in the New Zealand view, clearly be premature to consider modification of the zero catch limit at this meeting. New Zealand agrees, therefore, that the moratorium should continue. Thank you.

**Chairman**

Thank you. The Netherlands.

**Netherlands**

Thank you, Mr Chairman. My Minister has already in general terms explained the position of the Netherlands concerning the moratorium and I wish to further clarify our position on the consideration of the provision in paragraph 10(e) in the following statement. In advising the Commission on the review of paragraph 10(e) the Scientific Committee reported that its ability to do so was affected by, first, the length of time that this paragraph has been effective; second, the general population biology of large whales; third, the precision and frequency of abundance surveys; and, fourth, the reliability of the models used for the prediction of population status. So it appears, Mr Chairman, that there are still several technical problems to be solved on these issues before their influence on the Scientific Committee's ability to advise the Commission on the review of paragraph 10(e) becomes clear. In our view the effects of the moratorium decision on whale stocks cannot now be properly determined. The process of the development of the revised management procedures which has been going on simultaneously shows promising steps forward in the formulation of a new basis for management decisions on commercial whaling. During this process it has been established that the NMP fails to conserve simulated whale stocks in cases where the revised procedures perform satisfactorily, and that further testing of the NMP would be unnecessary. So, as I have stated before, the Netherlands Government is of the opinion that under these circumstances no management decisions on commercial whaling must be taken until a revised procedure is finalised and adopted by the Commission. Such a procedure should ensure the continued survival of all whale populations. It should also ensure that currently abundant populations are not depleted, and that depleted populations are enabled to recover as soon as natural processes permit. Mr Chairman, I would also like to point out that in our view in order to effectively apply such an agreed revised management procedure in future, we will have to have adequate arrangements for data collection and monitoring of populations, and such other measures as are needed to ensure the internationally enforceable management of whaling to provide for the proper conservation of whale stocks, and thus make possible the orderly development of the whaling industry. Thank you.

**Chairman**

Thank you. Federal Republic.

**Federal Republic of Germany**

Thank you, Mr Chairman. It is the opinion of the Federal Republic of Germany that the moratorium can only be lifted in the context of the Comprehensive Assessment and revised management procedures which make sure that whale stocks cannot be over-exploited. In general we do share the views expressed by Australia. Thank you.

**Chairman**

Thank you. UK.

**UK**

Thank you, Mr Chairman. Paragraph 10(e) provides that we as the Commission shall keep the moratorium provision under review, based upon the best scientific advice, and that by 1990 will undertake a comprehensive assessment of the effects of the decisions on these whale stocks. Now, we have considered the comprehensive assessment many times since 1982 and there has been a general consensus through the approval we have given to the work of the Scientific Committee that we need to be looking at data on the whale stocks, and also on how more effective scientific advice and recommendations for management might be made. We in reviewing the effects of the moratorium this year, the Scientific Committee concluded that the timescale was too short, given the length of life of whales. However, I would point out that although it might feel that the moratorium has been around for a long time, and the decision was originally made in 1982, it came into force in 1985/6, although not fully into force until 1988 if we leave aside scientific research. So we've actually had it fully effective for two years, and we may be asking too much for any great effect to be shown. We have, however, and certainly the Scientific Committee have however not been idle during this period. They have undertaken this year very careful and detailed assessments of three major stocks and although there may be some questions outstanding, they have done a great deal there based on a lot of very substantial work by many nations who have done a great deal of work, for example through sightings surveys. Further work is planned for next year on other key priority stocks. So that things have been progressing very positively on the assessment of number of whales.

The other very important aspect we have to consider are the recommendations for management. The Scientific Committee is developing five possible revised management procedures with the view to achieving a high level of safety and protection for stocks, stability of catches, and best possible yields. It has also proved to be a very useful exercise because they have been exploring the New Management Procedure against these five new alternatives, and it is quite clear that there are drawbacks to the New Management Procedure in that it has perhaps, despite its basic aims, not led to achieving two of the three objectives wholly, namely the stability of catches. As we heard, I think yesterday, for example the sperm whale catches in the Pacific have fluctuated violently, and I'm not sure we can actually say it completely avoided depletion of stocks to the extent that some stocks had to get put back down to Protection status although now, of course, they are protected. So clearly these are two factors which need to be addressed when we come to examine the revised management procedure when it's presented to us next year. We have as a Commission agreed that there should be a Special Meeting for eight days which Japan has very kindly agreed to host, to enable further in-depth consideration and we should therefore have before us next year at our main meeting some very thorough analyses on which we as the Commission can then provide further guidance. I realise that perhaps the Comprehensive Assessment may not have progressed as fast as some people might like, but perhaps we've all underestimated the task we set ourselves. But I would suggest that caution must be the watchword. We mustn't simply rush for the sake of the year or a year or two that we slip back to where we were in 1982. We have to be clear that we are approaching our work in a clear and responsible way. So that in the view of the United Kingdom, paragraph 10(e) still stands. We cannot yet lift the moratorium. We will obviously continue to keep it under review, but we need to establish that the stocks are in a healthy condition and that we have a good management procedure in place which affords a high level of protection, safety and stability, and I look forward to seeing the further work of the Scientific Committee next year. Thank you.

**Chairman**

Thank you, UK. Switzerland.

**Switzerland**

Thank you, Chairman. In addition to what we have said earlier this afternoon, we would just like to say that we share the opinions expressed by Australia, United States, New Zealand and the Netherlands, and also the UK. We think that an end of the moratorium at this moment would be premature and it should only be lifted when the Comprehensive Assessment is completed and we find revised management procedures that enable us to indeed rationally utilise whale stocks are in effect. The task which has been defined by the Commission in 1982 just has been as it is now too great to be completed until this year. It often happens in science that investigations cannot be finished in the period foreseen. In this case especially we have to deal with marine mammals which are difficult to detect, to follow and to study. This in our opinion, however, does not mean that the work at hand may not be completed in future. So in this case some patience may seem to be necessary.

**Chairman**

Thank you, Switzerland. I give the floor to Mexico.

**Mexico**

Thank you, Mr Chairman. As you know, and this Commission knows, my country fully supported the inclusion of paragraph 10(e) at the Annual Meeting in 1982. We also, Mr Chairman, as a part of the commitment fully participate in the Comprehensive Assessment exercise, participated in Scientific Committee reunions, particularly with gray whales to which my country has special concerns. However, Mr Chairman, I should say for the record this level and in response to some comments that I hear that my delegation feels that the spirit of the paragraph 10(e) was diminished in its effects at the conservation level and the scientific level, both aspects that I said my country fully supported because there was some agreement outside of this Convention. Thank you.

**Chairman**

Thank you, Mexico. Norway.

**Norway**

Mr Chairman, we are hearing interventions on the one probably most important complex of questions facing this Annual Meeting. I said complex because to this question is tied up and interconnected not only the Schedule issue of the moratorium but also the issue of Comprehensive Assessment, the issue of management procedures, and we have heard interventions to the effect that because we here are faced with a complex then we couldn't do anything before all stones or elements of the complex is in place. Norway has no difficulty in recognising, and actually we would be among those who would underline, that we have a complex sort of agenda point, but we are on the other hand very much conscious that we are faced with attempts, with arguments, that seem to be aimed at the dragging out of this process, and to make this Commission a lame duck when it comes to facing and taking action on the priority issues it has itself set for this Annual Meeting. In the first place my delegation would like to warn against any sliding into a situation where some delegations may try to fool other delegations that this is an indefinite moratorium on commercial whaling that was adopted in 1982. It's indefinite and therefore we should indefinitely go on and not have to make a real clear-cut decision. And if that argument is not carrying, well then we have the management procedures that's going to take a lot of time. So a management procedure one year or two dealing with the complex issues, that doesn't make that much difference. It is being said, and then Comprehensive Assessment, one question, one or two requirements more, and then you will have it next year. I've heard it from our dear colleagues, and I think it is, I know what it is all about, at least I think I do. And I am very sad, not because I personally feel so strongly exactly about the method but I'm sad on behalf of this Commission, of which Norway is a founding member, and where we

have played a role of which we stand to. And I think this day today has given some perspective to the historic date of 1990 and credibility of a commitment in 1982. I think we, and we came here with the hope that this Commission by working, taking up the priority tasks and setting deadlines, setting target dates, get moving towards showing in a credible way that this Commission is still able to overcome its divided house complex and reach decisions that will show that it is responsible for the whole range of aims and functions set out in the Convention. I'm not going to repeat all the arguments that the Norwegian delegation has when it comes to the need to complete in a vigorous way the development of management procedures. And that goes also for what I have said over and over again when it comes to completing ...

[part missing on changeover of tape]

**Chairman**

Seychelles. This time I was right. You have the floor.

**Seychelles**

Yes thank you, Mr Chairman, you were right. Mr Chairman, this issue is of very great importance to my Government and I have had very specific instructions from my Head of State regarding it, and I would like to ask members here to bear with me because I have a rather lengthy statement to make.

The delegation of Seychelles, Mr Chairman, was closely involved with the 1982 decision to set indefinite zero catch limits for commercial whaling as well as in the drafting of paragraph 10(e) of the Schedule. The way in which the Commission now deals with this paragraph is therefore of considerable concern to us. We believe that the Scientific Committee has stated clearly that it is unable at this time to assess the effects of the moratorium. It gave technical and biological reasons for this and also reminded us that the short period in which the moratorium has been in effect was also a factor in its difficulty in making an assessment. When we adopted 10(e) in 1982 we believed that the period of five years envisaged before a review became mandatory might be sufficient. In fact the decision has been in effect for a shorter time. But may I be allowed to say, Mr Chairman, perhaps we made a misjudgment in 1982. Perhaps it was unrealistic to expect to be able to evaluate the moratorium after only five years. However that may be, we have to decide now on what to do.

In a paper circulated at the end of last year's meeting the Seychelles associated itself with six other delegations in saying that there should be no *ad hoc* and partial lifting of the moratorium. We place great responsibility on and have some faith in the scientists who want to devise a management procedure which will in a fair and equitable fashion meet the various objectives of this Commission. Among those, Mr Chairman, the most important for us is the recovery of depleted stocks of whales and the maintenance of the few remaining ones that have not yet been depleted. We in the Seychelles firmly believe that the duty of our generation is to ensure that future generations will have the option of deciding whether and how they may wish to utilise whale populations. Thus we support reasonable caution in the approach to paragraph 10(e) now. We believe the question of catch limits should be reviewed again when a revised management procedure has been agreed on. We will work to secure such agreement without unnecessary delay.

And lastly, Mr Chairman, we suggest that we should commit ourselves here to review all the consequences of the 1982 decision including the consequence of setting in motion the development and implementation of better management procedures ten years after that decision was due to come into effect in 1986. We believe that such a periodic general appraisal of our effectiveness, perhaps in 1995, would allow us again to set our sights to a specific future date as we did in 1982. Mr Chairman, in closing we would like to suggest that next year we consider arranging for a report on what this Commission has done with respect to conservation of whales and the management of whaling in the period since the 1972 Stockholm Conference to the UN Conference on Environment and Development due to convene in Brazil in 1992. Thank you.

**Chairman**

Thank you, Seychelles. Denmark.

**Denmark**

Thank you, Mr Chairman. Let me be quite brief and say as a start that we agree in total that it would be premature at this meeting to adopt catch limits other than zero for commercial whaling. The reason is that we have the Scientific Committee's Report and a lot of important informations only a few days before this meeting and my Government would like to analyse and evaluate this informations within the Kingdom of Denmark. On the other hand I also think that we should be cautious at this meeting not to adopt a decision which excludes the maybe possibilities for reviewing the zero catch limits on commercial whaling at the next Annual Meeting on stocks where we have enough Comprehensive Assessment and where it is likely that sustainable yields might be a possibility. Thank you.

**Chairman**

Thank you, Denmark. Spain.

**Spain**

Thank you, Mr Chairman. Whilst in 1982 our country decide the approval of the moratorium we were and we are obliged to adopt hard uneconomic and social sacrifice by implementing such decision. This responsible and carefully meditated decision implied a turning point in a long whaling tradition of our country. After attending this meeting and taking into account the information provided by the Scientific Committee on Comprehensive Assessment and the concern of different Commissioners already expressed, the Spanish delegation wants to express its agreement to the maintenance of the paragraph 10(e) of the Schedule until the implementation of a revised management scheme, which means the wisdom of the moratorium is justified and we wish, the Spanish delegation, to fully support. Thank you very much.

**Chairman**

Thank you, Spain. Are there any further comments? Japan.

**Japan**

The moratorium adopted by the Commission in 1982 lacked the scientific basis was plainly stated by FAO representative, the most respected scientist, Dr John Gulland, who passed away just before this Scientific Committee meeting. The result of the Comprehensive Assessment undertaken this year shows that his prediction was correct. Some of the stocks showed a very good status. I have been listening to many beautiful deliberations in support of the continuation of the moratorium. However, I believe each person who uses these beautiful words should be responsible for the words. Each beautiful word uttered sometimes involves one hundred scientific research efforts.

Of the statement from the distinguished Commissioner of Australia, I have a few points that I like to remind. First, is the three objectives for the management and the weighting to each. The numerical weighting and the trade-offs between the three objectives of the management, the five developers have followed the general guidance given by the Commission last year, and without further complicated process they are able to now come to the satisfactory results of the weighting. If the Commission has to further give to the Scientific Committee the guidance to determine such trade-offs and weighting as being stated by the Australian Commissioner, then we should be doing this immediately otherwise it will cause some delays. But without such instructions from the Commission the Scientific Committee is now capable of pursuing and developing the satisfactory management procedures, alternative management procedures. The causes for the delays of the development of the revised management procedure is identified as the one stumbling block, that is the stock identity case. It is clear that the case of North Atlantic minke whales examined this year this is a clear stumbling block. However, in order to resolve these problems I believe field research is indispensable.

Taking an example of Southern Hemisphere minke whales the stock identity should be ascertained by employment of the methods such as mark and mark-recapture. However, the distinguished scientist from Australia, Dr de la Mare, in 1984 at the Eastbourne Scientific Committee meeting, opposed to the continuation of mark and mark-recapture research due to the shedding and he asserted that the mark and mark-recapture method is not useful for abundance estimate. Thereby the Scientific Committee abandoned such useful methods from this IDCR programme. When this was decided Dr Ohsumi from Japanese delegation strongly recommended the continuation of this method as a useful way to ascertain the stock identity. However, this recommendation by Dr Ohsumi was overruled by other majority. I clearly remember at that meeting in 1984 some scientists asserted that although the IDCR sightings survey is only doing the sightings surveys it is useless and should not be continued. However, I strongly opposed to that view and thanks to my opposing statement at that time it is still continuing, yielding very useful scientific results. And therefore I like to remind the Commissioners here that if beautiful words are used it should involve the implementation. That implementation would involve a great deal of financial implications. Please remember both factors when you utter beautiful words. Thank you, Mr Chairman.

**Chairman**

Thank you, Japan. I have Chile on my list.

**Chile**

Thank you, Mr Chairman. Consistent with the general position taken by this delegation, it as many other delegations considers that the moratorium cannot be lifted now. It should only be lifted when several conditions are fulfilled. Previous interventions reflect in general the position of this delegation on this condition. Thus it does not seem necessary for me to repeat them at this late hour. Thank you very much.

**Chairman**

Thank you, Chile. Iceland.

**Iceland**

Thank you, Mr Chairman. Well, Mr Chairman, the Icelandic delegation has listened carefully to the comments of Commissioners this afternoon. While I've been listening I've attempted to classify the statements with which I disagree in certain distinct categories. Now, as is the case under the existing management procedures which guide this Commission - or should do so - I have chosen three categories. The first, and I say this with respect, is a classification of irrelevant statements. The second classification involves what I regard as anti-historical statements. And the third classification are what I would call rhetorical statements or perhaps what the Commissioner of Japan calls 'beautiful words'. Well, Mr Chairman, I also have a fourth category which I suppose could be called an unclassified category of the rather ambiguous statements heard from some quarters. Mr Chairman, we have no quarrel with ambiguous statements or rhetorical statements. We should be used to such statements in this body. But within the anti-historical classification I feel it necessary to refer to some comments we heard today on the role of scientific advice in the adoption of the 1982 decision, and in particular in this category I should like to recall the quotation from the records of the 34th Meeting which I read out earlier this afternoon. I turn then to the, again with respect, irrelevant category. And once again refer to my earlier statements to the effect that there is no reference in paragraph 10(e) to revised management procedures. And recall that we have existing management procedures and these continue to be used in the establishment of catch quotas for many stocks. Well, in general, I should just like to recall the statements I made earlier this afternoon when this discussion really began, and frankly when this discussion really ended for practical purposes.

Mr Chairman, the decision of the Icelandic Government in not objecting to the 1982 decision was based on the understanding that it called for a five year cessation, and therefore that on stocks on which the Comprehensive Assessment had been completed the zero quotas would exist only through 1990. And then may I remind Commissioners that that is the year in which we are sitting in this room. The Icelandic



delegation proposed a quota for 1991 on the Central stock of North Atlantic minke whales. No decision was taken, as we all know, leaving a vacuum for 1991 and thereafter, and the specific consequences of this flow from the Convention which is to guide our work. But perhaps in conclusion I would like to draw attention to perhaps some general consequences of the understandings we heard amongst the statements which I felt I could classify here today. These general consequences are entirely unclear, particularly when seen in the context of preconceived notions of some of the governments represented in the Commission today. If we return to basic principles, we would conclude that if at the end of the day the so-called review of the 1982 decision all comes down to a vote on an appeal to a ruling on a vote on a catch limit, then clearly the legal basis and binding nature of the 1982 decision is drawn into question. The position of the Icelandic Government will be taken in accordance with the foregoing. Thank you, Mr Chairman.

**Chairman**

Thank you, Iceland. Are there any further comments? New Zealand.

**New Zealand**

Thank you, Mr Chairman. Just on a very small point, I agree with the Commissioner for Iceland that paragraph 10(e) does not include a specific reference to management procedures but it does certainly say that the review should be based upon the best scientific advice, and I would have thought it would be difficult to give the best scientific advice unless it derived from the best management procedures. Thank you.

**Chairman**

Thank you, New Zealand. Are there any comments to that question? Australia.

**Australia**

Yes thank you, Mr Chairman. This will be a shorter statement. The development of revised management procedures really grew inexorably out of the Scientific Committee's attempts to undertake the Comprehensive Assessment which are mentioned under paragraph 10(e) as the Commissioner for New Zealand has said. And I think to argue otherwise is to fall into all three Icelandic categories in one go. Thank you, Mr Chairman.

**Chairman**

Thank you, Australia. I think that covers general debate on this very agenda item. But before breaking for dinner I would like us to deal completely with the Agenda Item 10.2. That means that we should deal with the recommendations on Page 14 and 15 in the Report of the Technical Committee. But before doing so I give the floor to Japan.

**Japan**

Mr Chairman, may I ask your permission to raise the matter concerning the Southern Hemisphere minke whales at Agenda Item 10.3 Action Arising?

**Chairman**

We will resume the Plenary at 8.30 and the first thing on the agenda will be that very agenda item. But before adjourning the Plenary I would like to deal with the recommendations on Page 14 in the Report of the Technical Committee. The first recommendation is to be found on the middle of the page where the Working Group specifically endorsed the strong recommendation that Dr Kirkwood should continue to chair future comprehensive management meetings and attend the 1991 Annual Meeting. Can the Plenary endorse that recommendation? Thank you. The second recommendation is to be found in the paragraph on gray whales where the Joint Working Group noted the recommendation of the Special Meeting for further research and research priority regarding this stock. Can we endorse that recommendation? Thank you. On the very bottom of that page we see that the Joint Working Group endorsed the 1991 Work Plan including the proposed intersessional meeting. Can we take note of that? Thank you. On

next page in paragraph 10.2.1 on the very end, we can see that the Joint Working Group agreed that it had served its function and recommended to the Technical Committee that it be disbanded. Can we endorse that recommendation? Thank you. I will now adjourn the meeting until 8.30, and I plan to cover Agenda Items 10, 11 and 12 tonight. That will mean that if speakers and Commissioners make short interventions, succinct and direct to the point, we can finalise these items very short. Otherwise I'm willing to chair until the sun rises. The meeting is adjourned until 8.30.

[Dinner break]

**Chairman**

Commissioners, ladies and gentlemen - the plenary is resumed. I think we had better get started immediately. We will now turn our attention to Agenda Item 10.3 as regards the Report of the Technical Committee. May I ask the Chairman of the Technical Committee to present the issue on the Southern Hemisphere minke whales. Dr Fleischer.

**Chairman of Technical Committee**

Thank you, Mr Chairman. The Southern Hemisphere minke whales discussion which took place in the Technical Committee was very short. It's at the bottom of page 16. And as you can see, Mr Chairman, the Technical Committee agreed to refer this to the plenary session.

**Chairman**

Thank you, Chairman. Are there any comments regarding this Agenda Item regarding Southern Hemisphere minke whales? Japan.

**Japan**

Thank you very much, Mr Chairman. I like to comment on the reclassification and the catch limit for the Southern Hemisphere minke whales. At the Scientific Committee the Committee almost reached consensus but with some scientists opposing it didn't achieve the consensus. However, we were able to have the Report of the Scientific Committee list the reclassification of the Southern Hemisphere minke whales in which Area I, II to be reclassified as IMS and III, IV to be reclassified as SMS and V, VI as IMS. It also recorded the opinion of the Scientific Committee that even though any further analysis have been made the estimate of the populations would not be changed greatly. The agreed estimate by the Scientific Committee of this population size of the Southern Hemisphere minke whales is this year 760,000 whales. Following the proposal for the reclassification the Scientific Committee used the best estimated parameter values to run the HITTER program to achieve the catch limit under the current New Management Procedure. The total of the catch limit recorded in Scientific Committee Report is 4,853. In comparison, the last catch limit established for 1984 was 4,244. The Japanese delegation considers that the Comprehensive Assessment for the Southern Hemisphere minke whales has been completed this year and therefore, based on the result of the Comprehensive Assessment, we are in a position to ask for the reclassification and setting of the other catch limits according to the Schedule 10(e). However, listening to the debates at this Commission meeting I understand that a lot of opinion has been expressed as to the usefulness of New Management Procedure and the majority has been recommending that we should wait for the revised management procedure to complete. In this connection we have the whole trust to the Commission's decision next year to adopt the revised management procedure at next year's meeting. At the same time we believe that the stock condition would be even improved farther and therefore at next year's Commission meeting under the revised management procedure which would be adopted we shall ask for the catch limit for the reopening of the commercial whaling.

The Government of Japan is firmly committed to the assessment and monitoring of the Southern Hemisphere minke whale stocks as well as other large species in connection with the minke whale

abundance and therefore we shall continue to support the IDCR sightings surveys in connection with surveys of other large whale species that had been depleted and we also intend to continue on our national research programme. Therefore, Mr Chairman, I ask all of our distinguished Commissioners of the member nations to render understanding and cooperation so that the research and IDCR research programme as well as our national research programme would be able to continue. Mr Chairman, I will call for the reaffirmation of the member countries' Commissioners and the member governments to recognise again the importance of the scientific researches in Southern Hemisphere because that area is going to be left in darkness unless we continue our research. Finally, Mr Chairman, I like to remind the floor that the moratorium for all commercial whaling adopted in 1982 by the Commission was a wrong decision as far as the Southern Hemisphere minke whale stocks were concerned and we would like to remind you that a number of people who had lost their jobs following the moratorium are still suffering. Thank you, Mr Chairman.

**Chairman**

Thank you, Japan. Are there any further comments? That seems not to be the case. May I then ask the Chairman of the Technical Committee to present Future Work Plans, the last part of this Agenda Item in the Technical Committee Report. Dr Fleischer.

**Chairman of Technical Committee**

Thank you, Mr Chairman. The future work plans is discussed in the Technical Committee on the top of page 17. There was some suggestions the completion of the Comprehensive Assessment on Northeastern Atlantic minke whale stock be developed by the next Annual Meeting. This raised concern in some other delegations. They believed that it will impose extra work in the Scientific Committee and after several discussions it was suggested that the delegation with some suggestions work with the Chairman of the Scientific Committee on the specific scope of the work under consideration and the Chairman of the Scientific Committee will report to this plenary on the priorities and future work plans for next year.

**Chairman**

Thank you. May I ask the Chairman of the Scientific Committee if he has any comments to do. Chairman.

