

**INTERNATIONAL WHALING COMMISSION**

**43rd ANNUAL MEETING**

**Reykjavik, Iceland, 27 - 31 May 1991**

**VERBATIM RECORD**



# VERBATIM RECORD

## 43RD ANNUAL MEETING

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**INTERNATIONAL WHALING COMMISSION : 43RD ANNUAL MEETING  
27-31 MAY 1991, REYKJAVIK, ICELAND**

**OPENING PLENARY SESSION  
Monday 27 May 1991 : 10.00 am**

**Chairman**

Commissioners, ladies and gentlemen, I declare the 43rd Annual Meeting of the International Whaling Commission open. I would like to welcome all of you to this meeting. I thereby especially address myself to those attending this meeting for the first time. I do look forward very much to co-operating with all of you during this meeting. We should remind ourselves of the difficult tasks ahead of us at this very meeting. We have all the responsibility to endeavour to solve them in a constructive and co-operative way, taking into account the interests of all parties concerned. We are honoured today with the presence of the Minister of Fisheries in the Icelandic Government, Mr Thorsteinn Pálsson. I would like, Mr Minister, on behalf of the Commission, to express our gratitude to the Government of Iceland for the invitation to meet here in Reykjavik, where the chilly temperature outside is by far compensated by the warm welcome we have felt here. I have much pleasure, Minister, to invite you to give the address of welcome.

[Applause]

**Mr Pálsson**

Mr Chairman, ladies and gentlemen, on behalf of the Government of Iceland I am pleased to welcome the distinguished Commissioners and their delegations to Reykjavik for this, the 43rd Annual Meeting of the International Whaling Commission. I also extend the welcome of my Government to representatives of Non-Governmental Organisations which are accredited as observers, and to the Secretary and to all members of the Secretariat. 1

The Government of Iceland believes that the decisions taken by the Commission at this meeting will profoundly affect the future of the International Convention for the Regulation of Whaling. At this meeting, the Commission will be asked to consider the proposals of member governments for the continuation of subsistence whaling and the resumption of commercial whaling. The fundamental issue will be whether the Commission will weigh these proposals in accordance with the provisions of the Convention and its Schedule, taking appropriately into account the advice of the Scientific Committee and the outcome of the comprehensive assessment.

The Commission will also be asked to adopt the Revised Management Procedures at this meeting. Iceland hopes and expects that this will be accomplished, as it will be an important test of the commitment of the Commission to the responsible management of whale stocks.

It must be remembered that the object and purpose of the International Convention for the Regulation of Whaling is the active, scientific management of the whale populations. The Preamble contemplates 'a system of international regulation for the whale fisheries to ensure the proper and effective conservation and development of whale stocks.' It is further provided that whaling will be properly regulated, so that increases in the stocks 'will permit increases in the numbers of whales which may be captured without endangering these natural resources.' Conservation is to be provided in order to 'make possible the orderly development of the whaling industry.' As is also evident from the Preamble, the protection of whales is to be regarded only as a means of preventing excessive harvests and allowing the recovery of

those stocks that are depleted. The Schedule to the Convention sets forth a regulatory regime, and Article V states that amendments of the Schedule shall provide for 'conservation, development, and optimum utilisation of the whale resources ... based on scientific findings.' Article V also establishes that 'the interests of the consumers of whale products and the whaling industry' shall be taken into consideration. When addressing proposals for the resumption of commercial whaling, it is the obligation of the Commission to ensure that its decisions are consistent with these central provisions of the Convention.

The Government of Iceland deems the utilisation by its nationals of all marine resources, including whales, to be a matter of vital national interest. Accordingly, at this meeting, the Icelandic delegation will propose the establishment of commercial catch limits for minke whales and fin whales. The proposal will be based on the findings and conclusions of the comprehensive assessment for those stocks, and will be fully consistent with the conservation principles of the Convention.

The ultimate fact of life for Iceland is that it is far removed from the global centres of population and trade, and is poor in natural resources, apart from those in the surrounding marine environment. One has only to view the landscape to realise that the Icelandic economy can never be based on agricultural activity. Only one per cent of the land can be cultivated. Less than 20 per cent can support any livestock.

It is equally obvious that geographic and demographic circumstances will continue to constrain the growth of the manufacturing sector in this country. Industry will always be limited by the expense of importing raw materials and by the small size of the work force.