**Chairman of Scientific Committee**

Thank you, Mr Chairman. I have talked to some of the delegations here and I think we have agreed to what we can do to look at some of the things that the Norwegian Commissioner raised within the framework that we have planned. At least at the scientific level I think we have resolved most of our problems.

**Chairman**

Thank you. Are there any further comments? Norway.

**Norway**

Mr Chairman, I am very happy to take note on behalf of the Norwegian delegation of what the distinguished Chairman of the Scientific Committee just said. I think he has been most cooperative in this instance as in all other instances, and for us, for the Norwegian delegation, it has been and is and remains essential that we shall be able and have assurance that we shall be able to complete the assessment for the Northeast Atlantic minke whale stock by next Annual Meeting and we base ourselves on the understanding with the Chairman of the Scientific Committee in feeling assured that that also will be the case. Thank you, Mr Chairman.

**Chairman**

Thank you. I take it that there are no further comments. The last part of the third paragraph contains a recommendation that the Technical Committee agreed that those nations wishing to have topics

addressed in the Scientific Committee should confer with the Chairman of the Scientific Committee so that it can be brought back to the plenary. Can I take it that we adopt that recommendation? Thank you. That disposes of Agenda Item 10.3 as far as what is contained in the Technical Committee Report. I will now go back to 10.1 and ask if there are any general comments regarding that Agenda Item. We have gone through this Agenda Item before and asked for comments on the various parts of the Report. There were none, so I take it that there are no further comments. That seems to be the case. That disposes of Agenda Item 10.1. Then we go back to 10.3. Are there any actions arising more than those we have dealt with. United Kingdom.

**United Kingdom**

Mr Chairman, as there was a reasonable amount of confusion this afternoon I am hoping that within the next half hour or so we shall have a draft Resolution in everybody's pigeonholes which I hope we could perhaps address tomorrow if it helps clarify the situation. Thank you.

**Chairman**

Thank you. Can I take it that we can close this Agenda Item except for the intervention made by United Kingdom which we will come back to tomorrow? Norway.

**Norway**

Mr Chairman, I got interested in, or would be interested in knowing on what subject the UK is now working.

**Chairman**

UK, can you enlighten the Norwegian delegation?

**UK**

I am sorry, Mr Chairman. It was in relation to paragraph 10(e) of the Schedule. It's solely in relation to that, and what we are expecting from the Scientific Committee and our work next year, so I hope it will be helpful. Thank you.

**Chairman**

The Netherlands.

**Netherlands**

Can I take it, Mr Chairman, that when the UK proposal is presented tomorrow we will have an opportunity to speak to it?

**Chairman**

Yes, of course. But I take it that it will be distributed tonight. Thank you. Can we then go to Agenda Item 11 Aboriginal Subsistence Whaling. May I ask the Chairman of the Technical Committee to present 11.1. Dr Fleischer.

**Chairman of Technical Committee**

11.1 Thank you, Mr Chairman. The middle of page 17 there is the Technical Committee Report on aboriginal subsistence whaling. We reviewed the Report of the Scientific Committee on the Eastern stock of North Pacific gray whales. This is presented on the rest of page 17, 18 and part of 19. I should note, Mr Chairman, there were Scientific Committee recommendations on census and survey work, catch records, biological parameters and the Western Pacific stock of gray whales. Besides that there was some other information on St Vincent & The Grenadines humpback whales. There's a general recommendation on gathering information when it's possible and related with photographs that should be taken and there was also some information on other stocks. After reviewing the Scientific Committee Report we also looked and discussed the work by the Technical Committee Working Group on Aboriginal Subsistence Whaling,

and this is presented in our Technical Committee Report on page 21, 22 and 23. There was a question addressed to the Technical Committee on conversion factors for converting whale meat into tonnage, there was also some discussion on the take of three whales and the effect on the stock in areas under the jurisdiction of St Vincent & The Grenadines, and in other matters there was a question related to CITES which you had already dealt in the plenary meeting yesterday. As an action arising the Technical Committee took note of the Scientific Committee Report and endorsed its recommendations. Then, Mr Chairman, the Technical Committee recommended to the Commission that the Schedule be amended by substitution of the dates 1990/1991-1992/93 in paragraph 13(b) and (iv) regarding the annual catch limit of three whales for St Vincent & The Grenadines on humpback whales. Then, Mr Chairman, there was some discussion and a review of the Schedule paragraph 13(a), the management scheme for aboriginal subsistence whaling, and there were basically two points presented with no agreement and it was agreed by the Technical Committee that this should be presented to the plenary.

**Chairman**

Thank you, Chairman of the Technical Committee. May I ask if there are any comments of any kind regarding 11.1 Report of the Scientific Committee with three sub-items? Can I take it that we adopt Agenda Item 11.1 which would mean as a time-saving measure that we include the recommendations included in that part, the recommendations from the Scientific Committee? Thank you. Are there any comments on Agenda Item 11.2? Denmark.

**Denmark**

Thank you, Mr Chairman. In the Technical Committee meeting we had a discussion about the Greenlandic need for 670 tonnes of edibles from minke whales and larger whales and this discussion is referred on top of page 23. I confirm that as discussed Denmark will provide the Secretariat ...

**Chairman**

Excuse me, do you .... Is it on page 23?

**Denmark**

Twenty-three. We had a discussion about conversion rates and I confirm that Denmark will provide the Secretariat with the data concerning this question. However, on the top of page 22 the Aboriginal Subsistence Whaling Sub-committee recommended to the Technical Committee that the aboriginal need in Greenland for whale meat from minke whales and larger whales was 670 tonnes. I propose to the Commission that we should recognise this aboriginal subsistence need in Greenland. Thank you, Mr Chairman.

**Chairman**

Please, Denmark, will you repeat your exact proposal?

**Denmark**

I propose to the Commission that we recognise this aboriginal subsistence need of 670 tonnes of edibles from larger whales in Greenland. Thank you.

**Chairman**

Any comments? UK.

**UK**

I am sorry, Mr Chairman, I didn't hear what exactly the proposal was.

**Chairman**

As far as I take it, the Danish delegation has asked the Commission to recognise the need of the Greenlanders for 670 tonnes of edibles. Was that a correct interpretation, Denmark?

**Denmark**

Thank you, Mr Chairman. To be quite precise, what I propose we adopt is a recommendation from the Sub-committee to the Technical Committee as described at the top of page 22.

**Chairman**

May I ask, Denmark, it is said 'meat' on page 22 on the top, on the third line.

**Denmark**

I could read it in total if you prefer, Mr Chairman.

**Chairman**

OK, do that.

**Denmark**

What we propose is that the Commission endorses the recommendation from the Sub-committee to the Technical Committee that the need of aboriginal populations in Western Greenland is for 670 metric tonnes of whale meat from minke whales and larger whales. Thank you.

**Chairman**

UK.

**UK**

I am sorry, Mr Chairman, but I pointed out at the Technical Committee that in the previous year's Working Group the Working Group had said that the delegation of Denmark and some other members of the Scientific Committee felt that the aboriginal subsistence need in Western Greenland was for 670 tonnes and it wasn't actually put as a recommendation last year. This year the Sub-committee didn't have that particular paper which referred to the 670 tonnes (IWC/41/22) in front of them - at least it's not in the list of documents - and I have suggested yesterday that we amended the notes of the Working Group to represent this. I didn't feel that there had been substantive discussion to change the view from that taken in 1989. Thank you.

**Chairman**

Thank you. Any further comments? Spain.

**Spain**

Thank you, Mr Chairman. My delegation has been always wondering why this distinction between the system of aboriginal whaling subsistence needs normally stipulated in number of whales, of takes, and in this particular case it was fixed in number of tonnes of whale. What I have been listening last time during this meeting there was some discussion about the factor of conversion so special for this specific case. I agree with my colleague from UK about the need of this item to be discussed more precisely in a Working Group before adopting further resolutions. Thank you.

**Chairman**

Thank you. May I ask the Commissioner from Denmark and the UK Commissioner to discuss this matter? I gather that the opinions are not that far and that you can come to a solution and then come back, so I hold this Agenda Item open for the time being. Is that OK? That seems to be the case. OK, Denmark.

**Denmark**

Thank you, Mr Chairman. I have not participated in work in the Aboriginal Subsistence Sub-committee but a large part of my delegation has done so, and I am informed that the UK had supported this

670 tonnes need in the Sub-committee.

**Chairman**

Please, Denmark, can you talk closer to the microphone. We didn't catch your last intervention.

**Denmark**

Yes. I am informed that the Danish proposal in the Aboriginal Subsistence Sub-committee was supported, among others, by the United Kingdom. Thank you. I did not participate myself in that Sub-committee. Thank you.

**Chairman**

Thank you. UK, have you any further comments?

**UK**

I think perhaps your suggestion I might talk with the Danish Commissioner might be quite sensible because my own people who were at the meeting are currently out of the room. Thank you.

**Chairman**

France.

**France**

Thank you, Mr Chairman. I don't know if I can speak here as Chairman of that Sub-committee - probably not - but maybe as the French delegation I can put on the table the memories of what happened in San Diego last year and what happened recently here. If I remember correctly, in San Diego Denmark requested the Sub-committee recognise the need of 670 tonnes and actually we received some information on that and some members recognised that need. This year, last week, it is clearly stated in the Report of the Sub-committee that the Sub-committee recognised the need of 670 tonnes. After that, not that recommendation but that 'constatation' if you want, has been referred to the Technical Committee so I can't go any longer I think at that moment. The Chairman of the Technical Committee could give the follow up of that issue, but I must say that in the Sub-committee we recognised, the Sub-committee as a whole recognised the need of 670 tonnes. Thank you, Mr Chairman.

**Chairman**

Thank you. May I ask the Chairman of the Technical Committee whether this issue was discussed in the Committee.

**Chairman of Technical Committee**

Thank you, Mr Chairman. As I report, and this is on page 22, there was the Sub-committee note to the Technical Committee on the need of aboriginal population of West Greenland is for 670 tonnes, and then in the Technical Committee the question of conversion factors for converting whales into tonnage of whale meat was raised and discussed. Thank you.

**Chairman**

Thank you. UK.

**UK**

Mr Chairman, I expect I am at fault because I didn't correct the minutes. I was trying to keep changes down to enough. I thought I had stated that, looking back at the '89 minutes of the Sub-committee, I didn't quite see how this year's minutes reflected that discussion, and as this year they hadn't discussed the document that revealed 670 tonnes because it isn't on the list of documents presented to the Committee. I was slightly confused as to how a recommendation that some had noted turned into a recommendation by the entire Committee. But perhaps if you could give me a little time a bit later if we are going to have a

coffee break or something, I could talk to Denmark and my staff who were at the meeting. Thank you.

**Chairman**

11.3 Thank you. I am perfectly willing to give you sufficient time for that. Can we now turn our attention to Agenda Item 11.3 Action Arising. We can see on page 23 of the pink sheets of the Technical Committee Report that under the heading 'St Vincent & The Grenadines humpback whales' the Technical Committee recommended to the Commission that the Schedule be amended by the substitution of the dates 1990/1991-1992/1993 in paragraph 13(b)(iv). Can we adopt that recommendation of the Technical Committee? Thank you. St Vincent.

**St Vincent & The Grenadines**

Thank you, Mr Chairman. My delegation wishes to thank the Commission for its consideration of this matter as one of those that have been decided by consensus. Thank you.

**Chairman**

Thank you. As for the next paragraph review of Schedule paragraph 13(a), are there any comments regarding this? US.

**USA**

Thank you, Mr Chairman. Although the Scientific Committee has pointed out that the New Management Procedure dealing with commercial whaling and the aboriginal subsistence whaling procedures share some common difficulties, the US notes that the Committee has also commented positively about its experience in applying the aboriginal subsistence procedures. We draw your attention to the top of page 9 of the Scientific Committee's Report which states 'the Committee believed that the procedures that it followed in providing to the Commission where possible its best information on current stock sizes, levels of depletion, recent trends in population size and yield or explaining why this could not be done were satisfactory'. My delegation would infer from this statement that, from a practical point of view, the Committee is comfortable with applying the aboriginal subsistence procedures. We look forward to the Comprehensive Assessment of this stock at the 1991 meeting. Thank you very much, Mr Chairman.

**Chairman**

Thank you. Any further comments? No further comments? I am at a loss how to deal with this Agenda Item. Was I right in assuming that you wanted to refer this Agenda Item to next year? US.

**USA**

Not review of paragraph 13(a), no, Mr Chairman. That was not ... We were giving an explanation that was given in the Scientific Committee and just relating it for this body's consideration and information.

**Chairman**

Thank you. May I propose that we defer deliberations on this Agenda Item until we deal with the proposal from UK which we just heard about which will be distributed in our pigeonholes later on this evening. Because I think the UK Resolution will deal with this Agenda Item as well. UK.

**UK**

Mr Chairman, we had only put in the Resolution paragraph 10(e). I wonder whether ... we have a position where we have a New Management Procedure applied in a somewhat modified form in relation to aboriginal subsistence whaling. We have discussions going on on a management procedure. We are going to finally come up with either a new one, an old one, a revised one - some sort of management procedure for commercial whaling - but I wouldn't like to say what it is. I mean, we are looking at it and we have to take a decision. That being the case, could we not follow the Scientific Committee's recommendation that discussion of any new management scheme for aboriginal whaling could only usefully take place after we had settled on what we wanted for commercial whaling. Thank you.



**Chairman**

Thank you. US.

**USA**

The United States could associate with that, Mr Chairman.

**Chairman**

Australia.

**Australia**

Yes, Mr Chairman, Australia can associate with that also. Thank you.

**Chairman**

The Netherlands.

**Netherlands**

We support that also, Mr Chairman.

**Chairman**

The Netherlands. New Zealand.

**New Zealand**

Yes, we would wish to associate ourselves, thank you.

**Chairman**

Any further comments? Sweden.

**Sweden**

Yes, we would like to associate ourselves with that as well.

**Chairman**

I take it there is a consensus about the US proposal. UK's, sorry. Thank you. That disposes of Agenda Item 11 except for the outstanding issue which we expect UK and Denmark to come back on. Thank you.

Let's then turn to Agenda Item 12 Socio-economic Implications and Small-type Whaling. May I ask the Chairman of the Technical Committee to report. Dr Fleischer.

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**Chairman of Technical Committee**

Thank you, Mr Chairman. The Technical Committee reviewed the work of the Working Group on Socio-economic Implications and Small-type Whaling which was chaired by the distinguished Commissioner from Federal Republic of Germany. It deals with information on Norway which is presented on page 23, with Japan which is on page 24, with Greenland and Iceland which is on page 25. An important conclusion of this Working Group is at the bottom of page 25 and it confirmed the general views that had agreed in the Report of 1989 meeting. Under the consideration of the situation of various kinds of small-type whaling Japan stated that the operation plan had been considering four principles which are on top of page 26 and the Japanese delegation also offered for this Working Group the definition on the Japanese small-type whaling, making clear that this definition was intended primarily to describe contemporary Japanese small-type whaling operations which were intended primarily to meet the direct cultural needs. In the Technical Committee discussions Japan also presented the conclusions of the nine points which are presented on page 27 and identified distinctions between the small-type coastal whaling and large-type coastal whaling, and also Japan reiterated the evidence and conclusions presented to the

12.1

Working Group on the matters employed and recently modified for the control and distribution of the use of the meat. There was some recognition to the Japanese efforts to provide extensive research on this presentation from some delegations, and there was also some concerns of the effect of the zero catch limits on the coastal communities as well as the impact on the ecological balance. In the action arising, Mr Chairman, the Technical Committee adopted the recommendation of the Working Group which are on the middle of page 28 and are the Working Group should be continued, that documentation be reviewed and revised between meetings, the Chairman in consultation with yourself, Mr Chairman, and the Secretary should determine if there's any need for an additional meeting before the next Annual Meeting, and finalising with our discussion of the action arising, Japan gave notice to the Technical Committee they will require in this Commission's meeting an interim allocation quota. Thank you.

**Chairman**

Thank you, Dr Fleischer. Any comments regarding this Agenda Item? Japan.

**Japan**

Thank you, Mr Chairman. Because there has been no agreement reached again this year for the establishment of a new category, I propose that the work be continued to document more information regarding this particular type of whaling.

[section missing on changeover of tapes]

Two years in a row we were denied our request by the Commission. This year being the third year we are only asking a very small number for the interim relief quota as a symbolic action for the humanity to be rendered to these small-type coastal whaling communities. I believe that the IWC/42/29 has been distributed to everybody's pigeonholes and therefore I take this opportunity to read it. 'Interim Relief Quota Request for Small-type Coastal Whaling, Japan. For the past five years Japan has conducted research to document the nature and significance of its small-type coastal whaling fishery. The results of this research explaining the socio-economic, cultural, religious and dietary importance of the small-scale whale fishery have been presented to the Commission through its Technical Committee Working Groups on Socio-economic Implications and Small-type Whaling. At the 1988 and 1989 Commission Meeting a number of delegations expressed their understanding of the serious problems faced by residents in the Japanese small-type coastal whaling communities. Japan is requesting an interim relief quota of 50 minke whales from the Okhotsk Sea-West Pacific stock as an interim measure before the Comprehensive Assessment of this stock is undertaken next year. This interim quota will be substantially below the quantified need provided in the submitted documentation this year. The present stock size is estimated to be 9,621-12,988 whales based on the most recent estimate by the IWC Scientific Committee (*Rep. int. Whal. Commn* 38: 47, 1988). A quota of 50 represents only 0.4-0.5% of this estimate which is significantly less than the 2-6% MSY rate applied by the Scientific Committee to the North Atlantic minke whales. Therefore no adverse effect on the stock can be expected. Japan has a long history of catch from this stock beginning in 1930s with an average annual take of 314 animals from 1949 to 1986. No catches have been made since 1987. A quota of 50 is substantially less than the historic sustained harvest levels and represents a small percentage of the harvest that would have been taken since 1987 had the zero catch limit not been imposed. The Government of Japan and the whalers are prepared to implement strict control measures to limit the distribution of meat from this catch to those communities where need associated with a distinct food culture based upon fresh minke whale meat has been demonstrated. If this request for an interim relief quota is to be accepted the Government will take voluntary measures to reduce the quota of Baird's beaked whales to 40 animals for 1991. This quota should not be interpreted as a violation of the Commission's moratorium on commercial whaling. It is simply the provision of interim relief for human cultural need for one year.'

Mr Chairman, will you please open the floor for the discussion of this request?

Chairman

Thank you, Japan. Of course I will open the floor for comments on this request. St Lucia.

St Lucia

Mr Chairman, before I make any comments may I, if you permit me, ask the Chairman of the Scientific Committee or whoever wishes to reply, well the Chairman of the Scientific Committee, whether this 50 allocation that has been asked for, whether it is a fact that it will have no adverse effect on the stock. And then I will make my comment. Thanks.

Chairman

Chairman of the Scientific Committee, will you react to that?

Chairman of Scientific Committee

Yes, we didn't look at minke whales this year. I was trying to find this piece of paper that we were just looking at. I can't seem to find it. I don't know when the last time was that we looked at minke whales, but I guess that's the reference that's in this document that was just read in terms of what the population size is.

Chairman

Thank you.

St Lucia

Mr Chairman, I have been informed by various members of the scientific community present here that this 50 that has been asked for will indeed have no adverse effect on the stock. I have been following very carefully this request from Japan over the past five years, and we have had put before us, some of it by request, other occasions at the instance of the Japanese themselves, a whole series of studies, some sociological, anthropological, historical, and we have reports by the Japanese scientists themselves, we have had international experts who visited Japan, we have had in more recent times some new information talking about the needs using certain set criteria, and we have had also a paper indicating how the Japanese plan to monitor and to manage this. Bearing in mind the Convention itself, which refers to the purpose when it was set up, and I am referring to the many references that are made to the objectives, that is the management of the whale stock, the rational management of the whale stock, and the whale fisheries in general. Bearing in mind that in one of the Articles it states very clearly that decisions should be made after due reference to the needs of the particular communities and indeed the countries concerned, and bearing in mind that over a five year period we have had this appeal, it looks to me that the request now being made is a reasonable one, and this delegation is satisfied that we have before us enough documentation and enough information which should allow us to make a decision on this matter. I refer to references in our Convention, which must be the guiding light of this Commission, references to the proper regulation of whaling, references to the fact that we have to take into account economic and nutritional aspects, we have to ensure proper and effective conservation and development of whale stocks. The Convention in Article III refers to, again, the conservation and development of whale fisheries and the products arising therefrom. It also refers in Article V to the conservation, development and optimum utilisation of whale resources, and Article V(d) shall take into consideration the interests of the consumers of whale products and the whaling industry. I think these are prevailing circumstances very well inscribed in our Convention which we have to take into account in any matter of this nature, and as I say I've been reliably informed that the amount being asked for will in no way affect the stock. I think we have to make certain decisions at certain times and I think there are enough prevailing reasons for us to make such a decision and it's based on this rationale, Mr Chairman, that I wish to support the Japanese submission. Thank you very much.

**Chairman**

Thank you. Norway.

**Norway**

Mr Chairman, I think the distinguished representative of St Lucia has spoken as usual very wisely and Norway would be glad to follow his reasoning and the way he has argued his support for the Japanese request to have an interim relief quota for small-type coastal whaling. We would concur that the stock concerned is a sound and healthy one and that any effect on stock would be negligible with a take as here indicated of 50 animals. Norway has followed with great interest the arguments and the presentations put forward by Japan on small-type coastal whaling. I think Japan through its presentations here this time, last year also, has in a very convincing way broken a new way in a complex field of social, cultural and economic interrelationships of whaling activities. Mr Chairman, in brief we do support and we hope that the Commission would make a ruling in favour of Japan in this case. Thank you.

**Chairman**

Thank you, Norway. St Vincent & The Grenadines.

**St Vincent & The Grenadines**

Thank you, Mr Chairman. Mr Chairman, my delegation feels that the Japanese delegation has gone out of its way, bent over backwards, to supply this Commission with all the information that it has asked for. It has repeated its request year after year, and attempted as far as possible to meet all the concerns raised by delegations in this Commission. We think, therefore, that their request could hardly be more reasonable in all the circumstances and we would like to support it.

**Chairman**

Thank you. Netherlands.

**Netherlands**

Thank you, Mr Chairman. My delegation wishes to note here that it appreciates the work that has been done by Japan during the past years to document the specific situation of the Japanese small-type whaling operations. Over the years we have expressed our uneasiness about granting a quota for this whaling operation which would, in our view, be an exception to the existing commercial whaling moratorium because of really the commercial aspects that we see in this fishery, and we think that even though Japan has tried to confine the category even further the commercial aspect is still a notable aspect of these operations. We also think that there remain uncertainties about the stock of minke whales concerned here and we note that next year an in-depth assessment of all North Pacific minke whales will be done. I refer to the part of the Technical Committee Report where it says that the Scientific Committee is to seek a system of management which would apply in principle to all commercial operations including those falling under the Commission's definition of small-type whaling. Further, as we have said in the past, granting an exemption to Japan for this small-type whaling would certainly set a kind of a precedent which might be used by other countries who could consider themselves to be in similar situation, and we would find ourselves in a very difficult position to control that. So, in the light of these considerations, Mr Chairman, and especially the fact that if all goes well we will know more about the condition of the stocks and we will be closer to, may even have a agreement on the revised management procedure by next year, I think it would be not right to grant the Japanese whaling operations a quota this year. Thank you.

**Chairman**

Thank you, Netherlands. Iceland.

**Iceland**

Mr Chairman, earlier this year I had the pleasure to accompany our Minister of Fisheries, Halldor Asgrimsson, to Japan. During our visit we were honoured to be received in Ayokawa by its mayor and

other members of the local community. Mr Chairman, we were able to experience with our own eyes the situation faced by this community following the entry into force of the 1982 decision. We are struck by the need to assist this community and others in the same situation to adjust to the consequences and would support the request for an interim quota. Thank you, Mr Chairman.

**Chairman**

Thank you, Iceland. Federal Republic.

**Federal Republic of Germany**

Thank you, Mr Chairman. I do recognise that the Japanese small-type coastal whaling has cultural and social aspects but still in our assessment it is commercial whaling and the moratorium applies to this whaling, and therefore it is necessary to fulfil the conditions that are formulated in 10(e) of the Schedule when this moratorium should be lifted for this fishery. The main difficulty we are confronted with here is that there is no assessment for this stock and therefore I am not in a position to agree to the Japanese request. Thank you.

**Chairman**

Japan.

**Japan**

Mr Chairman, in response to the statement given by the distinguished Commissioner of the Netherlands, I would like to respond. When he said there is a possibility of setting a precedent in this case for other fisheries, I don't think this would be the case. If it is going to be a precedent then other followers must exert the same amount of effort we have been exerting over the past five years. For the past five years we have been documenting results of the numerous researches undertaken on this fishery. However, in the beginning we only had Japanese researchers conducting the research and I realise that the world has no ears to listen to the Japanese and therefore I decided to take an expert advice of Professor Milton Freeman of University of Alberta who had been the expert on aboriginal subsistence whaling in the IWC Working Group in the past, and therefore he organised a group of objective experts on social and anthropological studies and they have objectively and from the views of the third person investigated what sort of cultural significance and the human rights these minority people of Japan in Japanese coastal communities do have.

In addition I like to comment on the comments given by the distinguished Commissioner for the Federal Republic of Germany. I appreciate it very much that he thinks we do have substantive documentation presented to show the real characteristics of this small-type coastal whaling fishery and when he said next year we shall have the Comprehensive Assessment on this particular North Pacific minke whale stock and therefore a consensus can be made based on this stock assessment of this stock. So I will keep it in record and cherish it until next year.

However, from the experience of this year's meeting, I have just observed that the Commission will not even undertake the reclassification of the stock or do not give any catch limits for any stocks on which the Comprehensive Assessment has been completed, and therefore I have my only hope for the revised management procedure to be completed by 1991's Commission Meeting so that we shall be able to obtain some kind of relief under this new management scheme.

In response to the comment made by the Commissioner of Netherlands and for the comments usually and always made by the Commissioner of the United States that because small-type coastal whaling is a commercial whaling so it does not deserve any special consideration, I would have to go into length to explain why we do not believe so. Japan has pointed out in earlier reports that there exist different degrees of commerciality in economic transactions and that the use of money in a mixed economy does not render that economy purely commercial. In those circumstances it is more relevant to ask,

notwithstanding some use of cash, to what extent is that economic market or profit derived or not, and how important are these non-economic goals that are satisfied by the economic exchanges that have taken place. Those non-economic goals associated with Japanese small-type coastal whaling have been explained in earlier reports, particularly IWC/40/23 and TC/41/STW1 in which we stressed the special social, cultural, symbolic, ceremonial, spiritual, dietary and identity-maintaining attributes associated with customary whale meat use in those coastal whaling communities. Many delegations agreed with these understandings last year. We heard statements that even barter is commerce and that it is important to consider the scale of the economic activity. For instance, was it industrial-scale or small-scale and to consider whether profit maximisation was the overriding goal of the economic activity. Money has seen to be the universal medium of exchange in the contemporary world and therefore to a varying degree is involved in all contemporary economic and many non-economic social transactions. For example, in Japan, giving a sum of money is quite acceptable at weddings or religious events.

If some delegates still consider that the use of cash or commercial channels of distribution in Japanese small-type coastal whaling thereby makes that fishery a commercial fishery, we ask you to consider information provided in TC/42/SEST5 detailing the scale and commercial distribution of whale meat in the Southwest Greenland community. In Southwest Greenland 40% of the meat is sold in the local market and another 40% is purchased by the fish factory and subsequently sold in the local shops and supermarket. Japan is not suggesting this is a commercial whaling fishery as that term is used in this Commission and applied by some delegations to the Japanese small-type coastal whaling fishery. We recognise that in modern-day Greenland commercial channels are an efficient and necessary means of distributing the valued whale products to the consumers as well as ensuring that whale meat producers can sustain their livelihood and that of the community in which they live. If this understanding extends in this Commission to the whalers in Greenland, we ask that the very similar circumstances of Japanese small-type coastal whalers also be seen as strictly analogous. It is hard to discern the logic of an argument recognising that although 80% of the Southwest Greenland coastal whale fishery enters commercial channels, the fishery can be classified as subsistence. Therefore outside of the commercial category we have a strictly analogous situation elsewhere must be classified as strictly commercial. Japan does not deny that its small-type coastal whaling fishery has commercial elements. What it has done is to document the many non-commercial elements sustained by this fishery. The distribution of whale meat occurring in Japanese small-type coastal whaling is similar in many respects to that in the Southwest Greenland minke whale fishery, yet this degree of commerciality does not detract from, nor should it be used as an excuse to deny the social, cultural, religious and dietary importance of whale meat production, distribution and consumption in these Japanese small-type coastal whaling communities. Thank you, Mr Chairman.

**Chairman**

Thank you, Japan. France.

**France**

Thank you, Mr Chairman. We would like to associate ourselves with the conclusion drawn by Netherlands but however we would like to commend Japan for the quality of information provided, the importance of the documentation, and we would also say that we share the concerns expressed on the social and cultural problem raised by that situation on the communities involved. Thank you, Mr Chairman.

**Chairman**

Thank you, France. USA.

**USA**

Thank you very much, Mr Chairman. The Report of the relevant Working Group, IWC/42/16, sets out in depth the description on which Japan bases its request and its proposed operational plan. It also sets out the view of the United States which I will only summarise here. We are concerned about the proportion

of small-type coastal whaling minke whale meat that has been purchased by brokers for sale to more distant markets. Documents available to this and earlier years estimate this proportion to range from 20-70%. The proposed whaling operation involves multiple species whose management would be split between this Commission and Japanese national authorities. Japanese documentation suggests that consumption is culturally very important but harvesting is substantially less so. We are unclear to what extent foreign and domestic sources of cetacean meat are already satisfying existing demand. And finally we do not believe the proposed operational plan provides an appropriate basis for sound management. The United States therefore does not support the proposal. Thank you very much, Mr Chairman.

**Chairman**

Thank you. Sweden.

**Sweden**

Thank you, Mr Chairman. In accordance with several other delegations Sweden would like to express its appreciation for the substantial and important work conducted by Japan on the socio-economic implications of small-type coastal whaling. However, it's our opinion that the material presented does not warrant the establishment of a special category of whaling. The small-type coastal whaling of this area must, like all other forms of commercial whaling, be subject to the requirements of the Comprehensive Assessment and a revised management procedure. We therefore cannot accept an interim relief quota for the Okhotsk Sea-West Pacific stock as requested by Japan. Thank you.

**Chairman**

Thank you. UK.

**UK**

Thank you, Mr Chairman. I must thank the Commissioner for Japan for the very detailed reports which have been submitted on the Japanese small-type whaling communities. We have studied these very carefully and have certainly come to a much clearer understanding. We too ourselves have geographically isolated fishing communities and so are not unfamiliar. I recognise that the application of the moratorium will have had socio-economic consequences for the four communities under discussion in spite of its increased quotas for other whale species. I must stress we are not unsympathetic to the problems faced by these communities. This is, however, a subject we've been discussing, as the Japanese Commissioner said, for some time. At the moment under the present moratorium for commercial whaling only aboriginal subsistence whaling is permitted and that is very closely confined. In previous years we have come to an agreement that small-type coastal whaling is very different from aboriginal subsistence whaling. This year we have received very in-depth documents and I have also received answers to a series of questions that I had posed to the Japanese Commissioner, for which I am grateful. However, having studied these carefully, it still remains clear that a large proportion of the minke meat landed, for example at Ayukawa, is sold commercially and enters into complex wholesale and retail chains at the inter-regional and national level. I would add this is rather different from the example cited at Greenland where we are talking about a local market. Further, the precise amounts and quantities concerned entering the market are determined by the price mechanism. It would seem, therefore, that the small-type coastal whaling is a local commercial fishery of the same kind as many other small-scale fishery operations. In the Working Group we made reference to similar types of fishery in the United Kingdom and pointed out the serious socio-economic consequences which necessarily arise for communities when access to the species they have hitherto exploited is interrupted, whether for legal or constitutional reasons or because natural resources fluctuate naturally or are depleted by man. I'm afraid I cannot avoid the conclusion that small-type coastal whaling is essentially commercial in character.

The other consideration we have is that we currently have a moratorium and we require Comprehensive Assessment to be made of the various stocks. This Comprehensive Assessment for the particular stock of interest to the Japanese small-type whalers is taking place next year, and until we have this assessment and

the assurance that the stock is in a healthy state I think it would be unwise to move ahead. I therefore cannot see any ground for treating small-type coastal whaling differently from other types of commercial whaling, or indeed from other types of small-scale coastal whaling which happens in other parts of the world. I don't really feel, therefore, we can exempt it from the moratorium. Thank you.

**Chairman**

Thank you. I give the floor to Denmark.

**Denmark**

Thank you, Mr Chairman. It is the considered view of the Danish Government that there is a substantial difference between the aboriginal subsistence catches and small-type coastal whaling, and we have with much interest studied the extensive material which is provided by the Japanese Government, and we have also tried to give the picture of the activities in Greenland by providing the two case studies which were presented in the Aboriginal Subsistence Working Group. We would, however, like to point out that the example which was mentioned by the distinguished delegate from Japan is somewhat misleading in that he said that 80% of the catches in Southern Greenland were distributed by commercial means. This is not so. The case which is being mentioned is a singular case which is originated in the third largest town of Greenland and this specific case, this whale was sold in two different places. But in just about all other cases the catch is not distributed by commercial means, if you would like to bring that to the attention of the Commission. Thank you.

**Chairman**

Thank you. Switzerland.

**Switzerland**

Thank you, Chairman. I just want to say that we would like to associate ourselves with the excellent answer given by the United Kingdom.

**Chairman**

New Zealand.

**New Zealand**

Thank you, Mr Chairman. Most of the remarks I wished to say have already been said and I won't repeat them. I would like to say, however, that we too have to respect the skill and tenacity with which the Japanese Commissioner presents the arguments in favour of the granting of a quota. He does provide excellent documentation and his presentation is indeed very convincing. But the sticking point from our side is, of course, largely one of principle and no matter how the problem's approached the commercial element remains of major significance. To agree to the proposal would, in practice, pull the supports out from under the moratorium. We are not able, therefore, to agree to the request for an interim quota allocation in present circumstances. Thank you, Sir.

**Chairman**

Thank you, New Zealand. Are there any further comments? Australia.

**Australia**

Thank you, Mr Chairman. Just simply to reiterate that we also appreciated the very detailed and informative presentations made the Government of Japan in documenting aspects of the Japanese small-type whaling operations, but we share the reservations described by the interventions of Sweden and the Federal Republic of Germany. Thank you, Mr Chairman.

**Chairman**

Thank you. I give the floor to Japan.



**Japan**

Mr Chairman, I like to respond to the part of the comment made by the distinguished Commissioner of the United States. In it he said the fresh minke whale meat harvested at those small-type coastal whaling communities going out of that particular local communities in a commercial route. We do not know which year he has based his comment on, but since 1980 as the commercial whaling has been declining the catches are declining in the commercial whaling due to the smaller catch limits given by the IWC. The Japanese market which is always present and ready to receive the whale meat has been much in a chaotic condition and therefore some part of the harvest of the fresh minke whale harvested by the small-type coastal whaling did go out of their community in distribution. However, around 1980s the export from those communities to other areas were only going as far as the limits of the provincial boundary, the Prefecture boundary, of that particular area. The socio-cultural importance of the small-type coastal whaling is not only limited to the consumption but it is the integrated activity of production, distribution and consumption. Thank you, Mr Chairman.

**Chairman**

Thank you, Japan. Are there any further comments? That seems not to be the case. We are on Agenda Item 12. We have heard the presentation of the Report of the Working Group and we have had comments on that. Can I take it that we adopt Agenda Item 12.1? Thank you.

Agenda Item 12.2 Action Arising, on page 28, on the middle of the page. There are three recommendations listed, namely, one - the Working Group be continued; two - the documentation be reviewed and revised between meetings; three - the Chairman in consultation with the Chairman of the Commission and the Secretary determine if an additional meeting needs to be convened before the next Annual Meeting in the light of any new documentation received. Can we adopt these recommendations? That seems to be the case. Thank you.

12.2

May I ask whether the interim relief quota request for small-type coastal whaling contained in document IWC/42/29 is still on the table? It's still on the table. This request has been proposed and seconded, we have heard the series of views on this request, some delegations are opposed to it. I hesitate, but I have to put the request to a vote. Japan - you want to put it to vote?

**Japan**

Thank you, Mr Chairman. I shall leave the matter in your hands to be determined by discretion. However, I think the final result should be the voting.

**Chairman**

This issue has, apart from the plenary, been discussed in various groups, among them the Commissioners' meeting, so I see no other choice than to put it to a vote. Secretary, will you conduct the vote? Dr Gambell.

**Secretary**

Mr Chairman, the proposal before the Technical Committee is the interim relief quota request for small-type coastal whaling by Japan as set out in IWC/42/29. I would understand this to be in the nature of an amendment to the Schedule for the Okhotsk Sea-West Pacific stock of minke whales of the North Pacific, to put a figure of 50 in for the coming season, and therefore as an amendment to the Schedule it would require a three-quarters majority of this plenary session to be adopted. So the proposal is for the interim relief allocation put forward by Japan for the Okhotsk Sea-West Pacific stock of minke whales, a catch limit for the next season, 1991, of 50 minke whales, and a three-quarters majority is needed to amend the Schedule.

The roll starts at Denmark - no; Finland - no; France - no; Federal Republic of Germany - no; Iceland - yes; Ireland - no; Japan - yes; Republic of Korea - abstain; Mexico - abstain; Monaco - no; Netherlands - no; New Zealand - no; Norway - yes; Oman - abstain; St Lucia - yes; St Vincent & The Grenadines - yes; Seychelles - abstain; South Africa - no; Spain - abstain; Sweden - no; Switzerland - no; USSR - abstain; UK - no; USA - no; Australia - no; Brazil - no; People's Republic of China - abstain.

Mr Chairman, there were 5 votes in favour, 15 votes against, and 8 abstentions, so the proposal fails.

**Chairman**

Thank you, Secretary. Japan.

**Japan**

Thank you, Mr Chairman, and thank you all the Commissioners and I apologise for taking up your valuable time in consideration of this. I thank you very much for your interest and this coming year would be the year for the Comprehensive Assessment on the North Pacific minke whale stocks, which is a relevant stock for this fishery, and therefore we shall endeavour our best to present the best material so that you will have a serious consideration on this matter again. Thank you.

**Chairman**

Thank you, Japan. That disposes completely of Agenda ... USA.

**USA**

Thank you, Mr Chairman. I would like to make an explanation of my vote. The United States voted no on the basis that there is no special category established for small-type whaling. Thank you, Mr Chairman.

**Chairman**

Thank you. That disposes of Agenda Item 12. Brazil has asked for the floor. Sorry, Spain.

**Spain**

Thank you, Mr Chairman. We want to express also the signification of our abstention in this, in the voting of this proposal. Taking into account that Spain is a fishing country we share the great concern and sympathies for the problem that has been expressed by this important fishing nation, but the most important is that taking into account all the circumstances of this Commission and the fact that even if the moratorium has been reconfirmed by the majority of the members of this Commission, we think that any kind of fishing or, sorry, of whaling that is, or aboriginal or small-scale, they are very similar. We don't see very clearly the difference that expresses for the Commissioners. That is why if some activities are allowed it is possible to maintain, we cannot see very clearly why other activities of similar feature are not. This is why it was very difficult for Spain to adopt a very clear position taking into account all this factors, why I decide to abstain in this vote. Thank you.

**Chairman**

- 13 Thank you, Spain. We can now move to Agenda Item 13, and I ask the Chairman of the Technical Committee to report on this Agenda Item. Dr Fleischer.

**Chairman of Technical Committee**

- 13.1 Thank you, Mr Chairman. Agenda Item 13 Second International Decade of Cetacean Research is on the middle and last part of page 28. We received the Report of the Scientific Committee, we reviewed results of two programmes in 1989/90. This is the IWC/IDCR Southern Hemisphere Minke Whale Cruise and the computer-assisted matching for right and blue whales. To the first one, Mr Chairman, I should point out that the Scientific Committee noted with appreciation that the Government of Japan has allocated £805,000 to provide vessels, labour and other logistics required for the cruise. There was also some

request for a genetic variability and stock identity of humpback whales project with a world-wide perspective, and it was recommended by the Scientific Committee to be funded in full, and also there is a proposal for a study humpbacks of Western Australia in the austral winter of 1990. The Scientific Committee recommended only a reduced programme to be funded. In action arising the Technical Committee endorsed its recommendations for your consideration in the plenary. Thank you.

13.2

**Chairman**

Any comments? Japan.

**Japan**

Thank you, Mr Chairman. Japan has been giving unqualified support to the IWC Scientific Committee to conduct IDCR sightings surveys in Southern Hemisphere since 1978. We are pleased to note that this survey programme has made a lot of progress so that now we have a good idea of the population conditions of the whale stocks south of 60° South. Mr Chairman, the IDCR sightings surveys in the Southern Hemisphere has been sponsored by the Government of Japan offering the chartered vessels chartered by the Institute of Cetacean Research. This research institute is the same body that is undertaking the national research programme on minke whales in the Southern Hemisphere. Mr Chairman, I seek the understanding of the Commissioners through you that because of the involvement of the Japanese national research in take of whales it is not very popular and therefore we have been advised by the Commission in the form of resolutions over many years. However, the systematic survey organisation is the same organisation that is rendering all the possible assistance to the IDCR survey, and therefore if one fails the other would also collapse, and it is more or less the integrated system of the Japanese Government so thereby I would like to ask through you the understanding of this matter by the Commissioners.

**Chairman**

Thank you, Japan. Are there any further comments? That seems not to be the case. Can we then adopt the whole Agenda Item 13, thereby adopting the recommendations to be seen on the bottom of page 28 and on the top of page 29? That seems to be the case. Thank you.

May I ask the advice of the meeting? It's half past ten. Are Commissioners sleepy or should we go on and cover another Agenda Item? The more we cover tonight the earlier we can get home tomorrow. No reaction whatsoever. Are you all asleep already? The Netherlands.

**Netherlands**

How about choosing one that wouldn't take more than about quarter of an-hour at the most, Mr Chairman?

**Chairman**

You are suggesting something quick. Could we go to 16 Register of Whaling Vessels? Have you something to report on that Agenda Item, Dr Fleischer?

16

**Chairman of Technical Committee**

Thank you, Mr Chairman. Yes, it is the last page of the Technical Committee Report. You will see that the Secretary presented the Seventh Edition of the International Register of Whaling Vessels. Some information during the discussion in the Technical Committee was up-to-date of this Register mainly presented by two delegations, Brazil and Spain. There was also some concerns expressed, Mr Chairman, based on the security of the vessels which has been a policy, and this is in a way preventing this Register to be up-to-date. This is insofar what we discussed in the Technical Committee on this issue. Thank you.

**Chairman**

Thank you. Any comments on that Agenda Item? That seems not to be the case. Can we note what has been said by the Chairman of the Technical Committee? Thank you. That disposes of Agenda Item 16. What is left on our Agenda is, correct me if I am wrong, the whole Agenda Item 7, one item on Agenda Item 9 - that's the US Resolution, and in Agenda Item 10 we have the UK Resolution under 10.3, and I gather that an Icelandic draft Resolution in document IWC/42/27 refers to this Agenda Item as well. We have covered 11, 12, 13. So we have left 14, 15 and 17 and 23.3.4 and 25. I take it that this is quite a good workload for tomorrow. I therefore propose to adjourn the plenary until tomorrow, 9 o'clock. The plenary is adjourned. Goodnight, and have a good sleep.

**END OF THIRD PLENARY SESSION**

FOURTH PLENARY SESSION

Friday 6 July : 9.00am

**Chairman**

Commissioners, ladies and gentlemen, good morning. The plenary is resumed. Last Monday I said it was my intention to finalise our deliberation by lunchtime. I do hope that the lunch will not be too late. We will today start with Agenda Item 7 Scientific Permits. May I ask the Chairman of the Scientific Committee to comment on this Agenda Item, sub-item by sub-item. Chairman of the Scientific Committee.

7

**Chairman of Scientific Committee**

Yes, just one second, Mr Chairman. OK. We are going to start with Norway. Is that correct? The Norwegian Government issued a special permit to take 20 minke whales in 1989. A total of 17 animals was taken, 2 males and 15 females, bringing the total permit catch of the 1988 and 1989 seasons to 46 which equalled 23 males and 23 females. The progress of the overall Norwegian research programme including aspects not directly related to research catch, was outlined in the Progress Report presented by Norway, and twenty-seven additional papers presented to the Committee. These studies directly related to the catch and could be grouped into the following headings: age determination, stock identification, feeding and energetics. The proposed 1990 catch of five animals was planned mainly to complete studies on digestion and studies on the energy expenditures of free-swimming whales. The proposal this year which was one of the documents we had, should be viewed in conjunction with the broader programme that was described two years ago. The Committee noted that the 1990 proposal was an extension of the earlier programme that it had discussed in detail last year. It refers the Commission to that discussion and agreed this year to confine its discussion to new points. Apart from a few comments on specific aspects of the results so far, most discussion in the Scientific Committee this year centred on the value of multi-species modelling to management, and the various views that were expressed are given on page 32 and 33 of the Scientific Committee Report. That's all I have to say, Mr Chairman, about the Norwegian proposal.

7.1

**Chairman**

Are there any comments? UK.

**UK**

Thank you, Mr Chairman. On the Report by the Scientific Committee I would like to note that Norway has obviously put in a great deal of work and effort in a large number of areas in whale research, including the sightings surveys, and I further fully realise that multi-species modelling is a mammoth task. The programme is clearly breaking new ground, and as the authors of the programme itself have said, their documentation is in its initial stages and somewhat sketchy. One concern I have which perhaps there wasn't time in the Scientific Committee to explore further was, it's about the balance of the programme between the minke whale and items such as fish population dynamics and krill. Obviously, developing multi-species models is a highly complex and iterative process, but I think to start practical work such as taking whales while such work is in early stages is possibly slightly premature. I note also that some data on sensitivity analysis is going to be presented at some forthcoming meetings of ICES and presumably until that data is read and analysed it would not be appropriate for further practical steps in relation to taking of whales are taken. Thank you.

**Chairman**

Thank you. Norway.

## Norway

Mr Chairman, we have noted the comments set out in the Report from the Scientific Committee on the Norwegian scientific permit as well as on the Norwegian research efforts. As this Commission will know, the question before us today, that is Scientific Permits, is part of a very broad long-term Norwegian research effort which is now integrated in a comprehensive sea mammals research programme for the period 1988-1993, and which takes into account the interactions between minke whales, seals on the one hand, and other living marine resources on the other hand. This is, as it has been said, a rather ambitious undertaking, both in terms of the resources that the Norwegian Government is investing in this programme and also in terms of the quality of science going into this, and in terms of quality of the aims that we are setting ourselves with this programme. And I think it is important that this Committee, this Commission, and the Scientific Committee of course in the first instance, should know that for Norway this is a question of meeting critical research needs. Critical research needs in the sense that it is of vital importance for a coastal nation like Norway where the dependence on the total ecological balance and the total ecological context in the seas of Norway is essential to Norwegian interests in the long term. That's why our research includes ways and means to move towards multi-species management, move towards a better scientifically-based knowledge and management of living resources, here also included the vital aspects of conservation of living life in the seas of Norway. Our programme then is designed to meet deficiencies in our knowledge on key sectors of research. The Commission will know that within this total research effort the scientific take of animals is a very modest part of the programme. I say modest in terms of quantity. It is essential in terms of the quality that we need for this programme. It's essential because it is the only way that we could get information which is vital to the overall programme which we are undertaking.

Now this programme in its entirety on research and the scientific takes we are proposing, they have been presented in full to the Scientific Committee, they have been argued by our scientists, and we have put forward in full to the Scientific Committee the results of the previous research undertaken, including also the preceding scientific takes. At this year's meeting of the Scientific Committee we presented nine papers exclusively on the results of our research including Special Permits. We note that before this last session of the Commission there is also a proposed or a suggested Resolution on the lethal take of animals, of whales, as part of research. The Norwegian delegation shall have no problem in supporting that Resolution, a Resolution that reminds us of the importance to be restrictive and cautious in evaluating the needs for scientific take of whales is entirely in line with the Norwegian basis for evaluating need for scientific permits. When we are proposing, or our scientists have asked us here to have Special Permits to take up to five whales, this we recognise that the important thing here of course should not be the question of numbers, and I'm not going to argue to anyone and we are certainly not arguing to ourselves that the number of five animals, that that is an argument in itself in favour of performing lethal research. No, the important thing is the quality, and quality of research and quality of the information needed in our research. That is the basic guideline on which we have made our evaluations, the basis on which we have presented our research to the Scientific Committee, and let me also make it clear that constructive criticism, constructive qualified scientific views on our programme, from that we have benefited very much and we thank all delegations who have had that type of qualified scientific contributions to make in the discussion on our research programme. I must make a short reference to the way our research programme and also the question of scientific permits were dealt with in the Scientific Committee. I and my delegation have noted that there were in general positive remarks, there were a few sceptical comments. We also have noted that some highly estimated international scientists have supported our research. On the whole we see that the only collective remarks from the Committee this year constitute a repetition of last year's, or not a repetition but a reference to what the Committee last year had to say on our research programme, and that beyond that reference the Committee as such do not have comments. But again, we see that individual members do have comments, as I said, both positive and some not so positive.