Thus, Iceland is, and will be, overwhelmingly dependent on the production and export of seafood from its waters for its survival as a modern society. For this same reason, Iceland is, and must remain, committed to the conservation and rational utilisation of living marine resources.

The facts speak for themselves. Fisheries products account for between 70 and 80 per cent of Iceland's exports - and exports account for approximately 40 per cent of the gross national product. In a society of only 250,000 people, fishing vessels, large and small, number almost 3,000. These boats, and their onshore fish processing plants, are the lifelines of the many small, isolated communities on the Icelandic coast, and indeed are the indispensable engines of the Icelandic economy as a whole.

When Icelanders look to the sea surrounding them, they find the great whales numbering in several tens of thousands, and smaller cetaceans occurring in even greater numbers. Icelanders view the healthy stocks of whales as important sources of protein and economic activity. The people of Iceland are greatly conscious of the fact that the whales are also economic competitors, consuming large quantities of biomass each year within the Icelandic 200-mile economic zone. This consumption may even exceed the annual harvest of seafood by Icelanders, which is approximately one and one-half million metric tons. It must be noted in this context that strict conservation measures severely limit the annual catch of the Icelandic fishing fleet.

The dependence of Iceland on the living resources of the sea is not escapable and it is not new. For over 1,000 years, the very survival of Icelanders has depended upon the harvest of fish and whales. For the people of this island nation, whales are a traditional source of food and a deeply rooted element of the cultural heritage.

Equally a fact of Icelandic history is an understanding of the value of international co-operation - and a recognition that the foundation of international harmony is a shared respect for the twin principles of sovereignty and the sovereign equality of States. On that fundamental basis, and in the particular interest of promoting the conservation and rational utilisation of whale stocks, Iceland became a Party to the International Convention for the Regulation of Whaling.

When, in the exercise of its sovereignty, it joined the Convention, Iceland did not sign a blank check to the Commission and did not subordinate its national policies to those of other member governments. On the contrary, Iceland quite naturally understood that the Commission and the member governments would conform their actions to the provisions of the Convention, and would do so in the spirit of co-operation and good faith, and with full respect for the sovereign rights and the legitimate interests of all parties.

I wish to mention one other element which is particularly relevant for Iceland, and that is the relationship between our work here and the United Nations Convention on the Law of the Sea. Iceland is one of the 45 states which have ratified that Convention, and it can be reasonably foreseen that the Convention will enter into force in the near future. Under that Convention, the parties undertake an obligation to manage the resources of the oceans. With respect to cetaceans, there is a duty to co-operate within appropriate international organisations. Unless the Commission is prepared to take seriously its responsibilities, the parties to the United Nations Convention will have to look elsewhere, in order to live up to their commitment to co-operate within an appropriate international organisation for the management of cetaceans.

When the Commission decided on the cessation of commercial whaling, Iceland understood that the organisation would proceed by no later than 1990 with the establishment of catch limits, in accordance with the Convention and the Schedule, and consistent with the comprehensive assessment. It was on this basis, and no other, that Iceland accepted the decision of the Commission. Last year, in conformity with this understanding, Iceland proposed catch limits for the Central North Atlantic stock of minke whales. Some delegations attached importance to the adoption of the Revised Management Procedures. Iceland continues to believe that the existing management procedures should be used until amended by the Commission. But I would emphasise, as I said earlier, the need to complete work on the Revised Management Procedures without delay.

The comprehensive assessment has proved that certain stocks, including minke whales in Antarctic and Central North Atlantic waters, are in healthy condition. Indeed, the population growth rate has been shown to be at least three to four per cent per year. This rate has prevailed even where there has been some level of utilisation.

I must admit to having been discouraged by reports that a few of the governments represented here have been called upon to oppose the resumption of commercial whaling for the indefinite future, and to do so by various means that cannot reflect responsible management under the terms of our Convention. This would introduce elements into the work of the Commission that are aimed at forestalling scientific management of whale stocks. I can only state that, if these efforts were to succeed, the prospects for co-operation in this body would diminish to the vanishing point, as would the hope for effective conservation and management under the Convention.