So, Mr Chairman, in dealing with this point on the Agenda I have been concerned mainly about one thing, and that is our concern that the aims and the contents of Norwegian whale research should be understood. We would like to have positive support for it. We maintain that this research is qualitatively important, it involves large resources, it involves our best scientists, and the evaluation of the programme involves the integrity of science and research, and the way this Commission deals with this question also involves the way this Commission positions itself *vis à vis* scientific advice. It involves the question of whether we would like to encourage research or whether we would like to do the opposite. I have referred to the multi-species approach underlying our research, also some delegation has already referred to that as a basic orientation of our research, and again I would repeat that in this approach, and in this field, we see for our country a critical research need, a critical research need which has been recognised and which is being supported by other relevant international organisations like the International Council for the Exploration of the Sea. We have been arguing in other contexts on our Agenda also here in Noordwijk that it might be time for the Commission also to broaden its horizon in this respect. Whether the single species approach, whether an evaluation of critical research needs, should be narrowly limited to single species approach. We know that this is for many members of this Commission and for countries who have no coastlines themselves and who have no historical dependency on resources of the sea, that they might have difficulties in seeing the validity of our argument on this point. So I'm leaving it at that, Mr Chairman.

Again thanking those delegations who in the Scientific Committee and through contacts bilaterally or otherwise have given very useful assistance in developing our programme, we have taken any advice, any constructive advice, any constructive criticism, we have taken it into account and we will continue to do that, and I hope that the Commission itself will do that, in the spirit of encouraging what we all need, good research, qualified research, to meet critical research needs which confirm that this Commission is out to maintain a basis of sound scientific advice for decisions this Commission will have to make also in the future. Thank you, Mr Chairman.

**Chairman**

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

**Japan**

Thank you, Mr Chairman. We have just heard the distinguished Commissioner of Norway expounding upon the usefulness and significance of their research programme. We understand that Norway is embarking upon the multi-species approach in relation to the utilisation of the marine resources in general. The world has taken the single-species approach so far but this new approach, multi-species approach, is something that we should really look at. I believe that Norway's approach would be to investigate the relationship between the fish and the predators including marine mammals, thereby based on the scientific researches it is going to adopt more rational management of all the species which we were utilising, and I understand that Norway is using all knowledgeable human resources from all walks of scientific field. I believe this is a very impressive approach and a good exercise. We are looking forward to seeing the very successful result so that we shall be able to learn from it in many ways for the future marine mammal management, and the fisheries resources management.

**Chairman**

Thank you, Japan. Iceland.

**Iceland**

Thank you, Chairman. Mr Chairman, the Icelandic delegation too would like to commend the extensive and successful Norwegian research efforts. In particular we note that the specific questions to be addressed by the scientific take are of value for improving our understanding of the physiology of whales, and therefore their role in the ecosystem. Thank you, Chairman.

**Chairman**

Thank you. St Vincent.

**St Vincent & The Grenadines**

Thank you, Mr Chairman. My delegation supports the long-term Norwegian scientific programme of which this is a part, and we feel that they should be given credit for their efforts.

**Chairman**

7.2 Thank you. I think that covers Agenda Item 7.1 as regards the Norwegian scientific permit. After the Norwegian scientific permit can we turn our attention to Agenda Item 7.2. The floor is open. New Zealand.

**New Zealand**

Mr Chairman, would this be the appropriate time to introduce a Resolution on the subject of the Norwegian proposal for special permits? Thank you. I would like to introduce the Resolution which appears in IWC/42/32 on behalf of the sponsors who are Australia, Federal Republic of Germany - could I insert Netherlands who was unfortunately omitted from the list - New Zealand, Seychelles, South Africa, Switzerland and the United Kingdom. I will make only some very brief remarks. This is really the 1989 proposal revisited in that it is an extension of the programme that was discussed in considerable detail last year. The primary purpose of the proposed research involving the taking of whales is multi-species modelling which appears to be primarily designed for the management of fisheries resources in Norwegian waters. The comments made by a number of members of the Scientific Committee which appeared on page 10 of - page 70 - of last year's Report seem to be more relevant than ever this year when related to this proposal, and I understand that many members of the Scientific Committee made comments in that vein when reviewing the proposal. I would like to draw members' attention to paragraph 2 on page 33 of the Scientific Committee's Report and the lengthy list of scientists from many countries who questioned whether further work on digestibility problems, for example, was necessary. The Resolution that we have presented has, however, or does quote with appreciation the effort by ... does note with appreciation the effort by Norway in research on whales and investigation of their habitats which do not involve the taking of whales, and has particularly expressed appreciation of the essential contribution to the Comprehensive Assessment provided by the sightings surveys conducted by Norway in 1989. We certainly don't want to overlook the positive aspects of that research. Unfortunately the research objectives do not fall within the guidelines the Commission has already adopted for the assessment of Special Permit proposals. The key point of the Resolution is therefore that the proposed research is not adequately structured so as to contribute to or materially facilitate the completion of the Comprehensive Assessment, nor has it been established that the proposed research addresses critically important research needs. The Government of Norway is invited, therefore, by the Resolution to reconsider the proposed take of minke whales in 1990 under Special Permit in the light of those conclusions. Thank you, Sir.

**Chairman**

Thank you, New Zealand. Any comments? Australia.

**Australia**

Thank you, Mr Chairman. We note that the research is directed towards completion of methodological research conducted under the programme last year. We do welcome that component of the research effort by Norway which does not involve the take of whales. However, the research programme on which the methodology is an element has been found basically to be not in conformity with the Commission guidelines during a substantial body of debate and opinion by the Scientific Committee. The Scientific Committee drew attention to its conclusion in last year's Report in which a number of members stated, and I quote, "that there was insufficient information presented to determine whether the data to be obtained would be critical to the proposed multi-species model or whether the model itself represented a critical research need, and therefore the programme as presented was unlikely to facilitate the



Comprehensive Assessment and did not address research needs identified by the Scientific Committee." Last year in consideration of this advice the Commission adopted a Resolution similar to the one before us. To be consistent in upholding the principles of our views on the requirement of permits we commend the Resolution to members of the Commission. Thank you, Sir.

**Chairman**

Thank you. Sweden.

**Sweden**

Thank you, Mr Chairman. Sweden appreciates the very substantial contributions that Norway has undertaken for the Comprehensive Assessment by conducting extensive sightings surveys in the Northeast Atlantic. We also note that the proposed take is limited to five minke whales. However, the criticism in the Scientific Committee concerning the scientific permits from previous years has not fully been taken account of in this year's proposal, and we would like also to sponsor the Resolution put forward. Thank you.

**Chairman**

Thank you. Any further comments? Norway.

**Norway**

Mr Chairman, only to be extremely brief to save time for the important issues still remaining on our Agenda. The Norwegian delegation has taken due account of the text before us presented by the distinguished Commissioner of New Zealand, sponsored by a line of distinguished member countries engaged in distinguished research in marine mammals. The Norwegian delegation is, for reasons that I think would be evident from my first statement this morning, is not able to identify itself with the criticism or the evaluation given of the Norwegian special permits aspect of our whale research, and which is directed to the Norwegian Government. The reasons why we are not able to identify ourselves with this criticism is that we feel that we have done an extensive effort in the Scientific Committee to present, to argue, to listen, to take fully into account comments and views expressed on a valid scientific basis, and I would like to repeat also at this stage, for this we are thankful. We think this has been a very fruitful process and this being a fruitful process we thought that we have ourselves been able fruitfully to contribute to a discussion on an immensely complicated area of research, trying to break new land in developing models relevant for handling the challenges we face in managing important living resources, in conserving living resources, in trying to move towards a rationale, taking into account of a principle of sustainable development which is so widely now recognised in environmental politics, in management politics, in other foras. And even if this process, as stages, results in Resolutions, in some member countries choosing to express their views on these, as I have said, immensely complex matters in terms of a simple Resolution like this. And I understand their motivation, but still, Mr Chairman, I would like to say, and I ask not to be misunderstood, when I say that we see this as a sort of demonstration, a demonstration that is made on the occasion of a small coastal country designing an advanced research programme, proposing and reasoning, informing, precising, why, within the limits of a broadly based research programme. Alright, we admit it is ambitious, it is complicated issues we are trying to handle, but still we are trying to do it because as a coastal nation you have a certain responsibility to the present times, but also for future generations, how we are qualifying ourselves for handling the challenges of managing, conserving marine living life. So I have said it before, if our research implies at this stage the taking of five animals we recognise that the small number, or the limited number, that's not what is decisive, but what we have been trying to argue to you and present in the Scientific Committee is that here is research quality the main thing, and we of course would have wished and we would have like to have seen respect and some credit expressed in view of research papers presented and which we still would think speak for themselves.

In saying this, Mr Chairman, I am also making, and I am going to say in one sentence, which again I hope would not be misunderstood, because I think this is widely important to all of us when facing the question of how this Commission is encouraging science, real science, and trying to promote the purposes that we need to promote to have a rational basis for being assured of the best scientific advice. That we have in mind that if some delegations should think they occupy, or they have already occupied, the moral high grounds of this issue, I am not saying that we are occupying some other moral grounds, but I think we are. But that's not the point. The point is that we think it is an obligation entirely in rational terms to try to meet as best as we can, even if the complexity is great, the ambitions high, to meet some critical research needs which I have tried to explain, we do feel convinced we are faced with and which we shall have to invest resources and our best scientific minds in solving.

Mr Chairman, I wouldn't, I don't like to make, to take legal reservations or what amounts to it, but of course making a statement like this I probably have the obligation also to say, to remind the Commission that Norway of course is basing itself on the fully valid constitutionality of Article VIII of the Convention as well as I am referring to reservations that we have made known earlier stages as to both the technicalities and legalities of the process in which we are now engaged in. After the Scientific Committee having dealt with this research then we are meeting here and in proposing and handling Resolutions making the politics on it. Mr Chairman, I would for the reasons which I think are good and strong which I have enumerated, I would of course like to see delegations reflect understanding for these basic concerns I have put before you in the way that you will vote on this Resolution because I see no alternative to asking the Chair to call a vote as I made it clear that we are in no position to identify ourselves with the language of the Resolution. Thank you, Mr Chairman.

**Chairman**

Thank you, Norway. Finland.

**Finland**

Thank you, Mr Chairman. Finland would like to associate with those arguments put forward by the Swedish delegation, so we also want to co-sponsor the draft Resolution on Norwegian proposal for special permits. Thank you.

**Chairman**

Thank you. Any further comments? That seems not to be the case. Iceland.

**Iceland**

Thank you, Chairman. Two relatively short points. First of all we oppose the Resolution found in Paper 32 for the reason that we find in it a demonstration of disrespect for the type of efforts carried out by the Norwegian Government. Secondly, Mr Chairman, we have legal problems with a Resolution of this nature. But before I turn to them I must say that over the years that I have seen Resolutions like this I have also had grammatical problems with these types of Resolution. I look at this clause, for instance, on the second page, beginning with 'Considers' and then if I can read carefully it seems to be a semi-colon there, but then more substantively in the third line there is a reference to the need to satisfy all the criteria specified in both the named Resolutions. Frankly, I think it would require, and I coin a phrase, a grammar magician to be able to understand what criteria are contained in both of these Resolutions. And also the link to the last clause following the second semi-colon in that clause is not clear from the beginning. But this, Mr Chairman, of course is not my field of expertise. On legal questions, Mr Chairman, we have consistently stated that Resolutions of this type, particularly those based on the 1987 Resolution, are illegal because of the invalidity of that Resolution. I will not go once again into the arguments we have raised over the years on this question, but reaffirm that for legal reasons also we cannot support this Resolution. Thank you, Chairman.

**Chairman**

Thank you, Iceland. UK.

**UK**

Thank you, Mr Chairman. I am sorry to come back, but the Commissioner for Norway said he hoped there were no misunderstandings, and the delegate for Iceland has said he considers this Resolution to be a demonstration of disrespect for the Norwegian programme. What I'd like to emphasise is that I think it is fully appreciated that Norway has embarked on a highly ambitious programme and multi-species management is something very much in its infancy and does require a lot of work. The main point that we are saying here today is that, when you are embarking on wholly new areas of work, you need to do a lot of testing of your models before you actually go out and take some whales to feed data into your models because at this stage your models are not sufficiently developed to be absolutely clear as to what you wish to collect. Thank you.

**Chairman**

Thank you. Any other comments? That seems not to be the case. We have before us a proposed Resolution IWC/42/32. Some speakers have spoken in favour, others against. I see no other choice than to put it to a vote. Secretary, will you conduct the vote. Dr Gambell.

**Secretary**

Mr Chairman, the Resolution before this plenary session is IWC/42/32, Resolution on Norwegian Proposals for Special Permits, which was introduced on behalf of the co-sponsors by New Zealand. A Resolution in this plenary session requires a simple majority of those voting to pass, so we are voting on the Resolution on the Norwegian proposal for Special Permits contained in IWC/42/32 and a simple majority will carry that proposal.

The roll starts at Finland - yes; France - abstain; Federal Republic of Germany - yes; Iceland - no; India - abstain; Ireland - yes; Japan - no; Republic of Korea - abstain; Mexico - abstain; Monaco - yes; Netherlands - yes; New Zealand - yes; Norway - no; Oman - abstain; St Lucia - no; St Vincent & The Grenadines - no; Seychelles - yes; South Africa - yes; Spain - abstain; Sweden - yes; Switzerland - yes; USSR - abstain; UK - yes; USA - yes; Australia - yes; Brazil - yes; Chile - yes; People's Republic of China - abstain; Denmark - yes.

Mr Chairman, there were 16 votes in favour, 5 against, with 8 abstentions, so that Resolution is adopted by the Commission.

**Chairman**

Thank you, Secretary. That disposes of Agenda Item 7 with regard for the Norwegian Special Permit. May I ask the Chairman of the Scientific Committee to report on the next sub-item here.

**Chairman of Scientific Committee**

Yes, thank you, Mr Chairman. The next one that we looked at in the Scientific Committee was the Japanese request. The Committee reviewed the reports of data obtained from catches taken under Special Permits issued by the Government of Japan since 1987. A preliminary report on the cruise undertaken in Area IV between longitudes 70°E and 130°E and south of 55°S during the 1989/1990 season as part of the research programme was presented. A total of 767 primary sightings of minke whale schools and 487 secondary sightings had been made during a total searching of over 17,000 nm. A total of 330 minke whales - 184 males, 142 females - had been taken, including three of the diminutive form. The length composition of the whales taken was different from that of the commercial catch, with a higher proportion of small animals. Mature males dominated the catch throughout the research area; pregnant females were concentrated along the ice-edge in Prydz Bay; immature animals tended to be solitary and distributed in offshore areas. Discussions on the results of the programme in the context of the review of the proposal

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for 1990/91 can be found on pages 33 through 36 of the Scientific Committee Report.

In 1990/91 it is intended to take 300 whales  $\pm 10\%$  in Area V. The expedition would consist of one factory ship, three sighting and sampling vessels, and two additional sighting vessels. The sampling scheme would be similar to that used last year during the 1989/90 season. An appendix to the proposal described the account which had been taken of comments made by the Scientific Committee at last year's meeting. Again, foreign scientists are welcome to participate in the cruise.

The Committee agreed to discuss two general papers related to the proposal. One was a theoretical study on the value of catch-at-age data combined with absolute abundance data for estimating historic recruitment rates and mean net recruitment rates. The other used a demographic model approach to examine likely sample sizes necessary to estimate population growth rates. The Committee could reach no consensus on the conclusions to be drawn from these studies, and again the various views expressed on this are given on pages 33 through 34 of our Report. The Committee then reviewed the proposal itself. It noted that it had commented extensively on previous proposals relating to this programme and draws the Commission's attention to those comments. It further noted that the population estimate for Area V, the area where the proposed work will be undertaken this next season, was close to 300,000 whales. Additional comments by individual members of the Scientific Committee can be found on pages 34, 35 and 36 of our Report. That's all. Thank you, Mr Chairman.

**Chairman**

Thank you, Chairman of the Scientific Committee. Any comments? Japan.

**Japan**

Mr Chairman, the national research programme that Japan has been implementing in the Antarctic since 1987/88 season is the research that would investigate the status of the minke whale stocks and, based on that, minke whales being the most important component of the marine ecosystem there in that area of the sea, to ascertain the total ecosystem of the marine species in the Antarctic. As far as the minke whales in the Southern Hemisphere is concerned, that is one species of marine resources that can make available the most rational management scheme to be applied in comparison with any other fisheries resources in the world. I had been a member of the Scientific Committee myself until recent years and I have participated in the debate in Scientific Committee while I was a member, and I heard a lot of criticisms by the foreign scientists saying the data obtained from the commercial whaling of the minke whales would have the bias due to the commerciality in the catches. The estimation made those days based on the data derived from the Japanese commercial operation were thereby put into the rubbish box because of the opposition made by the distinguished scientists of the Seychelles, Dr Holt, and Australia, Dr de la Mare, and others.

The Japanese national research has been planned in order to obtain the data without bias by employing the random sampling method which was impossible to implement during the time of the commercial operations, and therefore the period under moratorium was a very appropriate period in which the pure scientific approach can be taken. I ask the member nations' and the Commissioners' full understanding of the usefulness of our research. By the feasibility studies conducted in 1987/88 season and '88/89 seasons and the main programme implemented in '89/90 season we have achieved the data from a lot of young animals in the data, and we have found out that the animals are segregated by sex and by age. Furthermore, Japanese scientists are developing a method to ascertain the density distribution and the composition of the distribution. In addition the mortality by age is now analysed. We also have the investigation on energy flow in the Antarctic ecosystem. I have no doubt that our national research is highly contributive to the scientific management of the marine system and as you read in many pages of the Scientific Committee Report, a lot of scientists have highly evaluated our research effort. Since our research programme involves take of whales, there are a number of criticisms from certain sectors of the scientific community. Moreover, I regret to hear that some of these critics of our research assert that non-

lethal approach can be successfully conducted over the minke whales. The non-lethal research might be very useful in some other areas at the present time, however at this stage there is no assurance that non-lethal research can bring forth any useful result as regards the minke whales. It's a particular species that cannot take that sort of approach in the long range, and if we do not investigate this area of the sea we shall leave that part of the sea in darkness of the science. One of the non-lethal research which has proven to be useful is the sightings surveys. Japan is highly proud to have sponsored in many ways offering all the costs of vessels, operational costs, crew and logistics to the IDCR sightings surveys undertaken by the IWC with the international team of scientists.

The useful results obtained from the Japanese national research have been published in many periodicals including the scientific journal *Nature*, and we also have prepared our own booklet explaining how the results have been obtained, and we have brought this with us so that these booklets can be available to those who are interested in reading it, so please contact us when you feel that you require it.

Chairman

Thank you, Japan. Any further comments? UK.

UK

Mr Chairman, if I might make one general remark and then one more technical remark. I think we should recognise that in this as in previous years the quality of examinations and reports from Japan have been very high, and the Japanese contribution to our understanding of the Antarctic area is considerable. Turning, however, just to the permit proposal which is only an aspect of the large Japanese programme, a primary objective is to estimate the age-specific natural mortality rate. Now the estimation of these rates is technically difficult, and it has been the focus of work over the past years. It has been demonstrated by Japanese scientists that if age-specific mortality rates exist, then their relative values could be estimated with the samples similar to those proposed, but their absolute data cannot be established. And it hasn't yet been shown with realistic variability that it is possible to estimate a full age-specific mortality rate. This year in this area I understand a small contribution has been made to this debate by South African scientists, but no other methodological studies have been reported. It would seem, therefore, that the development work on the models is progressing fairly slowly, and further work as we read on page 35 of the Scientific Report is required. It seems to confirm concerns I expressed last year that sampling may be moving a little ahead of the methodological technique. So I think the concerns one raises on this programme is not about the enormous overall effort that's being made, but the use of this research for immediate management of whale stocks from the analysis of samples. Thank you.

Chairman

Thank you, UK. St Lucia.

St Lucia

Thank you, Mr Chairman. I am pleased to refer to the Scientific Committee Report which is the report that I presume all of us have to refer to in dealing with this matter. I note that the Committee made use of the results of the Japanese research in the Comprehensive Assessment of the Southern Hemisphere minke whale and that they also identified the critical research needs, and this is clearly brought out in the Report. Some of the work done by the Japanese includes genetic analysis, stock identification, age at recruitment, segregation of sex, sex ration, pregnancy rate, etc. My understanding is that the Japanese programme is a long-term effort, and one has to give it time to progress, to develop and to improve as research programmes have to be given that amount of time, and also to be able to take advantage of the various comments coming through here and coming from the fellow scientists. To me, from the Report, I am identifying two areas which are important for information and for the development of the science. That is, the programme's provided information on biological parameters that can improve the efficiency of the management procedure, and also detecting changes in the rates of some of these parameters that are related to change in carrying capacity of the environment.

Mr Chairman, in research and when you have a group of scientists together with different disciplines, different perspectives, different agenda, it's impossible to get all the scientists to agree on everything. And this is clearly brought out in the Report as related to not only the Japanese science but also to the science as put forward by the other nations in this assembly here. Mr Chairman, science is not the domain of any one particular nation, or any one set of people, or any one institution. It is through the accumulation of knowledge, from various sources, from various nations, various laboratories, and the putting together of these facts, that we can advance the science. To stop science and research would be a very wrong thing. The message I hope I am getting here is that there is need for improvement in the Japanese programme, and I think the Japanese would be the last ones to say that this is not so. So let us hope that as the years go by their programme will continue to improve, and the new knowledge which they have given us today, that they will be able to add to it. We must remember, those of us who have read the history of science and the history of research, that many a person, many a nation, has been taken to task for various research agenda, only to be found later on that the information was so vital for the advancement of humanity. And I would say that this is the same situation that we are faced with here now. One case in point is Galileo. I think he was excommunicated for some of his theories, and others also went through various hardships and torture etc. So therefore, based on the information that I have gathered from this Report as relayed by the various scientists, based on many comments made by the scientists, and I refer to a comment that they commended the Japanese scientists for the very high quality and quantity of research presented, noting that many contributions were made to individual disciplines and some of the disciplines include the whole question of rational management of stock, which are referred to, and the various criteria set by the Scientific Committee, based on these grounds, Mr Chairman, my delegation has no hesitation whatsoever in encouraging the Japanese to continue with their valuable research and I would hope that the other nations represented here by the Commissioners would do the same in the name of the advancement of science and our knowledge of whales. Thank you very much.

**Chairman**

Thank you. Norway.

**Norway**

Mr Chairman, when I asked for the floor I did not know that I would follow on Dr Edmunds and he has spoken so well to most of the points to which I also wanted to address myself that I am very glad to support his way of arguing and the general encouragement that he has expressed with an address to Japanese whale research. I think this Commission would do well in expressing an encouragement, an appreciation, of the extensive research that Japan over years has been designing and implementing, but not least I think this Commission should fully recognise the fact that no other country like Japan has so fully presented, shared with this Commission and with member countries, their research plans, the procedures they are following, and the results of their research. And I would ask a small question. Even if in the view of some member states this Commission should remain a study society for whales, it might be useful that it had some other basis than literature from which to know whales. And also if this Commission should continue as a study society, I think member states that for themselves do not have the resources or do not have the motivation for doing research themselves, that it might be useful to think over the question whether to act as certified auditors going through company accounts with cautious critical eyes, whether that is actually the sufficient sort of approach to take when there is a question of how we relate to research, how we relate to bringing on the table new relevant information and data which is necessary I would think in meeting the kind of challenges we are facing. And on that basis, Mr Chairman, associating myself with the comments that the distinguished representative, a scientist in his own merit, the representative of St Lucia, I would leave the Commission with these comments and an appeal that we as a Commission find ways of expressing our evaluation and support and encouragement for research efforts which should be the basis on which we reach management decisions. Thank you, Mr Chairman.

**Chairman**

Thank you, Norway. St Vincent.

**St Vincent & The Grenadines**

Thank you, Mr Chairman. My delegation supports what has been said by St Lucia. We point out that virtually all our information for the Comprehensive Assessment has come through the support and efforts of Japan and her scientists. We note that this scientific research programme has contributed valuable new knowledge, and we agree with those scientists on the Scientific Committee who recognise the general scientific value and high quality of the research. Thank you.

**Chairman**

Thank you. Switzerland.

**Switzerland**

Thank you, Mr Chairman. I just would like to say also that we recognise the great efforts that have been done by the Japanese researchers and that we acknowledge the results of this research that has been presented here. Our hesitation in this matter originates in the fact that in this research the death of animals must be accomplished before any research can be done. As you perhaps know, the use of animals in scientific research in Switzerland is a very debated one. We have very strict Swiss legislation on the subject and there is a popular initiative pending to make this even more strict. Just to show you a few points, I don't take much time. The research in question must be shown to serve precise scientific purposes, it must be established that the use of a given animal is the only means to accomplish the experimental aim, and no other procedures can be applied instead. The use of the animals must be methodologically sound, lower species cannot be used or it must be proven that they cannot be used, it must be proven that the proposed number of animals is indispensable to reach the goal aimed at, pain, suffering and injury must be avoided as much as possible, the research must be carried out by qualified specialists, records must be kept and there is access to them - that means we have also the element of control involved. If these requirements are not fulfilled there also in our national legislation is very likely so that this research will not be authorised.

**Chairman**

Thank you. Iceland.

**Iceland**

Thank you, Mr Chairman. Well, the Japanese plan to continue its research must be seen in our view in the light of the results already obtained, and the general research needs of the Scientific Committee in its efforts to facilitate management advice to the Commission. It is clear that already the dedicated programme has given us essential information on the biology of minke whales where random sampling of both whales within and outside the main whaling grounds has been of special significance. I noted with care the criteria just read out by the Commissioner from Switzerland, and it's my view of the nine criteria he mentioned, the research programme by Japan complies with all of them. Mr Chairman, the basic questions raised and addressed by the Japanese programme including the estimate of age-specific natural mortality rate, assessment of recruitment, studies of age and reproduction, and the more general ecological studies conducted, is of great value to this Commission, and its objectives of rational utilisation, conservation and management of the world's whale stocks. Thank you, Chairman.

**Chairman**

Thank you. Any further comments? Japan.

**Japan**

Thank you, Mr Chairman. I like to thank very kind remarks made by the Commissioners of St Lucia, Norway, St Vincent, Iceland, showing a very in-depth understanding of our research programme, and I

also like to thank the Commissioner of the United Kingdom who, in spite of her position, evaluated scientifically some parts of the results that we have achieved. I would like to refer to page 33 to 35 of the Scientific Committee Report in which the age-specific natural mortality touched upon by the comment of the Commissioner of the United Kingdom have been extensively discussed and studied. A lot of constructive comments have been made and the South African scientists and Japanese scientists are showing their results of the simulation studies and the methodology to achieve the accuracy on the estimation of age-specific natural mortality, and we would look forward to hearing from other scientists more constructive and contributive comments and criticisms to the research in this regard. However, I have to comment one thing to the distinguished Commissioner of Switzerland. Methodologically we have every aspect being satisfactory as regards the lethal technique we are employing. We use the authorised explosive penthrite harpoon and the length of the killing is the minimum which have been recognised by the IWC for many years. Evaluation of the high technology that we have used in this regard has been recognised at this Commission, and also I think application of a domestic criteria of the experimental animals is not applicable to our very honourable and sincere research effort in the Antarctic with the minke whales. I hope you would not comment with such irresponsible grounds on our research efforts. I would sincerely hope that Switzerland would send its scientists to the IWC Scientific Committee to observe the discussions and participate in the debate, expressing any criticism there about the Japanese research. Thank you, Mr Chairman.

**Chairman**

Thank you. People's Republic of China.

**People's Republic of China**

Mr Chairman, first of all our Chinese delegation have the high regard for the efforts and the contribution made by the member countries of IWC in protection and research of whale resources for many years. The Chinese Government has carried out a policy and they issued a law for protection of wild animals. Active examination and publication as well as rational utilisation and the development of attitude encourage development of scientific research. Therefore China's position is for this scientific research policy so long as the purpose of scientific research is in line with the regulations set out by the IWC use living animals to serve this purpose. Thank you, Mr Chairman.

**Chairman**

7.2 Thank you. Can we then turn to action arising with regard to the Japanese Scientific Permit? UK.

**UK**

Thank you, Mr Chairman. I would like to put forward a Resolution on Special Permit catches by Japan in the Southern Hemisphere, IWC/42/37. We were grateful to the Chairman for allowing us time to talk with the Japanese delegation about this Resolution and I would like to report my understanding is now we have all worked on it very hard, it is half the length it originally was, and I believe that there is now consensus both on the part of the proposers and the Japanese delegation. So I would like to propose on behalf of the co-sponsors, Australia, Federal Republic of Germany, Finland, New Zealand, Sweden, Switzerland, United States, the Netherlands as well would like to co-sponsor this, and the United Kingdom, this Resolution. You will see that it refers mainly to the Scientific Committee Report. It recognises the important contribution the Government of Japan has made to the knowledge of whales, particularly through their non-lethal assessment methods, but it still remains the fact that for the time being the proposed research isn't structured so as to contribute to information essential to the rational management and hence we would like to invite the Government of Japan to reconsider the proposed research. Thank you.

**Chairman**

Thank you. Any further comments? Can I take it that we adopt the Resolution IWC/42/37 by consensus? Thank you. Japan.



#### **Japan**

Mr Chairman, I like to take this opportunity to explain why we have taken this position to enter into consensus. We have a firm conviction that to achieve the assurance of the continuation of the Japanese national research involving take of whales as well as the continuation of the IWC/IDCR sightings surveys in the Southern Hemisphere would be merit to not only Japan but to the whole world. We also believe that the objectives of the International Convention for the Regulation of Whaling, three objectives, namely the conservation of the whale stocks, rational utilisation of the whale stocks, and the orderly development of the whaling industry. These objectives should be strictly pursued as a part of duty of the member nations. In Article VIII of the Convention it stipulates that it is a sovereign right of the member nations to issue the Scientific Permit to the nationals of that country. Since the implementation of the moratorium by the IWC we have been spending a great deal of effort and finance in order to monitor the dynamics of the minke whales and in relation to that the entire ecosystem in Southern Hemisphere. We have offered all of the available results from our research programme to the Scientific Committee and we have received high evaluation of those results.

I would like to refer your attention to the documents that Japan has provided to the Scientific Committee, SC/42/SHMi28 and the Japanese Progress Report and the proposed scientific research programme for 1990-91. The IWC/IDCR sightings surveys in the Southern Hemisphere since 1978 conducted every year since then, have been sponsored by the Japanese Government who have given the cost of all the logistical requirements including crew, vessels and others, and the total amount annually is equivalent almost to the entire budget of the IWC itself. Japan is also a founding member of CCAMLR and Japan has been offering the research on krill which is the important species to ascertain the ecosystem in the Antarctic. Japanese desire in this scientific effort is the combination of researches would achieve some breakthrough of the ascertainment of the Southern Hemisphere ecosystem and shed light into the area where no other science had touched. The reason for entering into the consensus at this point of the Resolution for reconsideration of our research programme is that by doing so we shall achieve more deeper understanding by the member countries and they would provide us with more constructive view to enhance our programme. Japan is prepared to incorporate any constructive criticisms into our programme and enhance our achievement and any comments made by the Scientific Committee or the plenary will be very carefully noted for the incorporation into the programme. Japanese programme right from the start has invited the member nations' scientists to come on board and participate in the research. I strongly reiterate this part and invite the member nations to send their scientists to participate. I particularly like to mention that being the co-sponsors of this Resolution and who have not sent the scientists to the Scientific Committee, such countries as Switzerland and Finland, are eagerly anticipated to participate. Thank you, Mr Chairman.

#### **Chairman**

Thank you. Iceland.

#### **Iceland**

Thank you, Chairman. Just briefly - the delegation of Iceland did not object to the adoption of the Resolution before us by consensus. I should, however, point out that we maintain the same reservations to this Resolution as to the one adopted with respect to the Norwegian programme, that is reservations as to the question of disrespect, law and perhaps grammar also. Thank you, Chairman.

#### **Chairman**

Norway.

#### **Norway**

Mr Chairman, we take note and respect that Japan has not asked for a vote on this Resolution. If there had been a vote, Norway would have voted no. But we accept the fact that you have a consensus

Resolution. We associate ourselves at the same time with the views and the reservations expressed by Iceland as to the legality of and the technicalities, practicabilities, of a Resolution like this. We ask ourselves the question how the purpose when you have something to say and you express it in ways that are not serving the clarity and the responsibility that I would think member governments that are making serious evaluation of other countries' investments and research, that they should also stand forth with clear views and that they should be marked. I appreciate very much, and I think that is really in the spirit that we would like to see through this Commission, what Commissioner of Japan, Shima, just said when he declared, repeated an open door policy in research with an extended hand and an invitation to all countries without regard to capacity and motivation to participate in their research programmes, to benefit from what they are doing in the field, and I think and would like in particular to commend that spirit from the Japanese Government at this point. And I think that is what we should remember from this when we leave this agenda point, Mr Chairman. Open door and an open hand and an open invitation to everyone to do research, to seek ways and means to have a platform for the best scientific advice that we shall need. Thank you, Mr Chairman.

Chairman

Thank you, Norway. United States.

USA

Thank you, Mr Chairman. The United States would like to commend Japan for their willingness to enter into discussions of concerns and differences that some of us had and for the willingness to go for consensus. I think their openness and the fact that they have been major contributors in the non-lethal area of research has been very meaningful, and I would hope that other people entering into research with whale stocks would take their lead. Thank you very much, Mr Chairman.

Chairman

Thank you, US. I think that disposes of Agenda Item 7 with regard to the Japanese Scientific Permit. Mexico has the floor.

Mexico

Thank you, Mr Chairman. Since this topic comes in consideration to the IWC our delegation has been very consistent with this Agenda Item, since in our view Article VIII of the Convention provides a legal frame to Contracting Governments to exercise its sovereign rights. Also in their maritime areas under jurisdiction or on the freedom of high seas that is also stated in Article 119 and 120 of the Law of the Sea. Despite the merits of the scientific programmes which sometimes are recognised by some delegations but more often are not, the decisions on this issue has been taken mostly in a political base and we would like at this time, Mr Chairman, to note that we don't want to go against the consensus but we would like to note this point in the record. Thank you.

Chairman

Thank you, Mexico. I will adjourn for a short coffee break. We will start again at quarter past eleven. Plenary is adjourned.

[Coffee break]

Chairman

Plenary is resumed. We now turn our attention to the Agenda Item 7 with regard to the next sub-item which regards Iceland. I give the floor to the Chairman of the Scientific Committee.

#### Chairman of Scientific Committee

Yes, thank you Mr Chairman. This will be very brief. During the Scientific Committee Sigurjónsson reported on the results of the 1989 permit catch of 68 fin whales, the final year of the four-year research programme, and on the progress to date in the analysis of the data collected between 1986 and 1989. The Committee noted that final analyses were not yet complete and agreed that review of the results could better be achieved when an in-depth assessment of the two species involved, the fin and sei whales, are carried out at future meetings of the Scientific Committee. That's all I have to say on Iceland, Mr Chairman.

#### Chairman

Thank you. Any comments? Can we now turn to the Agenda Item regarding the Scientific Permit for USSR? You have the floor, Chairman of the Scientific Committee.

#### Chairman of Scientific Committee

Yes, thank you Mr Chairman. This will be a little bit longer than the other ones because this was the first time we looked at this permit this year. The Scientific Committee reviewed the proposal only with respect to the proposed lethal taking of fin and minke whales in the Okhotsk Sea. The Committee noted that the proposal reported that catching was due to take place from June to August of this year and the same period June to August in 1991, and the Committee expressed serious concern that catching may have already started before the proposal was received by the Scientific Committee at the start of its meeting, and thus before the Committee's comments could be transmitted to the Commission. It was pointed out that the Committee suggested at the 1985 meeting that information on proposed scientific permits should be provided to the Secretary at least 60 days in advance of the Annual Meetings of the Scientific Committee so that the proposal and supporting documentation could be sent out at the same time as the Provisional Agenda for the Scientific Committee. In the absence this year of any Soviet scientists at our meeting, and because of the rather brief and inadequate description included in the document of the work and methods proposed, it was possible to only make the following comments, and these comments that follow now are under the five major headings that we've used in the past in discussing scientific permits.

The first one regards the proposal itself. The objectives of the catch are stated to be to obtain stomach contents to examine the role of the whales in the food web, to obtain biological samples for age-determination, sexual and physical maturity and reproductive condition, tissue and organ samples for electrophoretic studies, internal and external parasites, and contamination by pollutants. The proposal envisioned a catch of 60-70 minke whales and 25-30 fin whales in each of the years 1990 and 1991 from the Okhotsk Sea area, and under certain conditions probably in the summer of 1992. No information on the size or sex of animals to be taken was presented. According to the boundaries given in the Schedule, the minke whales in this area are from the Okhotsk Sea-West Pacific stock while the fin whales are part of the North Pacific stock.

The next area that we looked at was objectives. Our comments on this are as follows. Fin whales in the North Pacific were last assessed in 1976. They were classified as a Protection Stock and no particular research needs were identified then. Since they do not meet the criteria for priority stocks established by the Scientific Committee several years ago, they have not yet been considered in the programme of Comprehensive Assessment of whale stocks. Okhotsk Sea-West Pacific minke whales were last assessed in 1987. At that meeting the Committee identified difficulties in interpreting CPUE series, a general problem of stock identity in the North Pacific, and recommended appropriate analysis of sightings data. North Pacific minke whales have been identified at this year's meeting as a priority stock for the Comprehensive Assessment in 1991. The proposed investigations on the whales to be caught do not appear to be structured either to provide information essential for rational management of the stocks or to contribute to the Comprehensive Assessment or other critically important research needs. There is insufficient information given regarding aims and methodology to be able to comment on the sample size itself. No reasons are given in the proposal justifying the chosen sizes. There is no statement on the

method of killing to be employed, although we did note that the same vessel that was used for the aboriginal subsistence gray whale fishery during the summer was stated that it would also be used.

The next area is methodology. It is not stated to what extent catches made during the commercial whaling operations of these two stocks were sampled. Some pollution studies and genetic analysis could be carried out by non-lethal biopsy sampling. In general both the objectives and methodology are inadequately described to allow an evaluation of the likelihood of success of the proposed research. The results from the internal sampling could not be achieved by non-lethal techniques. However, it is unclear from the research proposal what proportion of the whales taken will be sampled for stomach contents and whether fishery resource surveys will be undertaken simultaneously with the proposed research catches.

The next area was effect of catches on the stocks. The Soviet research proposal does not provide an adequate review of information on the status of these stocks. If it did, the following facts should have been noted. The last catches of fin whales permitted to be taken in the North Pacific were made in 1975, and the fin whales for the total North Pacific have been classified as a Protected Stock since 1976. In 1975 the USSR took only 33 of the 166 fin whales allocated to them. During the final ten years of exploitation the USSR took over 4,600 fin whales in the North Pacific. It is not known how many were taken in the Okhotsk Sea. The Scientific Committee has not reviewed their status since that time. The assessment at that time was based on an updating of estimates obtained from CPUE analysis carried out in 1974. It was therefore not possible to evaluate the effects of the proposed catches on this stock of fin whales.

Minke whales in the Okhotsk Sea-West Pacific stock have been reviewed in some detail in recent years. Because of uncertainties, particularly with CPUE analyses, the stock is at present unclassified and has been identified as a priority stock in the programme of Comprehensive Assessment at next year's Annual Meeting. The effect of the proposed catches can be determined only after the in-depth assessment for North Pacific minke whales has been completed next year.

The last heading that we looked at was that of research cooperation. We noted that the proposal stated that participation by foreign scientists is welcome, subject to availability of accommodations on board the ship. Mr Chairman, that ends our comments on the Soviet proposal. Thank you.

**Chairman**

Thank you, Chairman of the Scientific Committee. USSR.

**USSR**

Thank you, Mr Chairman. In connection with the necessity of conducting ecosystem research in the Okhotsk Sea relating to the study of marine living resources and first of all with the effect of the habitat on them and interrelations within the whole of the community, Soviet scientists developed a programme for research on whales in the above area which was presented to the Scientific Committee. Due to a number of reasons which are reflected in the Report of the Scientific Committee this programme could not be considered fully, though we would be interested to have the views of scientists from other countries and of the esteemed Scientific Committee on that programme. Taking the above into account as well as important comments we have already received, we shall work out all matters connecting both with the substance of the programme and its implementation and shall submit additional documents or revised programme for the next year's meeting. Thank you, Mr Chairman.

**Chairman**

Thank you, USSR. US has asked for the floor.

**USA**

Thank you, Mr Chairman. I would like to have through you, Mr Chairman, some clarification from the distinguished Commissioner from the Soviet Union as to whether or not this means that they are not

conducting their research programme this year, that they are going to revise it and bring it back for consideration by the Scientific Committee next year, that no whales will be taken for scientific research this year. Is that correct, Mr Chairman?

**Chairman**

Thank you, USA. Will you comment on that, USSR?

**USSR**

Research activities relating to take of whales will not be conducted this year. Thank you.

**Chairman**

Thank you. Any further comments? Can we then take note of what has been said under this Agenda Item? Before closing Agenda Item 7, may I ask if there are any other items to be dealt with here? France.

**France**

Yes, Mr Chairman. I like to briefly introduce the Resolution IWC/42/34 on redirecting research towards non-lethal methods. After the long discussions we have had during this week it seems that there is no need for a lengthy introduction to the following Resolution. It is presenting by following countries: Finland, France, New Zealand, Seychelles, South Africa, Sweden, Switzerland, United Kingdom, United States of America and Brazil and the Netherlands. The updating and developing of knowledge on the cetacean species is essential to guide this Commission towards the decision to be taken on whaling matters. Much has already been done. We have heard a lot about it in the recent days and hours in the field of scientific research, and these efforts will have to be continued. Article VIII of the Convention enables Contracting Governments to grant Special Permits to kill, capture and treat whales for the purposed of scientific research. However, non-lethal methods have developed and proven successful in recent years, for instance Japan has conducted some and we have to thank them for that. And this evolution which is of great importance must be encouraged actively by our Commission. This Resolution intends to give a strong support and encouragement to these non-lethal methods which should be able to gradually replace to the extent possible the lethal ones, and then save the whale stock as much as possible. Thank you, Chairman.

7.2

**Chairman**

Thank you, France. US.

**USA**

Thank you, Mr Chairman. US has been an active participant in the development of non-lethal techniques for studying whale populations. Because of our strong interest in this approach we have hosted many of the Scientific Committee's special meetings and workshops looking at such possibilities, including those on sightings surveys, photo-identification studies, genetic techniques and acoustic studies undertaken as a part of the Comprehensive Assessment. Given our clear commitment to fostering the development of non-lethal research approaches, the US strongly supports this Resolution. Thank you, Mr Chairman.

**Chairman**

Thank you. Seychelles.

**Seychelles**

Thank you, Mr Chairman. The Seychelles is pleased to co-sponsor this Resolution proposed by France. As a Francophone country this delegation would have wished to read our intervention in French. Failing to do that we will attempt to do it in English as best as we can. Since my country ratified the 1946 Convention our delegation has made numerous interventions in the Commission in support of benign research methods. We have cooperated with scientists from other countries in using and developing such methods within the Indian Ocean whale sanctuary. In fact, Mr Chairman, I was recently involved in

organising a study of sperm whale distribution and behaviour in our waters which has now been completed by Seychellois fisheries officers and Canadian biologists. We recognise that some kinds of biological information can at present only be obtained from dead whales, but we have seen over the past decade how rapidly it has become possible to initiate techniques of getting information in a non-lethal fashion which could previously only be obtained by lethal methods. Speaking only as a minor biologist from a small developing country I believe that when scientists are pushed by public opinion and by legislative actions, resolutions and the like, they usually respond with innovation and energy. Learning how to learn about whales benignly becomes a test of skill and an exercise in lateral thinking. We think that this Resolution will be a tremendous move in the right direction and we hope that all IWC members will feel able to support it. Thank you, Mr Chairman.

**Chairman**

Thank you. Federal Republic.

**Federal Republic of Germany**

Thank you, Mr Chairman. The proposed Resolution fully reflects the position of the Federal Republic of Germany concerning scientific whaling. I want to support it. Thank you.

**Chairman**

Thank you. New Zealand.

**New Zealand**

Thank you, Mr Chairman. New Zealand is a co-sponsor and warmly supports the proposal, and it also wants to thank the French Commissioner for seeing that there was a need to express the sense of the Commission in the form of this Resolution, because although I think this thought had been in our minds for a considerable time we have only expressed it on a piecemeal basis when we have looked at particular proposals and we have, I think, taken the opportunity then to express appreciation to the countries concerned where they are conducting the very useful non-lethal research, but here is an opportunity I think to place it on record that this is a desirable direction in which to move, and so we think that the French proposal is a very valid one and very timely. Thank you.

**Chairman**

Thank you. Spain.

**Spain**

Thank you, Mr Chairman. The Spanish delegation want to co-sponsor this Resolution due to the fact that we agree very much with its content and, in fact, our research programme do not involve lethal methods because the ways of our research are the sightings surveys. Thank you very much.

**Chairman**

Thank you. Ireland.

**Ireland**

Thank you, Mr Chairman. Ireland would like to be associated with this Resolution and supports it.

**Chairman**

Thank you. Australia.

**Australia**

Thank you, Mr Chairman. I would like to associate ourselves with the comments by the Seychelles. Thank you, Mr Chairman.

**Chairman**

Thank you. Netherlands.

**Netherlands**

Thank you, Mr Chairman. Netherlands also believes that this Resolution can be a valuable contribution to the development of non-lethal research so we would like to support it, and indeed co-sponsor it. Thank you.

**Chairman**

Thank you. Oman.

**Oman**

Thank you, Mr Chairman. Oman would like also to associate with the other previous speakers in support of the Seychelles delegation's statement. Thank you, Sir.

**Chairman**

Thank you. Chile.

**Chile**

Mr Chairman, Chile is fully associate itself with this Resolution and supports it.

**Chairman**

Thank you. St Lucia.

**St Lucia**

Thank you, Mr Chairman. St Lucia as a member of the Francophone group of nations join with France in this, and we wish to be co-sponsors as well. Thank you.

**Chairman**

Thank you. Any further comments? Japan.

**Japan**

Mr Chairman, needless slaughter of animals is something that all human beings should bear in mind. Such needless slaughters should be altogether stopped. However, sometimes human beings have to live and in order to live we have to slaughter some animals and that is the recognition that we have had for many centuries. Without slaughter of the cattle you can't eat beefsteaks. If such animals are regarded as pests as kangaroo sometimes must be killed. A very important cultural event in Spain such as bullfighting kills the bulls. We have to recognise that there are certain kind of researches that can be approached through non-lethal approach whereas there are certain kinds of researches that can be only conducted by the lethal method. In case of the large cetacean species there are certain aspects of the research that can be looked after by the non-lethal research whereas there are other aspects that can only be approached through lethal research. In the Southern Hemisphere relatively smaller whale species such as minke whales and the abundance of which is 760,000 over the total six Areas cannot be only observed to achieve the estimation precisely. The recognition of the need of non-lethal research is also allowing some aspects that would be handled by lethal research and that is self-evident. I do not support this Resolution because it does contradict this self-evident fact. I observe that in the world there are anti-animal experiment movements. However, some people who have been the beneficiaries of the medicines that have been developed with the animal experiment in the past are the people who are actively participating in that sort of movement. While I do not support the needless slaughter of the animals I still recognise the need of certain type of lethal researches, and therefore I have no intention to support this particular Resolution which contradicts my beliefs.

**Chairman**

Thank you. Iceland.