In conclusion, on behalf of the Government and the people of Iceland, I call upon the Commission to rededicate itself to the purpose for which it was established. By so doing, the Commission will secure its role in the conservation and rational utilisation of the whale stocks of the North Atlantic, and the world at large, in the years to come.

I therefore call on you to work hard at this meeting. Nonetheless, I also hope that you will be able to take a break from your labours this evening and be my guests at the Icelandic Opera for a reception and an evening of song with Icelandic artists. This will, I hope, inspire you to work even harder during the remaining four days of this meeting to achieve the aims which I trust we all share.

[Applause]

**Chairman**

Thank you, Mr Minister, for your very kind words of welcome and also for your words on the importance for the Government of Iceland of the Agenda items which we will deal with during this week. Thank you.

I will now adjourn the meeting for a very short while when escorting the Minister out of the room. After that we will start our work immediately. I adjourn the meeting.

[Short adjournment]

**Chairman**

2 The meeting is resumed. The meeting is resumed. We have now covered Agenda Item 1 and address  
3 ourselves to Agenda Item 2, Opening Statements. As you have seen in your pigeon holes, a number of  
Opening Statements have been distributed. We use this procedure as a time saving procedure, but I do  
recommend you all to read the Opening Statements. Are there any comments on this Agenda Item? That  
seems not to be the case. We then turn ourselves to Agenda Item 3, Arrangements for the Meeting. I give  
the floor to Dr Gambell, our Secretary.

**Secretary**

Mr Chairman, there are one or two practical pieces of information to assist the meeting. Let me first of all give some details about the host Government reception this evening. You should have all received a folder indicating the arrangements. We are invited to the Opera House in the centre of the city at six o'clock, and your means of admission will be the identification badge for this meeting, together with the programme for the evening, the red folder which gives the details of the programme. But I should indicate also that the invitation to attend is not limited just to the delegates and observers here, but it includes husbands and wives and any other partners who you may have with you. So everyone involved in the meeting and their companion is warmly invited. Six o'clock at the Opera House. It is only a 10 minute walk down there so there are no special transport arrangements laid on. The evening, I understand, will be a full evening, probably going on until say about 10 o'clock.

In this building, at a practical level, the means by which we communicate from the Secretariat to all the people in the meeting is through the pigeon holes which are set up in the Skali. You probably have found them already, but any messages which come to the Secretariat, any post, any faxes, any telephone calls, they will be relayed to you through the pigeon holes as well as any meeting documentation as it arises, so do please keep a check on what is in your particular pigeon hole.

This year, we have instituted the system which the Commission decided upon last year, that only official meeting documents, that is those which have the prefix IWC/43, will go into those pigeon holes. There is always a considerable amount of other documentation at this meeting of a non-official character and those documents will not be in the pigeon holes but will be available for any delegates to pick up on a table which is set up especially for that purpose in the Skali. So if you want to have the non-meeting documentation please collect the copies for yourself from the table which is provided.

The Secretariat is housed in room A, out of the main door here and turn right, and at the end of the corridor. If you need any help or assistance in terms of writing documents, or in any other way, please do contact our Secretariat. Just approach the first desk and you will then be directed in whichever is the appropriate direction. Please don't wander all over the Secretariat room because that makes it confusing for us.



And then, finally, to indicate that we have arranged, subject to the programme of the meeting, that in general tea and coffee will be served at 10.30 in the morning and 3.30 in the afternoon, served in the sort of entrance corridor room, the Skali, at those times, and that is being generously given to us by our host Government. Thank you Mr Chairman.

**Chairman**

Thank you, Dr Gambell. Any questions on the practical arrangements? That seems not to be the case. We have therefore covered Agenda Items 1-3 which constitute the open part of this session. I will now adjourn for a coffee break, thereby leaving time for the media to leave the room. I adjourn for a coffee break until five minutes to 11. I adjourn the meeting.

[Coffee break]

**Chairman**

The meeting is resumed. We will now address Agenda Item 4, the Adoption of the Agenda. I will invite 4  
comments on the Draft Agenda which appears in the document IWC/43/2 Revised. First I would like to have comments on the items that appear in the provisional Agenda and after that I will invite comments on the order in which we should deal with them. Are there any comments on the proposed Agenda Items? That seems not to be the case. I will therefore briefly refer to the order in which we will deal with these items. I propose that we, after having adopted the Agenda, deal with Agenda Item 5, Appointment of the Committees and then refer Agenda Items 8 to 17 to the Technical Committee and thereby transform ourselves to the Technical Committee and when the Technical Committee has finalised their work, hopefully by Wednesday morning, we resume the Plenary starting with Agenda Item 6. Any comments? Can we thereby adopt the Agenda? The Agenda is adopted.