**Iceland**

Mr Chairman, of course my heart goes out to those with sincere concerns over the killing of animals for scientific research needs. We have noted the very careful drafting of this Resolution, but regret that in somewhat on automatic fashion it nonetheless contains elements which go to our basic legal position on resolutions such as the 1987 Resolution on scientific research programmes. I regret this, Mr Chairman, because I did not think that this would have been an integral part of this Resolution which should have been to express a concern that we all have in the terms that are mentioned in many places in the Preamble. I can only apologise that the pressure of time has prevented the Icelandic delegation from participating in negotiations which had been spearheaded by the Commissioner of France on such a Resolution, and would have allowed us to participate as co-sponsors. Here we have, I'm afraid, a basic failing of the working of the Commission which requires delegations to be concerned with one or two questions at the expense of others. It would seem unfortunately that the effect of our position of principle would be to put us in a school other than those who seek to co-sponsor this Resolution, but I hope it can fairly be stated that Iceland in no way would go against the principles which are found in the Resolution which are not based on the legal position we have taken. So at this time, Mr Chairman, we are not able to participate in the adoption of this proposal. Thank you, Chairman.

**Chairman**

Thank you. UK.

**UK**

Thank you, Mr Chairman. The UK co-sponsored this Resolution because I think it is a realistic one. A great deal of advances have been made in science today which makes benign research in many cases possible. The Resolution does, however, recognise that in certain cases it may just be necessary to undertake lethal research methods as the Commissioner for Japan has outlined. And so in the operative paragraphs we are encouraging Contracting Governments to the maximum extent possible to base their research on non-lethal methods, and I think in fact this is the practice, it's the intention and objective of members of the Commission, so I would hope it could perhaps meet with more support. Thank you.

**Chairman**

Thank you. Any further comments? Iceland.

**Iceland**

Mr Chairman, could I propose an extraordinary measure that we try to gather around a Resolution of this type, to try to reach something, a consensus measure? Can I see concern in the room that we try to do this?

**Chairman**

Yes, there seems to be consensus about that. So I leave this agenda open for the time being, but I can't adjourn the plenary. We have to go on. Can we now ... Are there any other items to dealt with under the Agenda Item 7 except for this very special one? That seems not to be the case. Can we then turn to

- 11.3 Agenda Item 11. Denmark and UK have talked to each other and I think that there is an agreement that the plenary can endorse the Sub-committee recommendation on the 670 tonnes. The recommendation of the Sub-committee's to be found in the Technical Committee Report on page 22. Thank you. That disposes of Agenda Item 11. Can we then go to Agenda Item 10? We haven't dealt completely with
- 10.3 Agenda Item 10.3 Action Arising. The floor is open. UK.



**UK**

Thank you, Mr Chairman. As I mentioned last night, I would like to present a Resolution on paragraph 10(e) of the Schedule to the 1946 Convention. Yesterday in our earlier discussion we encountered a certain amount of confusion over this, and I would like therefore to present this Resolution which is co-sponsored by Australia, Brazil, Finland, Netherlands, Sweden, United States, as well as the United Kingdom, and unfortunately - the typewriter missed them off - but the co-sponsors also include New Zealand, Switzerland and the Seychelles.

What we've tried to do in this Resolution is to be as simple and straightforward as possible. It simply refers to paragraph 10(e), it refers to a Resolution on the framework of the Comprehensive Assessment, it refers to the work of the Scientific Committee in relation to the Comprehensive Assessment, and in the operative paragraphs we are asking a point which I know many members of the Commission have attached great importance to, that the Scientific Committee make every endeavour to succeed in its target to complete its work on revised management procedures by May 1991. We note that paragraph 10(e) remains operative until it's modified, and we confirm that it is our intention to keep this modification under review. Thank you.

**Chairman**

Thank you. Before opening the floor for any further comments, may I remind Commissioners that we have discussed this issue at certain length yesterday evening, so I urge Commissioners to be as short as possible. US.

**USA**

Thank you, Mr Chairman. We strongly support the Resolution on paragraph 10(e) in order to afford the Commission an opportunity to reaffirm its commitment to the requirements of 10(e) and to resolve to expeditiously carry out those requirements. In view of the discussions of yesterday this is, in the US view, most appropriate. Thank you very much, Mr Chairman.

**Chairman**

Thank you. Any further comments? Denmark.

**Denmark**

Denmark agrees that it's reasonable to prolong the duration of Article 10(e) with one year. We feel, however, that we should not exclude the possibility of considering modification of that Article at the next Annual Meeting. Therefore we have proposed changes to this Resolution and the one is, if you take the second last paragraph starting with 'Notes', after 'until' then you write 'at the next IWC meeting in 1991' and then delete the rest of it; and in the last paragraph you write 'Confirms' instead of 'reaffirms' and then in the next line after 'the Schedule' insert '1991' and then as it is written here. Thank you, Mr Chairman.

**Chairman**

I take it that this is an amendment to the proposal. Will you please repeat it?

**Denmark**

I will repeat it very slowly. The first proposal relates to the second last paragraph starting with the word 'Notes' and after the word 'until' we propose to say 'until the next Annual IWC Meeting in 1991', and then delete the rest of the words, that is delete 'modified by the Commission'. The second change we propose is in the last paragraph instead of 'reaffirms' then we write 'confirms' and then you go down the second line of that paragraph after 'Schedule' to insert 'in 1991', and then continue as it is written here. Thank you.

**Chairman**

Thank you. Federal Republic.

**Federal Republic of Germany**

Thank you, Mr Chairman. I would like to support this Resolution which does correspond to our view. Thank you.

**Chairman**

May I ask, Federal Republic, if you support the amendment as well? No. Norway.

**Norway**

Mr Chairman, without going into the view of the Norwegian delegation on the text before us, I am in need of some advice and enlightenment on one point and that is, am I right in assuming that this Resolution is intended to have the character of a change of the Schedule? And if this is intended to have the character of changing the Schedule, would then the appropriate way be a Resolution of this kind? And if so, are we then also amending the requirements of the Rules of Procedure as to the voting, to the qualified vote needed for changing amendments. I mean, these are small questions of principle that it might be useful to be enlightened on so that we are not, at least delegations which are not so enlightened on this point as others, might commit by oversight a breach of what the Convention demands of us in making decisions relating to the Schedule. Thank you.

**Chairman**

Thank you, Norway. Netherlands.

**Netherlands**

Thank you, Chairman. I wish to speak to the original proposal, and point out that we are of course as co-sponsors fully in support of it, but I would like to at this point address especially the first operative paragraph which mentions the target, and I must say, Mr Chairman, that during the previous days when we discussed the Comprehensive Assessment and the work programme of the Scientific Committee we have become rather concerned about use of the word 'deadline' and the interpretation of the work programme and the targets set by the Scientific Committee to complete its work on the revised management procedures and the Comprehensive Assessment. I would like to point out that a target date is not a deadline and I think that we should emphasise that the outcome of this process should be good data and good procedures on which to base our decisions in future. And that is what I would like to say. Thank you.

**Chairman**

New Zealand.

**New Zealand**

Thank you, Mr Chairman.

**Chairman**

Point of order. Norway.

**Norway**

Mr Chairman, I didn't ask a question in order to ask it. I asked it in the hope that I might be enlightened on a point that my delegation considers essential for the further handling of this Resolution, and I would ask even at the risk of referring to what happened yesterday that the Chair would enlighten us on this constitutional matter on which I have asked enlightenment. Thank you.

**Chairman**

UK wanted to answer this.

**UK**

If I could help, Mr Chairman. I'm quite clear we are not proposing an amendment to the Schedule. The position we find ourselves in is that we are waiting for the revised management procedure. We wish to consider that, and as I said earlier this week it wouldn't be appropriate to change the Schedule until we've decided where we're going in relation to management procedures. So this simply is, as it were, a position statement so that we know where we are for the time being, as there was some confusion earlier yesterday. Thank you.

**Chairman**

Thank you. Norway.

**Norway**

Mr Chairman, I understand that the British delegation is suggesting that we are going to have our cake and eat it at the same time. I must insist that the Chair gives a ruling on this because the interpretation given by the UK delegation is not a satisfactory basis for my delegation to have a view on this. Thank you. And I would like to have a clear opinion as to whether ...

**Chairman**

Norway, can you just wait a moment? Sorry for cutting you off. Do you want to come back?

**Norway**

Yes, I wanted, if the Chair feel the need, I might repeat my question. It is a question, are we amending the Schedule or are we making a decision having the effect of amending the Schedule? Are we, if this is the case, are we proceeding in a manner which is in line with what the Convention and our Rules of Procedure prescribe?

**Chairman**

Thank you, Norway. New Zealand, would you like to comment that before my ruling, or ...

**New Zealand**

I wasn't going to comment on the particular question raised by Norway.

**Chairman**

You can do that now.

**New Zealand**

I'm sorry, Mr Chairman, I was going to comment on a different point.

**Chairman**

OK. As far as I can understand, the Resolution can be adopted by a simple majority, but this issue which has been raised in this proposed Resolution has the character of a Schedule amendment which we all know requires three-quarter majority. I therefore rule against voting on that. I therefore rule against voting on the proposed Resolution. The Secretary points out that in the history of the Commission there is a precedent in this issue. It was before my time, but I rely on the advice of the Secretary for the precedent. USA has asked for the floor.

**USA**

Yes, Mr Chairman, we would just like an explanation of the precedent and also would like to know are we voting on the amendment or are we voting on the original proposal?

**Chairman**

The amendment has not been seconded, so we could vote if it's not seconded only on the Resolution.

**USA**

Then could the Secretary explain the precedent for us? It may have been before our time also, Mr Chairman.

**Chairman**

Dr Gambell.

**Secretary**

Mr Chairman, I would need to go and look up the appropriate Chairman's Report of the meeting, but there was an occasion when Mr Iglesias was the Chairman where a somewhat comparable situation arose and in his judgement, which was supported by the Commission, he ruled that a matter such as a Resolution requiring a simple majority but which bore the nature and intent of an interpretation or amendment of the Schedule, the latter requiring a three-quarters majority, was not properly to be addressed by the Resolution which could be more easily adopted. The contrast was between the formal three-quarter majority situation and, as it were, the easier simple majority situation. And he ruled, and the Commission confirmed, that it was not appropriate to have the simple majority motion voted on in that situation.

**Chairman**

Norway.

**Norway**

Mr Chairman, in your ruling I would take it as implicit that the requirements as to time limits and form for presenting amendments to the Schedule would have to be observed which of course I take it has not been observed in this case where a Resolution was brought on the table only yesterday. And well, Mr Chairman, I only wanted to be clear on that point that this in effect and form is a question of amending the Schedule and then also the requirements for how we do that should apply.

**Chairman**

Thank you. New Zealand.

**New Zealand**

Thank you, Sir. This is not on the intervention I originally wished to make but on the question at issue. I'm a bit concerned that perhaps the Secretary is interpreting the nature of the Resolution in a way that many Commissioners here do not agree and, you know, I think the correct interpretation of the Resolution is a matter for the Chairman and Commissioners. And a precedent is referred to as the authority for it. Well, I don't think we are necessarily bound by precedent. Having been Chairman, I think one Chairman will rule in one direction and the next Chairman may rule in a different direction. It's a matter, you know, it's not something fixed in space or time. But if it is a precedent, could we have a look at it because I would like to see that there is a complete parallel between the two situations, even though I don't consider that we are in any way bound by it.

**Chairman**

Australia.

**Australia**

Yes thank you, Mr Chairman. There does seem some confusion in my mind about precisely the nature that this Resolution would in fact be a Schedule amendment. I think those comments had already been made by the Commissioner for the UK, and I must admit I'm still puzzled. I had not thought that this Resolution would have been a Schedule amendment. I'm just wondering if we can have some further clarification on that.

**Chairman**  
United States.

**USA**

Yes, Mr Chairman, I have the same confusion. Would it be of any use for us to adjourn and discuss this in a closed Commissioners' meeting?

**Chairman**

Thank you. I had intended to have a short Commissioners' meeting after closing the meeting, but I think I changed my mind and have a short Commissioners' meeting now. Norway.

**Norway**

Mr Chairman, we have had a ruling from the Chair. We have heard some appeals from some delegations against this ruling. I would expect the Chair to draw conclusions.

**Chairman**

Thank you, Norway. US.

**USA**

Point of order, Mr Chairman. According to the Rules of Procedure C.2 the following motions have precedent in the following order over all other proposals or motions before the Commission: a) to adjourn the session.

**Chairman**

I now intend to adjourn the session for a quarter of an hour. The plenary is resumed five minutes past twelve. The plenary is adjourned.

[Adjournment followed by lunch break]

**Chairman**

Commissioners, ladies and gentlemen, I hope you have had a good lunch. The plenary is resumed. In the special meeting we have had a long and interesting discussion regarding the issue we left before lunch. We are now on Agenda Item 10.3 Action Arising. The floor is open. UK.

**UK**

Thank you, Mr Chairman. We finished just before lunch with the ruling that the Resolution IWC/42/38 could be construed as an amendment to the Schedule and therefore should have gone through other procedures. What I would like to say is that there was no intention that this should be an amendment to the Schedule. It was simply that paragraph 10(e) requires us as a Commission to undertake a Comprehensive Assessment of the effects on whale stocks of the zero catch limits for commercial whaling and to consider modifying paragraph 10(e) and establishing other catch limits. Now the position is, we have considered the effect of the moratorium and we have considered other factors, and the decision we have taken this year is that now is not the year to lift the provisions of the zero catch limits. I therefore think I would not wish to go against the Chairman's ruling, I did not mean it to be in any way an amendment to the Schedule. I would therefore propose that I withdraw on behalf of the co-sponsors - and I'm afraid over lunch I haven't been able to talk to all of them - that I withdraw the amendment, but I do so on the understanding as in the Resolution that paragraph 10(e) of the Schedule remains operative. We have undertaken the work we should have done this year, and we are looking forward next year to consider the provisions under that paragraph. In particular we are asking the Scientific Committee to make every

endeavour to succeed in its target to complete its work on revised management procedures by May 1991. Thank you.

**Chairman**  
Brazil.

**Brazil**

Thank you, Mr Chairman. As co-sponsors of the Resolution on paragraph 10(e) we are also very sorry that it has to be withdrawn, although we would not like to have to vote against the Chair. We also did not see it as an amendment to the Schedule, maybe much more a postponement of a decision on the Schedule for a further date. For Brazil also we agree with the UK that paragraph 10(e) of the Schedule remains operative until modified by the Commission. Thank you.

**Chairman**  
Thank you. US.

**USA**

Thank you, Mr Chairman. As one of the co-sponsors of that Resolution the United States strongly associates itself with the UK's comments and also regret that this Resolution, which we thought would clarify matters, has to be withdrawn. Thank you.

**Chairman**  
Thank you. New Zealand.

**New Zealand**

Thank you, Mr Chairman. We associate ourselves with the United Kingdom's statement. We continue to have difficulties in understanding the view that's been expressed that the simple statement that a paragraph of the Schedule remains operative until it's modified presents any difficulties, but since it does then to some delegations can I say that we regard that as simply a factual statement which didn't amend the Schedule in any way, and in fact made no change in the present position. Thank you.

**Chairman**  
Thank you. Netherlands.

**Netherlands**

Well, may I just say, Mr Chairman, that in our view also this Resolution can in no way be construed as an amendment to the Schedule, and I subscribe to the views that has just been expressed by New Zealand and other countries. Thank you.

**Chairman**  
Thank you. Any further comments? Norway.

**Norway**

Mr Chairman, I think we have heard a wise suggestion from the United Kingdom delegation in withdrawing the proposed Resolution. I from my part and on behalf of my delegation would only comment and reserve my position *vis à vis* the interpretation given by delegations that just spoke to the point that we had had a review of the 1982 moratorium and that there has been made decisions on the indefinite prolongation of the moratorium. I think we rather have a situation where the Commission on the priority tasks it has itself set with a view to the decision made in 1982 has not been able to complete its task, and that we are in a situation that certainly is not very clear.

**Chairman**

Thank you. Seychelles.

**Seychelles**

Thank you, Mr Chairman. As one of the co-sponsors the Seychelles would like to associate itself with the New Zealand statement, and we would like to reaffirm that in our opinion this is not a Schedule amendment. Thank you.

**Chairman**

Thank you. Japan.

**Japan**

Mr Chairman, we have just heard that this Resolution is now withdrawn. However, I would like to re-emphasise the importance of the Scientific Committee's tasks on development of revised management scheme to be completed by 1991, and I would like to re-emphasise this and like to have it noted. Japan is prepared to host the Working Group meeting for the development of the revised management scheme in Tokyo in December. I expect very strongly to have the Scientific Committee take up a very serious task of development of revised management scheme so that next year it will have an appropriate and best available revised management scheme, and their proper tasks will be continued without hindrance. In our view the Comprehensive Assessment should be stock-by-stock basis as the IWC has always been practising, and therefore whatever the best scientific advice can be made on each stock then that stock should be awarded with the catch limit and the reclassification.

**Chairman**

Thank you. Are there any further comments? Monaco.

**Monaco**

Mr Chairman, in view of the various statement which have been made after the withdrawal of the proposed Resolution by the United Kingdom and its co-sponsors, would it be asking too much to ask the Chair to make a ruling as to whether this paragraph 10(e), that is to say in common parlance the moratorium, is still in force today or whether tomorrow morning somebody can start killing whales on their own. Thank you.

**Chairman**

I wouldn't call it a ruling, but for my understanding it's still in force. If you look into the Schedule which is still valid there you shall see a catch limit.

**Monaco**

Thank you.

**Chairman**

If there are no other comments ... Iceland.

**Iceland**

Well, Mr Chairman, you know when we address this body many of us, well at least I can speak for myself, tend to think only of the people in this room, that is the members of delegations and the wonderful NGOs in the back of the room, but I think we tend to forget that the resolute members of the Press who I assume are listening to us now in some far-off room trying to understand what we are doing and ready to transmit to an eagerly waiting public an analysis of our every action. Well, yesterday I caught myself wondering what can they be thinking about what we are doing? I must say at the close of the afternoon yesterday there was left an impression of really high, even operatic drama, even worthy of comparing to the works of Richard Wagner's, and you remember even the weather contributed to this feeling. We had this

atmosphere of Sturm und Drang, I think it would be called, and in fact I myself had visions, well and I apologise, the Flying Dutchman. There was that vessel waiting off the rocky Norwegian coast seeking shelter after years of aimless wandering on the uncharted seas. I can still in my own mind hear what I feel are the refrains of the crew of that hapless vessel and the exchanges between that crew and, well, the drunken Norwegian sailors on land. We saw the tensions between life at sea and life at shore, and we all wondered whether would there be a response from shore to these emotions. Would there be the required sacrifice to allow the Flying Dutchman, the captain, at last to find peace and cease the futile transits of the oceans? But then finally we had the spectre of a great ship going down and then the audience was left to determine the effect of this. Is the ship going into oblivion or will life recommence in some other form? And all this, Mr Chairman, accompanied by thunder and lightning striking the windows above us.

Well, here we are again while the weather is better, the sun was out this morning, and we have a Resolution on the very question, or we had a Resolution on the very question that we were discussing yesterday and led to that performance. It seems to me now we have an entirely different musical form and I was rather reminded of that other ship the *HMS Pinafore*. We see visions of the merry crew dancing on the deck singing ditties and keeping a stiff upper lip while pandemonium reigns on the bridge. Now, let it not be said the members of the Icelandic delegation are musical snobs in preferring, say, one form of art to another, and in fact the works of Gilbert and Sullivan are enjoyed by millions of English-speaking people all over the world and maybe others. I don't know. But I must admit that my tastes run to Wagner. Well, Mr Chairman, art is long and our time is short But I must say throughout all this discussion, and we re-emphasise today, well, returning to this amendment we rather found it difficult to respond and this is a reason for this digression today. I don't really think it's made a stated purpose which was communicated to us after its withdrawal, it's rather opaque if we use the word which has become very popular these past two days. We had this whole slew of 'whereas' clauses which I admit I didn't have time to look through to see whether they were of the anti-historical nature that I mentioned yesterday, and then we had this first operative clause which implored the Scientific Committee to complete its development of revised management procedure. Fair enough, that's a fine sentiment, we had shared it in earlier discussions, but is, as I said yesterday, an entirely irrelevant point with respect to 10(e). Well, then we had a clause on the operation of paragraph 10(e). We all admit that in cases where the Comprehensive Assessment has not been completed the zero catch quotas would remain. Well then, and finally, this clause we had a reaffirmation that the Commission would continue to look at modifications of 10(e) and this I could only say, well I hope so. And perhaps, well, with tongue in cheek, I salute the eternal service paid to scientific research, even though in my view as expressed before in this meeting the Commission adopts a rather cavalier attitude towards sometimes hard work of the vast majority of the members of the Scientific Committee before us.

Well anyway, thinking once again for the advantage of the members of the Press who I hope are still listening outside, I wonder if I could ...

USA

Mr Chairman, point of order.

Chairman

US.

USA

Yes, Mr Chairman, I would like an explanation of the arrangements for debate. Filibustering is fine in the United States, I don't know that it's a part of the IWC procedure.

Chairman

US, I didn't find this quite amusing intervention as filibustering, but I think you have finished your intervention now?



**Iceland**

I have three minutes more, Mr Chairman.

**Chairman**

Three minutes more?

**Iceland**

Yes, I have timed my intervention so far and compared it to earlier interventions, Mr Chairman. Thank you. Well, returning once about what I was saying about the Press, I would venture to say that, well I will try to make the situation slightly more clear, and I venture to say that even yesterday we were talking about situations which were even crystal clear. First, we had a stock, the Central North Atlantic stock, around Iceland, on which the Comprehensive Assessment had been completed. Second, we have an agreed management procedure and no proposals to amend them. Third, we had a proposal agreed to by the Scientific Committee on how to classify the stock, but this was voted down by the Commission. Fourth, then we had a proposal to set a catch limit of 200 whales, also with the support of evidence from the Scientific Committee, but then as we all recall, by procedural means, the Commission was prevented by ten delegations from expressing its views on this question and parenthetically it seems to me ironical that later in that evening whatever tactical advantage was being sought was destroyed in allowing us to vote on the Japanese proposal clauses. And finally, fifth, Mr Chairman, this leaves the question of establishing catch limits to the operation of the Convention in the absence of an agreed quota after 1 January 1991.

Now, finally, these two questions. First, has the Commission lived up to its management responsibilities? We must regrettably state no. Second question, has not the Commission called into question the whole legal basis of paragraph 10(e) and through its working methods endangered once again the future of the Commission? And we must regrettably say yes. Now, what does this say about the Resolution? I said before we were somewhat wondering on how to react to it, and it's very convenient for us that the distinguished Commissioner of the United Kingdom has withdrawn the proposal. Well, Mr Chairman, as we all know, Gilbert and Sullivan operas have happy endings, you know, all the cast on stage for the finale, the guy gets the gal, and the confusion is resolved. I'm afraid we cannot offer such a finale to the listening public. Thank you, Mr Chairman.

**Chairman**

Thank you. New Zealand.

**New Zealand**

Thank you, Mr Chairman. I just want to observe that, seeing that the Iceland Commissioner has raised the question, we were very conscious yesterday when the Japanese proposal was put to the vote that it did raise in question the decision taken earlier in the morning on the question of Icelandic minke whales, when it was decided it couldn't be put to the vote. And we were going to intervene but we decided not to because there is, it seemed to us, there was a different approach to the question. One was a simple question of catch limits, the other one was in fact a request by the Japanese for an interim relief allocation or an interim quota allocation based on quite different criteria, and which I think most people here recognised is different from the other catch limits we have observed. So in our view there was no weakening at all of the decision taken yesterday morning and it remains. Thank you.

**Chairman**

Thank you. UK.

**UK**

Thank you, Mr Chairman. I would associate myself with the remarks of the New Zealand Commissioner. I have one small point to make in relation to Iceland's comments. Obviously Iceland can interpret the events as they see it. I see it slightly differently. But the fact remains the zero catch limit is still in the Schedule. Thank you.

**Chairman**

Thank you. I take ... Australia.

**Australia**

Yes, Mr Chairman, thank you. I don't wish to prolong the debate except to simply add support to the comments of New Zealand. Thank you.

**Chairman**

As there are no further comments ... US.

**USA**

Thank you, Mr Chairman. I wasn't going to actually give any respect to that tirade, but I do want to associate myself with New Zealand. Thank you very much.

**Chairman**

Thank you. Norway.

**Norway**

Mr Chairman, I would like to associate myself with the final points of the Icelandic statement where he summed up his view of the situation for the Commission. When I'm not associating myself with the rest of his presentation it's because I think that was a personal sort of performance for our benefit which I think we should thank him for. Thank you.