We now turn to Agenda Item 5, Appointment of Committees. As for the Technical Committee it is 5  
normal that all Commissioners participate so I don't think it is necessary to take a poll. Am I right in thinking that? That seems to be the case.

As for the Scientific Committee I think it's necessary to ask delegations if they want to be represented in the Scientific Committee. Dr Gambell will you speak to this?

**Secretary**

Thank you, Mr Chairman. Because the Scientific Committee does considerable work in the intersessional period we would like to know which governments wish to be represented on the Scientific Committee and I shall call the roll, the list of names of member governments, and ask for an answer 'yes' or 'no' and those governments who say 'yes', we would hope to have the names and addresses of the scientists and this can be done by correspondence after the meeting. So, at this point, we are asking governments if they wish to have information on the activities and whether they wish to contribute to the work of the Scientific Committee during the coming year. So I will just call the roll of countries to say 'yes' or 'no'. Australia - yes. Brazil - yes. Chile - no. People's Republic of China - no. Denmark - yes. Finland - no. France - yes. Germany - yes. Iceland - ...

**Iceland**

Thank you. Mr Chairman, I understand that it is possible to make this declaration some time before the end of this week and if that is the case I prefer to defer declaring our membership until that time. Thank you, Chairman.

**Secretary**

Thank you, Iceland. We hold that open. India - no. Ireland - no. Japan - yes. The Republic of Korea - yes. Mexico - yes. Monaco - no. Netherlands - yes. New Zealand - yes. Norway - yes. Oman - ...

**Oman**

Mr Chairman, we would like to participate in this particular meeting, and then for the coming fall, no.

**Secretary**

I'm sorry, I couldn't hear sufficiently Commissioner. Could you just repeat that? Can you push the button on your microphone?

**Oman**

Mr Chairman, our participation will be in this particular meeting.

**Secretary**

But not in the coming year?

**Oman**

Not in the coming fall.

**Secretary**

Peru - no. St Lucia - no. St Vincent & The Grenadines. Seychelles - yes. South Africa - no. Spain - yes. Sweden - yes. Switzerland - no. USSR - yes. UK - yes. USA - yes. Thank you, Mr Chairman, we will come back to Iceland's decision at a later point.

**Chairman**

Thank you, Dr Gambell. That disposes of Agenda Item 5. We have now covered Agenda Items 1 - 5. Five Agenda items, we have just 22 left. That brings us to a point where we might adjourn the Plenary and immediately reconvene in the Technical Committee under the Chairmanship of Dr Fleischer from Mexico. The Plenary is adjourned.

**END OF FIRST PLENARY SESSION**

## SECOND PLENARY SESSION

Wednesday 29 May : 9.50am

### Chairman

Commissioners, ladies and gentlemen, the plenary is resumed. I would propose that we start the plenary discussions with Agenda Item 18 up to 22. I said last Monday that we should start by 6, but I've changed my mind in order to give Dr Fleischer and the Secretariat time to finalise the Technical Committee report. So can we now deal with the finance and administration matters in Agenda Items 18 and 22? The Finance and Administration Committee was this year chaired by Dr Evans from the US who has kindly yielded to our request to chair this group. May I ask Dr Evans to present the whole report from the Finance and Administration Committee? And after that I will invite for general comments and then specific comments for the various agenda items. Dr Evans.