**Chairman**

Thank you. I think that disposes of this very issue. A final intervention from Iceland - a tiny one.

**Iceland**

It's a footnote, Mr Chairman. Page 14 and 15. Thank you, Chairman. I was referring to page 14 and 15 of the Schedule, the footnote, actually two footnotes. Thank you.

**Chairman**

Thank you. I think that disposes of this Agenda Item, but before closing this we should agree to amend the dates in the tables of the Schedule, change the dates to 1990/91 etc, and consequentially also on the paragraphs 11 and 12. Can we agree? Thank you. That disposes entirely of Agenda Item 10.

7 We have one little item in Agenda Item 7 about the Resolution on non-lethal methods. Have the French delegation anything to say about that, or do you need more time?

**France**

Mr Chairman, I think an agreement has been reached but the paper have been just distributed in the boxes.

**Chairman**

14 OK, we will come back to it. Then we turn our attention to Agenda Item 14 Adoption of Report of the Scientific Committee. May I ask the Chairman of the Technical Committee to comment on this Agenda Item. Dr Fleischer.

**Chairman of Technical Committee**

Thank you, Mr Chairman. I will try to be brief. We reviewed the part of the Report of the Scientific Committee which has not been already dealt in other agenda items, and one of the fresh issues we reviewed was concerning the small cetaceans. The Scientific Committee reviewed seven different species and they were organised also by regions. This is presented in the Technical Committee Report on page 29, page 30, and from these there were several recommendations which appears on page 31 and over the page regarding priorities, those are grouped in four main recommendations you can find as I said on page 31 and on page 32. In the Technical Committee there was a discussion, Mr Chairman, on the recommendations as stated by the Scientific Committee on the competence of the Commission. There was not agreement on this and it was recommended the Technical Committee to express the concerns and reservations and to note the recommendations. We also got some new information on other stocks. Those are on page 32 and some information on the takes of the small cetaceans last year on page 33. The Scientific Committee also proposed for the 1991 meeting if the information is available to conduct some studies on the biology and history of exploitation of white whales and the narwhal and this can be found on page 33. There was also some discussions on the national progress report on research and in the item on any other business there was the mention of the production of a book on the effect of pollutants of marine mammals will not have a financial attachment to this Commission. The Technical Committee adopted the Report of the Scientific Committee for recommendation to the plenary. Do you want me to stop here for comments or questions? You want me to go ahead with the rest?

**Chairman**

I think you had better go on.

**Chairman of Technical Committee**

Then we concentrate our discussions at Technical Committee with a Resolution which was presented by New Zealand on behalf of the co-sponsors. It's a Resolution on the small cetaceans and this raised considerable discussions and points of view and as a summary, Mr Chairman, there was diverging views on the Resolution as I should say it, all the delegations who spoke they shared the concern for the small cetaceans and there was an agreement on the Resolution and there was agreed to be presented to this plenary. Thank you.

**Chairman**

Thank you. As this Report has been adopted in the Technical Committee, may I ask the Chairman of the Scientific Committee if he has any comment to make? That seems not to be the case. Are there any comments from the floor on this agenda item? There are some recommendations contained on page 32 and 33. Can we endorse these recommendations? Thank you. Are there any comments? That seems not to be the case. I therefore ask if there are any actions arising from this agenda item regarding small cetaceans. New Zealand.

**New Zealand**

Mr Chairman, we stopped the debate in the Technical Committee and transferred to the plenary the draft, or the Resolution concerning small cetaceans supported by New Zealand and a number of other countries. I would wish to either re-present it or do whatever's appropriate. The procedure's a little strange to me, but is this the time for me to do so? Thank you. Just as a comment, I do wonder about the procedure whereby we transfer things sort of up through different layers of the Commission when it's really the same people who are listening to the same argument several times over, and if we seriously want to speed up our work in future I wonder whether we couldn't compress the number of bodies, but that's an irrelevant matter to the purpose of the Resolution.

Mr Chairman, we took account of the comments made in the course of the discussion and we had private discussions with several delegations, and consistent with our approach that this is a practical problem

requiring practical answers and which should be supported as widely as possible, we did our best to accommodate views expressed. We weren't necessarily able to meet all of them, but certainly we did our best, and so the revised Resolution appears in IWC/42/36 Rev.1 and it has five new sponsors who joined it. These are Ireland, Seychelles, South Africa, United Kingdom and United States who were all part of the sort of original group that worked on this but for various reasons weren't able to get their names on the list in time. There are no changes to the preambular paragraphs. I won't sort of repeat the introductory statements I made when I presented the Resolution originally. I think, I assume it would be adequate if I just concentrated on the differences. Would that be your wish?

**Chairman**

Yes.

**New Zealand**

Thank you. Well then, the amendments appear in the clauses 1, 2, 3 and in the clauses at the bottom of the page, the resolving clauses, and the most important one appears in paragraph 1 where the words in the middle of the old, of the first presentation which said 'giving priority in the forthcoming year to the directed stocks', those words were ones that caused particular difficulty and which the sponsors of the Resolution have decided to remove. These words had been included partly because the directed takes are better documented and partly because it narrowed the field initially to be surveyed by the Scientific Committee. We thought it might facilitate their work if we sort of narrowed the approach in that way. But in view of the comments that were fed back to us, and in the effort to overcome the difficulties that clause was giving, we deleted them and we believe in any event that the Scientific Committee is perfectly able to set its own specific agenda and priorities for this work itself, given the request by the Commission to focus its attention on significant directed and incidental takes - the word 'significant' is the operative one. Now, having taken that clause out, we had to make some drafting changes and to follow because it wouldn't have been very sensible otherwise, and the word 'providing' appeared between 'and' and 'an assessment' and we deleted the phrase at the end of the paragraph 'including any incidental takes' because it was superfluous having already widened the reference. So that is the most important one.

In operative paragraph 2 where we had earlier asked for a report on the work undertaken by the Scientific Committee, to clarify that we weren't expecting everything to be done in one year, we have inserted the two words 'to date' so it will read 'requests the Scientific Committee to present to the 43rd Annual Meeting of the Commission a report on the work undertaken to date, at the same time providing such scientific advice as may be warranted'. And in the fourth operative clause we, I fear, failed to take in one factual change. We incorrectly addressed the conference, or gave the name of the conference as the Second World Conference on Environment and Development, and we meant to change it to United Nations Conference on Environment and Development because that is the correct name. I would, with your permission, amend it accordingly now. It's only a title change, it has no other significance.

Those are the changes made. They were done in the effort to achieve the widest possible support in this Committee and we look forward very much to a good result. Thank you.

**Chairman**

Thank you, New Zealand. Before opening the floor I would ask Commissioners to be very brief. We have had a lengthy discussion about not this proposed Resolution but on the issue which it contains. Netherlands.

**Netherlands**

Thank you, Mr Chairman. As we did not speak to this Resolution which has been co-sponsored by ourselves when it was presented in Technical Committee, may I take this opportunity to do so in plenary, but I'll keep it very brief as you requested. The Netherlands takes a great interest in the work that has been done in the Small Cetaceans Sub-committee and we commit ourselves to increasing our

contributions to its work. We realise that much about the numerous species of small cetaceans is still unknown, but we do know that for many of those species the situation has seriously deteriorated in recent years for a variety of reasons. For example, in our own waters the numbers of bottlenosed dolphins and harbour porpoise have decreased significantly, which apparently is partly due to incidental takes. Now, some of the factors of decline of these species are directly related to the work of this Commission and its Scientific Committee, and therefore we think it is most appropriate that within this Commission a process is started of drawing together all relevant information on the status of these stocks that are subjected to directed and incidental takes, and providing an assessment of the present threats to those stocks. We hope that the information so gathered will eventually lead to measures taken by the Contracting Governments of this Convention that will reduce small cetacean mortality and thus improve the situation of these species. Thank you, Mr Chairman.

**Chairman**

Thank you. Iceland.

**Iceland**

Yes, Mr Chairman. In earlier discussion on this we had made four points. First that we had concern over the need to increase research. Secondly that we had concern over certain stocks which might be depleted. Thirdly that we were making efforts in the North Atlantic to address these problems. But fourthly that we our attitude would depend on the assessment of the way that this Commission works as to what would be the future of the Commission in this question. Mr Chairman, we have had a rather disappointing experience on how the Commission can work, on the other hand we feel that we should make every effort to address the concerns we mentioned and we will not object to the adoption of this proposal. Thank you, Chairman.

**Chairman**

Thank you. Denmark.

**Denmark**

Thank you, Mr Chairman. Denmark has a great deal of sympathy with last part of these papers. As many members of the Commission however may know, we have a few important concerns. The main concerns is that you do not recognise the usefulness of regional cooperation on conservation and management of this small cetaceans. The other point goes to the operative paragraph, that is number one, where you have changed the formulation a little, giving equal priority, so to say, to directed and incidental takes. Denmark feels that it is logical then, the most important thing, that is to analyse, if wanted, incidental takes because that's the large numbers and the unknown problem. And the third thing, that is Denmark's attitudes as management to small cetaceans are well known. I'll just have mention that some speakers really have stressed upon the interrelation between scientific advice and management. Therefore this Resolution is not acceptable for Denmark. Thank you.

**Chairman**

Thank you. US.

**USA**

Thank you, Mr Chairman. The Scientific Committee has been involved in doing some of the things called for in this Resolution since 1974, and my delegation believes that this work has been useful in drawing members' attention to significant problem areas. Consequently we would endorse this call to the Scientific Committee to continue this work in a more focussed way and therefore we do support this proposal. Thank you very much, Mr Chairman.

**Chairman**

Thank you. France.

**France**

Thank you, Mr Chairman. For the benefit of the speed of that meeting I won't repeat my comments made in the Technical Committee but we, of course, are in the same mood. Thank you.

**Chairman**

Thank you. Any further comments? Can I take it that we adopt this Resolution by consensus? Denmark, Mexico and Japan. Denmark.

**Denmark**

No, we are opposed to this proposal. Thank you, Mr Chairman.

**Chairman**

Thank you. Mexico.

**Mexico**

Thank you, Mr Chairman. My delegation shares some of the concerns of the Commission in relation with the Resolution proposed on small cetaceans. However, we would like also to underline the urgent need to resolve first the legal controversies on the definitions of principles under which IWC might deal with different species of cetaceans. In the meantime Mexico will continue its own efforts to protect marine mammals based on the principles of the new Law of the Sea which allows coastal states to adopt more restrictive measures compared with those adopted at the international level. We also want to reiterate that Mexico will continue promoting international schemes for the protection of marine mammals through the appropriate international organisations. We share, as I said, the concerns about implementing some measures to consider the problems affecting the cetacean species in the respect we consider that the Resolution has the simple merit to promote the collection of information on some species for which the data is available. We honestly have also concerns if the Scientific Committee will have even the previous mandate of the Commission to accomplish the request of the operative paragraph 1 and 2 and therefore, Mr Chairman, we cannot endorse the recommendation. Thank you.

**Chairman**

Thank you. Japan.

**Japan**

Mr Chairman, I hate reiterate about this subject. However, we are confident that Japan is a country where the conservation and management measures are very seriously undertaken. As it is evident from the Scientific Committee Report that any stocks or species that have been researched and studied are those which are targeted as targeted species. I have already said before that out of the 130 coastal states in the world, this organisation here only has 36 member countries, and therefore the matter relating to the small cetaceans management should be referred to some larger organisations where many other coastal states which are related to this subject can debate. The tradition of Japan is that the matters of small cetaceans should be treated by the coastal state relevant to those stocks in their waters and, if that is not sufficient, then the concerned nations should negotiate amongst each other. And if that is not still sufficient, the regional organisations should look after the matter and therefore, in conclusion again, Japan's position is to view this matter as outside of the competence of the IWC. Looking at the plan of works for the Scientific Committee in the coming year, we believe that most important part and most of the time should be devoted to the development of the new revised management scheme, and therefore if we adopt this Resolution we are concerned that there will be more workload being taxed on the Scientific Committee. In addition, the operative paragraph number 4 seems to predict and predescribe the agenda for the 1992 United Nations Second World Conference on Environment and Development. Thank you, Mr Chairman.

**Chairman**

Thank you. St Vincent.

**St Vincent & The Grenadines**

Thank you, Mr Chairman. My delegation repeats its position as stated in Technical Committee. We are unable to support the Resolution. I would only add that and so many other countries involved in small cetaceans that do not belong to the IWC, and it really is more useful when the countries involved can be present here as their matters are being discussed, and you can have dialogue with them. This is very unlikely, Mr Chairman, because of the difficulty in the IWC to arrive at decisions by consensus, and so therefore the reputation of the IWC is not encouraging to other countries to join which is in fact something that would be desirable if this matter were really to be taken on by this Commission. Thank you.

**Chairman**

Thank you. Chile.

**Chile**

Thank you, Mr Chairman. This delegation shares most of the concerns expressed by the Mexican delegation. However, in view that the Resolution refers to collecting information and presenting a report and also because of the two preambular paragraphs 4 and 5, the Chilean delegation will support this Resolution.

**Chairman**

Thank you. Can we ... Republic of Korea.

**Republic of Korea**

Thank you, Mr Chairman. My delegation believes that a coastal state has primary sovereign rights on small cetaceans in their coast. My delegation also wonder whether the Scientific Committee is able to carry out the works which this Resolution requests to the Committee because my delegation believes that during the period of 1990 and 1991 the Scientific Committee should concentrate its efforts in the works of the scheduled Comprehensive Assessment and the management procedure. Those are urgently required by the member countries concerned. Thank you very much.

**Chairman**

Thank you. St Lucia.

**St Lucia**

Thank you, Mr Chairman. Only to say that I appreciate the intent of this Resolution and normally would have been able to support it, but as I pointed out, St Lucia is only one of the many small territories in the Caribbean and we are governed by a Fisheries Desk within the OECS and CARICON. I would like to have discussed this with them and support it on behalf of the whole region for that matter, but for me to vote for this now would mean I'm binding St Lucia to providing this information which is needed. Nevertheless, I have spoken to the Secretariat and informed them that there are channels for getting such information from the region, but unfortunately I will not be able to support the Resolution. Thank you.

**Chairman**

Thank you. Can I take it that we adopt the Resolution but mention those countries which have made reservations - Denmark, Mexico, Japan, St Vincent & The Grenadines and Republic of Korea and St Lucia? Oman.

**Oman**

Thank you, Mr Chairman. I'd be very pleased to be among the people who have made their reservation recorded. Thank you, Sir.

**Chairman**

Japan.

**Japan**

Mr Chairman, are you proceeding with the consensus with so many reservations?

**Chairman**

I wouldn't call it a consensus, but an adoption with reservations mentioned on the very Resolution. Denmark.

**Denmark**

Yes, Mr Chairman. I don't think this is a right conclusion, this situation with different points of views expressed. I would propose that we vote on it. Thank you.

**Chairman**

Denmark has proposed a vote. I have no other choice than to proceed to a vote. Secretary, will you conduct the vote? Dr Gambell.

**Secretary**

Mr Chairman, the Resolution before this plenary session is contained in document IWC/42/26 Rev.1, the revised version of document 26, proposed by a list of countries but introduced into this plenary session by New Zealand. This is a subject which can be adopted by a simple majority in this forum, so we are voting on IWC/42/26 Rev.1 concerning small cetaceans and a simple majority will carry the Resolution.

The roll starts at France - yes; Federal Republic of Germany - yes; Iceland - yes; India - yes; Ireland - yes; Japan - abstain; Republic of Korea - abstain; Mexico - abstain; Monaco - yes; Netherlands - yes; New Zealand - yes; Norway - abstain; Oman - abstain; St Lucia - abstain; St Vincent & The Grenadines - abstain; Seychelles - yes; South Africa - yes; Spain - yes; Sweden - yes; Switzerland - yes; USSR - abstain; UK - yes; USA - yes; Australia - yes; Brazil - yes; Chile - yes; People's Republic of China - yes; Denmark - abstain; Finland - yes.

Mr Chairman, there were 20 votes in favour with none against, and 9 abstentions, so that Resolution is adopted *nem con*.

**Chairman**

Thank you, Secretary. Australia.

**Australia**

Mr Chairman, partly because of my neophyte status I'm not quite sure that I understand what the difference is between *nem con* and consensus.

**Chairman**

Please, Secretary, will you enlighten us upon that?

**Secretary**

The normal meaning of consensus is that everyone agrees. The IWC meaning of consensus is that nobody opposes, therefore I used another term.



**Chairman**

Brazil. Sorry, Spain.

**Spain**

Thank you, Mr Chairman. My delegation want to explain the sense of its voting. Even if we have serious doubt about the competence of this Commission to regulate small cetaceans and we think this must be done the studies in the future taking into account that this Resolution proposals is for the moment collect data, information, and as Chile has very well expressed already, taking into account the fourth and fifth paragraph of preamble of the Resolution, that is why the Spanish delegation have voted affirmative. Thank you.

**Chairman**

Thank you. Before closing this agenda item may I ask if there are any other issues under Action Arising here? The floor is open. UK

**UK**

Thank you, Mr Chairman. I would like to put forward a Resolution on directed take of Dall's porpoise. This Resolution is co-sponsored by Finland, Netherlands, Sweden, Switzerland, the United Kingdom and the United States. It's contained in document IWC/42/31 Rev.1. The reason there is a revision is that St Lucia very kindly and properly suggested that we not only took note of action the Japanese Government have taken, but also the considerable work they do, so I've adopted, taken in St Lucia's amendment provided earlier. Now, as the time is running short, I will cut short my speech which was of about, would have taken ten minutes, and I will explain this very briefly.

The issue of the Dall's porpoise has been brought to our attention in the Scientific Committee Reports, both last year's Sub-committee on the Small Cetaceans reported concern and this year the Scientific Committee set amongst its highest priority the need for the takes to be reduced. We have here a fishery where the take was something below 10,000 for many years, and then peaked to 40,000 in 1988. The Japanese Government have taken action to reduce the take and it is now hopefully this year going to be down to 25%, to 25,000 animals, but that's still two-and-a-half times traditional levels. The Scientific Committee warned that such a take is unsustainable and have therefore reported to us that it is a matter of grave concern. Now this serious pressure on the stock appears to have arisen because of consequences of the IWC's own moratorium on commercial whaling, although I would point out that the fishermen who take the Dall's porpoise are in a different part of the fishing industry from the small-type coastal whalers, but I do think the IWC should be concerned about the knock-on effects of its decisions. I recognise that there are differences of view between member states of the IWC on regulatory competence which I think have been fairly fully expressed in the previous discussion, but the 1981 Resolution on small cetaceans does provide for requesting Contracting Governments to consider advice from the Scientific Committee. You will see that the Resolution has been very carefully worded, drawing very closely on the wording of the Scientific Committee, and it's in this spirit I would hope that the members of the IWC could accept this Resolution. Thank you.

**Chairman**

Thank you, UK. USA.

**USA**

Thank you, Mr Chairman. The United States supports this Resolution, the succinct elements of the Resolution to be allowed to speak for themselves. There is an urgent conservation need to reduce the level of direct take of these Dall's porpoises. I wish to commend the Government of Japan for its action in reducing the take in 1989 from the 1988 level. However, as that Government has recognised, the take being allowed is still too high, the view shared by the Scientific Committee which believes that there is an urgent need for the take to be reduced as soon as possible, at least to pre-1986 levels, and further it so

indicated by new stock assessments. So, Mr Chairman, this Resolution requests the Japanese Government to consider the advice of the Scientific Committee as a matter of urgency and as soon as possible to reduce the take as I have just said. I join in commending this Resolution to the attention of the distinguished delegation of Japan and other delegations. Thank you.

**Chairman**

Thank you. Japan.

**Japan**

Mr Chairman, the Government of Japan is very much concerned about the sudden rise of the catch of Dall's porpoise since 1987. The analysis that we have made on the market situation and reason for the sudden rise of the catches of Dall's porpoise in Japan is that since the moratorium decided by the IWC there has been a shortage of whalemeat in the Japanese market as a natural consequence of that decision, and that invited the other fishermen than those who have originally been engaged in whaling to come to take Dall's porpoises and sell at the very much higher than normal prices to the market. The wording very carefully chosen for this Resolution are identical to the words used at the Scientific Committee Report, small cetaceans part of it, and therefore we are prepared to faithfully observe such recommendations. Furthermore, Japan would continue to submit all the available data and analysis with regard to this particular stock and Scientific Committee will have an assurance of our sincere cooperation. One point I like to make before I finish is that the sponsors of this Resolution, the United Kingdom together with United States of America, are known to the world as the theorists of the nations. Please open the Scientific Committee Report page 43-44. Just one question I like to pose to the proponent and sponsors of the Resolution - here in those pages of the Scientific Committee Report the highest priority are given not only to the Dall's porpoise but to vaquitas and harbour porpoise and Black Sea. I would like to know why Dall's porpoise was selected as sort of singled out out of those other priority stocks. I would also like to reaffirm our national position about the small cetaceans. The Government of Japan believes that the regulatory measures are the sovereign right of the nations with that small cetaceans fishery and the small cetaceans are outside of the competence of the IWC. However, we do not hesitate to give every possible cooperation in Scientific Committee to study these stocks. Therefore, if the Resolution concerns in a normal case the small cetaceans in general, Japan would take 'no' to the vote if the vote is called for. However, in this case, the Resolution is nominating Japan as the country responsible and therefore, if this Resolution is put on vote, we have to abstain. And if this is going to be consensus we have to reserve our position. Thank you, Mr Chairman.

**Chairman**

Thank you. Spain.

**Spain**

Thank you, Mr Chairman. The Spanish delegation, due to its deep concern about the active conservation and rational exploitation of all marine resources, want to express its point of view over this Resolution. Article IX of the Convention says each Contracting Government shall take appropriate measures to ensure the application of the provision of this Convention. Nevertheless, the scope of the Convention with relation to species is specified in the list included in Annexe of the Nomenclature. That is why even if we have supported the Resolution already vote about recollection of information about small cetaceans for the moment we think that the Dall's porpoise, being not least in this Annexe, we express serious doubts about the competence of this Commission to give advice or request to any Contracting Government on the number of takes of the species that are not covered by this Commission. Thank you, Mr Chairman.

**Chairman**

Thank you, Spain. Federal Republic.

**Federal Republic of Germany**

Thank you, Mr Chairman. The Federal Republic of Germany shares the concern about over-exploitation of the Dall's porpoise stock, and therefore I would like to support this proposed Resolution.

**Chairman**

Thank you. Iceland.

**Iceland**

Thank you, Mr Chairman. The view of Iceland on the Resolution before us is predicated on the following three points. First, we are concerned about the questions of the competence of the IWC raised by referring to management advice for small cetaceans. This is in contrast to the Resolution adopted earlier this afternoon on small cetaceans. Secondly, we are concerned about the state of the stock. Iceland as a rule supports consensus advice of the Scientific Committee and as a question of principle finds it unacceptable to pick and choose from such advice. Thirdly, we feel the Resolution gives an unfair characterisation of the management responsibility of the Japanese Government for which we have the greatest respect. For these reasons, Mr Chairman, while not opposing this Resolution, we cannot support it either and will abstain in the case of a vote. Thank you, Chairman.

**Chairman**

Thank you. Denmark.

**Denmark**

Thank you, Mr Chairman. And naturally we share the expressed concerns about the stock but differing this Resolution from the previous one, it includes expressively management advice and therefore at this time we'll have to vote 'no' to this proposal. Thank you.

**Chairman**

St Lucia.

**St Lucia**

Thank you, Mr Chairman. At some stage, I'm not sure at which stage, I would like to know why vaquita and the others have not been mentioned in other Resolutions. Where are the other Resolutions coming up on these matters? Thanks.

**Chairman**

As far as I know there are no other proposed Resolutions. Are there any further comments? Australia.

**Australia**

Yes, Mr Chairman. Just briefly, we in general support the thrust of the Resolution but a particular comment I wanted to make was that my delegation is extremely encouraged to hear at least some of the earlier remarks by the distinguished Commissioner from Japan, and we very much welcome the efforts and the dedication that Japan appears to be showing in this particular case. Thank you, Mr Chairman.

**Chairman**

Thank you. UK.