### Chairman of Finance and Administration Committee

Thank you, Mr Chairman. The Finance and Administration Committee, who met on 23 May, and Miss Chandler from the USA served as Rapporteur. We covered plenary Agenda Items 18 through 21. The first item I will cover will be 'Funding the Commission', 18.1 Consideration of a modification or modified method for calculating financial contributions. The Committee based almost all of its discussion on the Norwegian proposal for calculating financial contributions which was circulated prior to the meeting. The Committee also considered comments from several delegations offered as further cooperation in developing verbal and written suggestions based on inputs from the United Kingdom, Norway and Spain. In view of difficulties expressed by some delegations in amending the funding requests within their own governments in time for the fiscal year 1991/92, the Committee recommended that the Commission retain the existing method for calculating financial contributions for fiscal year 1991/92 with the exception that the shares for aboriginal subsistence whaling be calculated based on the existence of a catch rather than a quota. We tried an initial approach. The Committee was unable to reach a consensus with respect to various formulations for fiscal year 1992/93. After considerable debate the Committee narrowed its consideration to two formulations based on suggestions by the United Kingdom and these appear in Appendix 4 of our report. A majority of delegations favoured Formulation 1 on the basis that it came the closest to solving the deficiencies that they perceived in the existing method. Fewer delegations, however, favoured Formulation 2, mostly on the basis that they could not agree to a formulation which increased their contribution to the extent envisaged by Formulation 1 without consulting their governments and because they believed that Formulation 2 does go quite a bit further towards resolving the original problems of how to balance the budget given the failure of some countries to submit their contributions. The Committee therefore agreed to forward both formulations to the Commission for its consideration. If the Commission is able to agree on a formulation, the Committee then recommends that it be implemented on a trial basis beginning in fiscal year 1992/93.

We then went on to discuss 18.2 Arrears of Contributions. A report from the Chairman is included in IWC/43/19. The Swedish delegation on behalf of the Chairman of the Commission reported that, as requested by the 42nd Annual Meeting, the Swedish Ministry of Foreign Affairs through diplomatic channels had contacted member governments who had been in the arrears for more than a year, but that these contacts had not resulted in any payments. The Secretariat reported additional approaches made by it to these same governments. The Committee wholeheartedly thanked the Chairman and the Secretariat for their efforts and recommends that the Commission request the Chairman and the Secretariat to continue these efforts and to indicate to member governments as appropriate that payments in instalments are acceptable.

Item 18.3 Financial implications of holding the meeting of the Commission every other year. This is covered in IWC/43/21. As requested by the Commission last year, the Secretariat presented alternative proposals designed to reduce the costs of the annual meetings. These included holding all meetings every other year; holding only the Commission and Working Groups every other year, the Scientific Committee

continuing to meet every year. Another option reflected a shortening of the length of the Scientific Committee, Working Groups and Commission meetings. The Committee noted that the original proposal for biennial meetings was not intended to be implemented until after the completion of the Comprehensive Assessment. The Committee notes that the Commission requires that the Scientific Committee continue work at its present level and should not seek to reduce the length of that meeting or such meetings next year.

- 18.4 In 18.4, under Action arising, the Finance and Administration Committee recommends that as a cost saving and time saving measure the Technical Committee be reconstituted in such a way as to allow for its Sub-committees and Working Groups to report directly to the plenary. The Committee further recommends that in the intersessional period the Secretariat review the Rules of Procedure regarding this restructuring and draft a proposed revision with a view to implementing the new procedure at the 44th Annual Meeting.
- 19 We then went on, Mr Chairman, to discuss the financial statement and budget estimates presented by the Secretariat, in Items 19. Do you wish me to continue, Mr Chairman? Thank you.
- 19.1 Item 19.1 was a review of the provisional financial statement which is included in Appendix 5. The Committee reviewed the provisional financial statement for 1990/91. The Secretariat went through and explained the component items on the financial statement. It was reported that, as far as income, the system of trying to balance income to expenditures was close to working. However, the Secretariat reported that there was a definite pattern of governments paying their contributions late in the year, creating a problem of meeting expenses before contributions had actually been received. On the expenditure side, the Secretariat reported that as a result of cost-cutting measures that it had implemented during the year it was operating at bare minimum levels. In this regard it reported that computer costs had been significantly reduced and two staff members had not been replaced. A further staff position had not been filled, the work being carried out at a lower cost by a combination of employing part-time staff on a short-term basis and overtime working. Under 'Recommendations' the Committee recommends that the Commission approve the provisional financial statement 1990/91.
- 19.2 We then went on to consideration of the estimated basic budget for 1991/92. The Secretariat explained the items in the estimated budget for financial year 1991/92 and that is contained in Appendix 5 of our report. Under 'Expenditures' it was explained that in the past year there was a substantial increase in the general service scales of the International Maritime Organisation on which it bases its own relevant salary scale. It had not made parallel increases, with the result that the increases in IWC Secretariat's salary scale was kept at or below the level of inflation.