**UK**

Thank you, Mr Chairman. I would very much like to welcome the Commissioner for Japan's statement that he was prepared to observe the recommendations and I was very grateful to hear it. I think I owe him an answer. He asked why just Dall's porpoise among the other priorities. Well, two of the other priorities are in directed takes and indeed I mentioned the vaquita in the Technical Committee. On the other directed takes I am aware of action that I know we are taking in the North Sea. The other priority is one

where there has been a moratorium in place for some time, so that this action therefore was relating to the one stock where action was being taken and further action could be taken, and I would like to stress we do realise Japan has been making efforts in this direction, and we very much hope that they will be able to make further ones. Thank you.

**Chairman**

Thank you. Japan.

**Japan**

Thank you very much for the answer given by the distinguished Commissioner for the United Kingdom. However, that explanation does not quite convince me. It seems that the fishermen's direct fisheries are considered most serious amongst others which are the indirect fisheries or incidental takes. If that is so, the Commissioner seems to be only focussing on the fishermen's direct fisheries and leaving other problems behind. Those are the inflicted marine mammal in polluted seas of North Sea or by the oil drilling in the oceans and the heavy traffic by the vessels in many areas of the world. I have been saying this since yesterday that because Japan is heavily dependent on the marine resources for food our system is so organised that statistics can be easily obtained from a variety of sources of the data. In comparison I have been asking whether or not other nations with the small cetaceans population within their 200 nautical mile zone, like New Zealand, I would like to know how much statistics can be available about their dolphins and porpoises.

**Chairman**

Thank you, Japan. Any further comments? New Zealand.

**New Zealand**

Thank you, Mr Chairman. I'm not sure if the question by the Japanese Commissioner was addressed directly to New Zealand or generally. If it were addressed directly to New Zealand we would reply, but could he ...

**Chairman**

Japan.

**Japan**

Mr Chairman, my question was sort of a general statement about the marine mammal infliction by the pollution in other situations. However, New Zealand was the co-sponsor of the previous Resolution so I just thought of New Zealand case, but the question was directed to the general situation.

**Chairman**

Thank you. Can we then adopt this Resolution but noting the reservations made by Japan, Spain, Iceland and Denmark? Denmark.

**Denmark**

I regret very much, Mr Chairman, at this late stage, but this proposal includes clear management advice and I have to vote against it, so I'm sorry.

**Chairman**

Norway.

**Norway**

Mr Chairman, I must ask that Norway is associated with the remarks made by the delegate to Iceland.

**Chairman**

Thank you. Did I understand Denmark right that you are not asking for a vote, but you accept that we adopt this with Denmark mentioned? Denmark.

**Denmark**

I said I am sorry to take up the time but due to my instructions I have to ask for a vote. Thank you.

**Chairman**

OK. I have no other choice than to proceed to vote. This year's IWC meeting is quite fond of voting. Will you proceed to vote, Secretary? Dr Gambell.

**Secretary**

Mr Chairman, the Resolution before this plenary session is the document IWC/42/31 Rev.1. This is a Resolution on the directed take of Dall's porpoises. IWC/42/31 Rev.1. A simple majority of those voting will carry this Resolution.

The roll starts at the Federal Republic of Germany - yes; Iceland - abstain; India - abstain; Ireland - yes; Japan - abstain; Republic of Korea - abstain; Mexico - abstain; Monaco - yes; Netherlands - yes; New Zealand - yes; Norway - abstain; Oman - abstain; St Lucia - yes; St Vincent & The Grenadines - abstain; Seychelles - abstain; South Africa - yes; Spain - abstain; Sweden - yes; Switzerland - yes; USSR - yes; UK - yes; USA - yes; Australia - yes; Brazil - abstain; Chile - abstain; People's Republic of China - abstain; Denmark - no; Finland - yes; France - yes.

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

**Chairman**

Thank you, Secretary. I take it that this disposes completely of Agenda Item 14. Can I thereby adopt the Report of the Scientific Committee? St Lucia.

**St Lucia**

Mr Chairman, I wanted a specific reply to the vaquita which is the most endangered marine cetacean, and it was recommended by the Committee, recommended to the World Conservation Union change of classification of species from vulnerable to endangered. I'm wondering, this is an advice to the ... that's as far as we can go with this. I understand it's the most endangered marine cetacean. This is very serious. I see no Resolution on it, you know, so I'm seeking clarification.

**Chairman**

Who can help St Lucia in this clarification? France.

**France**

Thank you, Mr Chairman. In the rules of debate of our regulation point B, proposal and amendments shall normally be introduced in writing in the working language of the meeting and shall be submitted to the Secretariat which shall circulate copies to all delegations decision. As a general rule no proposal shall be discussed at the plenary session unless copies of it have been circulated to all delegations no later than the day preceding the plenary session. As we have not received any such proposal, so we are not able to vote on any proposal which could be raised now, but everybody of course I take that text as that next year. Anybody would be free to propose any proposal in the same direction. Thank you, Mr Chairman.

**Chairman**

Thank you. In the Report which we just have adopted there is a recommendation that what is said about the vaquita should be given to World Conservation Union (IUCN).

**St Lucia**

Thank you, Mr Chairman.

**Chairman**

Thank you. I think that disposes of Agenda Item 14. Can we then ... United States.

**USA**

Just very quickly, Mr Chairman. I would like certainly on behalf of the United States and I would also like to commend to the other Commissioners the absolutely excellent job the Scientific Committee has done this year under a great deal of difficulty and the hard work that they've done and the harder work we've cut out for them next year, and I think as a function of that we certainly would like to congratulate them. Thank you very much.

**Chairman**

Thank you. We can all agree on that. Can we now turn our attention to ... Japan.

**Japan**

Mr Chairman, I like to thank Scientific Committee again for their very dedicated and fine hard work again this year. However, they tried very hard to list the classification and catch limit in their Report and I think this was out of their integrity and their very sincere scientific conscience that made such classification catch limit being sort of arrived at at the meeting. However, the Commission did not adopt any of those and I'm very concerned that because of this situation the scientists might lose their motivation for hard work. I hope that development of revised management procedure would be a very major task for the Scientific Committee which would be pursued with a serious effort as before, and also the Comprehensive Assessment on priority stocks in this coming year should be undertaken with the same seriousness and the same devotion as they have shown this year, and I think next year the Scientific Committee would be probably faced with the most testing time. Thank you.

**Chairman**

Thank you. Can we now turn ... Mexico.

**Mexico**

Thank you, Mr Chairman. We just want to note for the record we are concerned with some of these recommendations as provided by the Scientific Committee. It was stressed in the Technical Committee discussion that in the case of vaquita which my country has special concern since it's in our 200 nautical miles, an Annex of the Scientific Committee clearly stated there was no information, there was no population assessment, there was no quantitative approach to the data we was presented, there was not a technique which has been proved very useful in the stock assessment for whale stocks to apply to these data, and the Scientific Committee is recommending that this is a endangered species and is recommending a reclassification to another international body. We think this rests credibility to the Scientific Committee works and we encourage this point to be avoided by our Scientific Committee. If we want to give recommendations, we have to have hard data on that and we have to have hard analysis on that, and we have to have especially the legal frame to those recommendations. Thank you, Mr Chairman.

**Chairman**

9 Thank you. We haven't dealt completely with Agenda Item 9 Commission's competence to set catch limit for Baird's beaked whale in the North Pacific. US.

**USA**

Thank you, Mr Chairman. Because we have many important things on our agenda and because this is a pretty detailed argument, although I thought it was relatively simple when we sent it out, we just wanted to broaden the names of this Committee, I would like to suggest that we keep Item 9 the Commission's competence to set catch limits for Baird's beaked whale in the North Pacific on the agenda item for next year with the recommendation of the United States pending.

**Chairman**

Thank you. Can we accept the US proposal? Thank you. We then turn our attention to Agenda Item 15 Humane Killing. France.

**France**

Mr Chairman, I think we should quickly come back to the Resolution on results of research to non-lethal methods.

**Chairman**

OK, we can do that. Will you introduce the result?

**France**

I would, Chairman, draw your attention to the fact that Spain has to be added on the list of the co-sponsors and it has not been typewritten so that should be added, and then I think I'll give the ... maybe Iceland would introduce the modifications that are in a position to lead to a consensus.

**Chairman**

Iceland.

**Iceland**

Yes, Mr Chairman. I understand from a meeting in which I did not participate myself there has been a change in the fifth preambular paragraph, changing the beginning words which used to be 'reaffirms this recommendation' to change to 'noting that the Commission has recommended'.

**Chairman**

Japan, you have the floor.

**Japan**

Mr Chairman, the new revised IWC/42/34 has shown much improvement thanks to the Icelandic suggestion. However, if we have one point added we can also join the consensus. My point is that if the insertion into the second paragraph from the bottom, that paragraph starts with 'commends', the second line, after 'non-lethal' if you could add two words 'and lethal' could be made, then we can also join the consensus. However, if that is not possible, if you are putting this to vote, then we have to abstain.

**Chairman**

Thank you. Any comments on that? Iceland.

**Iceland**

Mr Chairman, I understand I was given the floor to explain the changes. I wonder if that is necessary in the light of the fact that we have the paper before us. It would seem to save time if people could make our own comparisons.

**Chairman**

Any comments? Can I take it that we adopt this Resolution with the Japanese amendment? US.

**USA**

Thank you. No, the US does not accept the Japanese amendment because we'd have to change the title Resolution on redirecting research towards non-lethal methods. If we included 'lethal' under the 'commends' thing that would change the whole purpose of it, Mr Chairman, so we accept it the way it is. Thank you.

**Chairman**

Thank you. Any other comments? France.

**France**

Mr Chairman, I think this Resolution is directed on the subject of non-lethal methods. It doesn't deny the merits of other research methods at the present time, but I think it changed the meaning of the whole thing if we had 'lethal methods' in the 'commends' paragraph. So I would agree with what the American Commissioner said. Thank you, Chairman.

**Chairman**

Thank you. Oman.

**Oman**

Thank you, Mr Chairman. By adding the word 'and lethal' it means that there's no point of having this Resolution on the table today, so I would like to associate myself with this.

**Chairman**

Thank you. Iceland.

**Iceland**

Mr Chairman, frankly the more's said the worse the situation becomes. Thank you.

**Chairman**

Japan has asked for amendment here, has proposed an amendment here. Nobody has seconded that, so we have in front of us a Resolution without amendments. France.

**France**

Thank you, Mr Chairman. I would add some words particularly directed to my Japanese colleague. I think everybody must understand that Resolution is not directed against anybody. I think it must be a commitment by all the Commission in the direction on the non-lethal method. It doesn't mean that in every case we deny some interest in lethal method when it is really necessary, and at a level which should be very cautiously seen. But this Resolution is to encourage all those countries, and I think all the Commission is really grateful to those countries, who are able to make research, to encourage them because they are the skill to do it, to direct their research to non-lethal methods and no more there is no back thought at all in that Resolution. So I will especially ask those who have some difficulties in the wording of that Resolution to take into account what I am saying. There is no back thought at all. Especially we rely on those countries who are able to make those research to find new methods of non-lethal research. Thank you, Mr Chairman.

**Chairman**

Thank you. St Lucia.

**St Lucia**

Mr Chairman, I think it's a question of wording here. My impression, from the title anyhow, is that the 'therefore commends those Contracting Governments making valuable contributions to knowledge' - it should really read 'on non-lethal research methods'. Isn't this what is meant? Because this is what the



Resolution is all about. You're commending the governments who are making valuable contributions to knowledge on non-lethal research methods. And I think that will include most of the countries doing that. Isn't this the intention? That's not the intention? All right. I withdraw my statement. I would like it to be considered as an intention, nevertheless.

**Chairman**

Thank you. US.

**USA**

The US agrees with Iceland. The more we discuss this the worse it gets. I think that in this particular case it's the knowledge of whales or on whales through the use of non-lethal research programmes is what was intended - as one of the sponsors. Thank you, Mr Chairman.

**Chairman**

Thank you. I have no other choice than to put this Resolution to a vote. Secretary, will you conduct the vote? Dr Gambell.

**Secretary**

Mr Chairman, the Resolution before this plenary session is IWC/42/34 Rev.1 Resolution on redirecting research towards non-lethal methods. A simple majority of those voting will carry the proposal. So we are voting on IWC/42/34 Rev.1, the Resolution on redirecting research towards non-lethal methods, and a simple majority will carry that Resolution.

The roll starts at Iceland - yes, Mr Chairman; India - yes; Ireland - yes; Japan - abstain; Republic of Korea - abstain; Mexico - yes; Monaco - yes; Netherlands - yes; New Zealand - yes; Norway - abstain; Oman - yes; St Lucia - abstain; St Vincent & The Grenadines - abstain; Seychelles - yes; South Africa - yes; Spain - yes; Sweden - yes; Switzerland - yes; USSR - abstain; UK - yes; USA - yes; Australia - yes; Brazil - yes; Chile - yes; People's Republic of China - yes; Denmark - yes; Finland - yes; France - yes; Federal Republic of Germany - yes.

Mr Chairman, there were 23 votes in favour, none against, and 6 abstentions, so that Resolution is adopted.

**Chairman**

Iceland.

**Iceland**

Mr Chairman, may I make a short statement in explanation of vote. You may recall that this effort began in the search for a compromise, in a search for a Resolution which could be adopted by consensus. I regret that that was not the case, and I feel that we are rather put on the spot for having started this proposal. We would have preferred that it could have been reached by consensus. This is perhaps being led down the garden path referred to by the Minister of Fisheries in his opening statement of the Netherlands. Thank you, Chairman.

**Chairman**

Thank you. That disposes completely of Agenda Item 7 Scientific Permits. Can we now turn our attention to Agenda Item 15 Humane Killing? May I ask the Chairman of the Technical Committee to comment on this issue. Dr Fleischer.

15

**Chairman of Technical Committee**

Thank you, Mr Chairman. The topics related to Technical Committee of Humane Killing Working Group are on page 34, it relates to Greenland whaling which is on page 34, Alaskan bowhead whaling on

15.1

page 35, and several points in Any Other Business which are referred on page 35. There was also some discussions and requests of information. This is expressed on page 36, and also the Action Arising under conclusions of these discussions of the Technical Committee which are at the bottom of page 36.

**Chairman**

15.2 Thank you, Dr Fleischer. Are there any comments regarding 15.1, the Report? That seems not to be the case. Are there any comments regarding 15.2 Action Arising? Denmark.

**Denmark**

Thank you, Mr Chairman. At the top of the Technical Committee's Report, page 37, where they're talking about the amendment of the terms of reference for this group, I would just like to have recorded that by 'other whaling activities' Denmark means 'other whaling activities also covered by this Convention'. Thank you, Mr Chairman.

**Chairman**

Thank you. Any other further comments? UK.

**UK**

Thank you, Mr Chairman. This relates to the use of the cold grenade harpoon and the provisions in the Schedule. I would like to record that we appreciate that the Japanese Government has said that they would reconsider withdrawing their objection, or take it home to their authorities, and I would hope we could hear from them next year. In the same way I hope we hear from Brazil. We've noted the position of Iceland who will withdraw their objection to the cold grenade harpoon when commercial whaling is resumed, and I hope that next year the USSR will also be able to let us know whether it has now been able to withdraw its objection. Thank you.

**Chairman**

Thank you, UK. Your comments will be recorded. If there are no ... The only action arising I can see here is the recommendation on the top of page 37. I understood Denmark's intervention as a kind of amendment to that recommendation. Japan.

**Japan**

Mr Chairman, perhaps it is the language barrier that blocked us from finding out. What should have been included here has not been listed. On page 37 Japan made reservations to the inclusion of 'other whaling activities' on the top line for the term of reference extension. Would you please confirm that this reservation by Japan is recorded?

**Chairman**

17 Your reservation will be recorded. Can I take it that we adopt this recommendation and note the reservations made by Denmark and Japan? Thank you. That disposes of Agenda Item 15. We covered yesterday evening Agenda Item 16, Agenda Item 17 Adoption of Report of the Technical Committee. I think we have covered almost everything of what is contained in the Report of the Technical Committee. So I think we can formally adopt the Report of the Technical Committee. The Secretary reminds me that on the middle of the last page, page 37, under the heading number 4 Initial Agenda for the next Annual Meeting, Work Programme for the coming year, it's the final thing which we haven't dealt with. Can we adopt that? Thank you. We have dealt with Agenda Item 18, 19, 20, 21, 22, and most ... we have not dealt with Agenda Item 23.3.4 UN General Assembly. Iceland.

**Iceland**

21.1 Mr Chairman, I would like to make a short statement referring to the Date and Place of Annual Meeting, 21.1, without actually opening up the Agenda Item, if that's possible. It's relevant to the next Annual Meeting.

**Chairman**  
OK.

**Iceland**

Thank you, Mr Chairman. Some concern has been expressed that observers may at the Reykjavik meeting not be in the same room as Commissioners and other members of delegations. The Icelandic authorities have taken measures to address the situation and we have discussed in the Commissioners' meetings the consequences of such an accommodation. We have in fact had some specific suggestions on what kind of measures we can take, and there is a general acceptance at least of the more crowded conditions which would result under these circumstances. Thank you, Chairman.

**Chairman**

Thank you, Iceland. Can we then turn to Agenda Item 23.3.4 UN General Assembly? US.

23.3

**USA**

Thank you, Mr Chairman. The driftnet Resolution introduced - the United States noted in its annotation to the agenda to this item that, we quote, 'propose to work with representatives of other IWC members to identify and encourage the forms of international cooperation called for by the UN Resolution on driftnets'. In that spirit we have proposed, and many members have co-sponsored, including Brazil who has added their name to the list, that Resolution IWC/42/28, we have now I believe, I'm pleased to note, reached a consensus on this Resolution and it is IWC/42/28 Rev.1.

**Chairman**

Thank you. Are there any comments? Norway.

**Norway**

Mr Chairman, I'm fully in sympathy with the text of the Resolution before us, but I have one second thought or problem, and that is that I'm asking myself whether we are right in expressing ourself on this matter without having the competence that we are trying to acquire through the Symposium or whatever it is that's going to be held this Fall. So my question is, when I read this, is this helpful to be this general while we are supposed to be a competent organ knowing about cetaceans and the effects. We are not the General Assembly of the United Nations who could adopt a general Resolution and then the Secretary-General of the United Nations could ask us as a competent organisation, do we know what effects might be and so forth? So my thought and my proposition is that actually is this a thing that well could wait until we knew what we are talking about?

**Chairman**

Will any delegation comment on the Norwegian question? Republic of Korea.

**Republic of Korea**

Thank you, Mr Chairman. My delegation wishes to make its basic position clear on this Resolution submitted by the United States and other co-sponsors. My delegation is of the opinion that IWC is not in the well-prepared position at the moment to issue such kind of Resolution since the Commission has not obtained any complete scientific information on this matter and has never performed any tangible discussions over this issue through its Scientific Committee so far. In this context, Mr Chairman, my delegation believes that it should be better if the Resolution could be reconsidered after the planned conference on mortality of cetaceans in passive fishing nets and traps which is to be held in October 1990. Because the conference would give IWC a bit more balanced scientific viewpoint on the issue. However, Mr Chairman, my delegation may not oppose adopting the Resolution by consensus in case that majority of the IWC member countries would support the Resolution. Even in that case, Mr Chairman, I could not but reiterating the point that the Resolution seems to me based upon some kind of opinion rather than

upon concrete scientific information. Thank you.

**Chairman**

25 Thank you. Any further comments? Can we then adopt by consensus the Resolution IWC/42/28 Rev.1? Thank you. The remaining item of business on the agenda is 25 Any Other Business. Could I ask if any delegation wishes to raise any item of business under this Agenda Item? Japan.

**Japan**

Thank you, Mr Chairman. The member nations of the IWC are mandated to present to the Commission its national progress report every year. Of 36 member nations only 15 last year and 16 this year presented the progress report. We understand that most of the statistics only small cetaceans have been obtained from those progress reports. Looking at the proposals and co-sponsors of the small cetacean Resolution, we note that Finland, France, Ireland, New Zealand, Seychelles and South Africa did not submit the progress report this year, so I would like to recommend these countries to cooperate with the submission of the national progress report. Thank you, Mr Chairman.

**Chairman**

Thank you. New Zealand.

**New Zealand**

Mr Chairman, I'm delighted that my colleague, the Japanese Commissioner, has an insatiable thirst for information about New Zealand, and it's my understanding that our information was supplied and perhaps the Secretary could comment on that, and so it will be available for the Commissioner to read I hope. Could the Secretary confirm that it was received?

**Chairman**

Thank you, New Zealand. Dr Gambell. Dr Gambell confirms.

**New Zealand**

Thank you.

**Chairman**

Seychelles.

**Seychelles**

Mr Chairman, we heard our name singled out as not having submitted a progress report. This is because the delegation needed to consult each other. The report will be available within two days of the close of this meeting, Mr Chairman, and I hope can be included in the record.

**Chairman**

Thank you. These comments will be recorded. Are there any other business? Iceland.

**Iceland**

[microphone not working] and now on behalf of the Minister of Fisheries, Halldor Asgrimsson, to welcome all of you to Reykjavik next year for the 43rd Annual Meeting of the Commission. I wish to assure you on his behalf that we will not allow any differences on substance or on procedure to affect our role as a host. Mr Chairman, ladies and gentlemen, I was asked to note that we sincerely feel that the world is now at a critical stage of its development with all the changes in relationships between the East and the West, the North and the South. We can only hope that the Commission is prepared to participate in these developments, and Minister Asgrimsson recently recalled that an earlier Reykjavik meeting had had a wide-ranging impact on the prospects of international cooperation. Mr Chairman, I know it is for others to thank our hosts, the Commissioner of Netherlands and the Government of Netherlands for their

hospitality, but I wish to say on the part of Iceland that it would be very difficult to match their generosity at this meeting. Once again, I look forward to welcoming you in Reykjavik. Thank you, Chairman.

**Chairman**

Thank you very much, Iceland. Japan.

**Japan**

Mr Chairman, may I take this opportunity to just touch upon the matter of the security. Earlier when the venue for the 42nd Annual Meeting was determined I made a request to the Government of the Netherlands to make a particular arrangement for the security. On behalf of all the delegates in our delegation I like to thank very much the Netherlands Government for its perfect arrangement in security and, as in USA last year, we did not have any unpleasant memories from the experience we have here in this beautiful country. There was no spitting, no blood shedding, no spray of dyes on us. Thank you very much.

**Chairman**

Thank you, Japan. I think we can all in this Commission agree on the words expressed by Iceland and Japan to the host government. Thank you, Government of Netherlands. I think that brings us to the end of meeting, but New Zealand and St Vincent ... New Zealand.

**New Zealand**

Thank you, Mr Chairman. Before we close the meeting I think, if I may take the liberty as a past Chairman to speak on behalf of other delegations, to thank you for the wise guidance you have given us, for the deft way you have steered us through some perilous shoals, and you have brought the ship through to, not exactly calm waters, but I think it's set on course and despite certain sort of heavenly visitations from above which seemed to affect our French colleague particularly, we took it all as a blessing, a benediction on the meeting. And I think we can go forward with renewed confidence and that is very much, I think, the great debt is owed to you for the work you have performed as Chairman, and I would like to thank you on behalf of everybody. And also Dr Gambell and the members of the staff who again have laboured tirelessly to keep the ship oiled and the motor running, and I think it's been a successful meeting, and we thank you both. Thank you.

**Chairman**

Thank you very much. I also agree with your words towards the very kind help I've got from the Secretariat. St Vincent.

**St Vincent & The Grenadines**

Thank you, Mr Chairman. Only to second the motion following what has been said by the New Zealand Commissioner. I think we have given you a hard and testing time in this meeting, Mr Chairman, and you have kept your cool I venture to say, that you seem to have the ideal temperament for chairmanship of this Commission. You have steered our ship through all the stormy waters and we certainly I think, on behalf of all the delegates I can speak for, I think that we very much appreciate that. Thank you.

**Chairman**

Thank you. I would like in closing the meeting ...

**USA**

Chairman, point of order.

**Chairman**

US. Point of order.

**USA**

United States would like to have the opportunity to join in and second New Zealand and St Vincent and everybody else here for the very fine job and to tell you that I won't be making any more points of order. Thank you very much, Mr Chairman.

**Chairman**

Thank you. Well, I would like in closing the meeting to thank you all, delegates, for your hard work. I can assure you that all my expectations expressed in the outset of the meeting have been fulfilled. Some of my fears have. Nevertheless, I'm an optimist. Let's meet in Reykjavik next year in a more cooperative spirit. It has been a pleasure and an experience to share this meeting. I hope to see all of you again in Reykjavik next year. It only remains for me now to declare the 42nd Annual Meeting of the International Whaling Commission closed.

**END OF MEETING**