Under 'Annual Meeting' it was reported that it normally estimated the budget for meeting outside the UK on the basis of UK costs. Following the Commission's recommendation last year that the Secretariat explore additional venues, it has made arrangements for the 1992 Annual Meeting in Glasgow, Scotland, at a cost saving to the Commission. One delegation suggested that in the future the Secretariat take into account not just the cost of the meeting to the Commission's budget but also the costs of attendance by the delegates.

Under 'Printing and copying' it was reported that the Annual Report was the principal component of this expenditure which also included publication of Special Issues and other copying costs of the Secretariat. These were sort of apart from the Annual Meeting. The Secretariat also reported on Special Issues currently in process which will be produced with sponsorships supported from various sources.

'Allocations for research'. Dr Brownell of the United States, as Chairman of the Scientific Committee, explained in detail the funding requirements of the Scientific Committee. He noted that his Committee recommended strengthening the computer section of the Secretariat for work related to the

**Comprehensive Assessment.** With respect to other research items it was explained that the Scientific Committee considered four unsolicited proposals and that it recommended that three of these be funded by the Commission. Several delegations noted that in the future it would be extremely helpful for the Committee to have a synopsis of the project proposals and the reasons they were recommended by the Scientific Committee to be able to evaluate their cost-worthiness. The Committee agreed that it was not the proper role of the Finance and Administration Committee to evaluate the scientific worthiness of projects recommended by the Scientific Committee. It was therefore agreed that further consideration should be given to the procedure by which the Finance and Administration Committee should advise the Commission on the financial aspects of the recommendations of the Scientific Committee.

With regard to Invited Participants, the Secretariat reported that in accordance with the wishes expressed by the Commission last year it had forwarded a copy of the invitation to the participant's government with a cover note requesting any financial assistance the government might be in a position to provide. The Secretariat reported that only one government had responded financially to these requests. The Secretariat then conveyed its increasing concern with financing Invited Participants needed for the implementation of the Revised Management Procedure. One delegation questioned the increased meeting costs associated with work on small cetaceans. The Chairman of the Scientific Committee explained that, although this did result in a cost increase, it was undertaken at the express request of the Commission at the 42nd Annual Meeting.

Under the heading of 'Extraordinary items in the budget - enhancement of reserves and General Fund' it was explained that the need for this provision was reinforced by the fact that an increasing number of governments now pay their contributions late in the year, causing potential cash flow difficulties for the Secretariat in meeting routine expenses. The Secretariat thus requested that a modest amount, £32,400, be allocated as a first step towards overcoming this problem. The Committee generally accepted the explanation given. However, we recommended that the Commission urge governments to make their payments as early as possible. Under 'Recommendations' in this section the Committee recommends that the provisional budget for 1991/92 as detailed in Appendix 5 be approved. The resulting contributions required from Contracting Governments to meet the budget detailed in Appendix 5 are shown in Appendix 6.

Under Item 19.3 Consideration of the advance budget estimates for 1992/93, the Committee took note of the Secretariat's projections for income and expenditures estimated for the 1992/93 financial year as detailed in Appendix 5. One delegation suggested that observers fees be increased. 19.3

Item 19.4 Purchase of the Headquarters office. The Secretariat introduced its paper IWC/43/22 detailing a possible proposal for purchase of Headquarters offices for the Commission. Although there was some support in principle for the purchase of a building, the Committee recommends that due to such factors as the constant uncertainty in the economic situation globally, the fact that rent under current arrangements will be stable for the next five years, the very demanding work schedule of the Secretariat, and difficulty of forecasting how the future work of the Commission will develop, the Secretariat refrain from pursuing the purchase of a building at this time. 19.4

We then went on, Mr Chairman, to discuss Item 19.5 National Funding of Research. The Committee considered information paper IWC/43/23 which summarised national funding for research on whales. Several delegations apologised for not having been able to provide information in time for inclusion in this paper. Norway reported that it had expended substantial sums for research on whales, specifically 20 million Norwegian kroner in both 1989 and 1990, and 17.1 million in 1991 for a total of 57.1 million over the past three years. New Zealand and the United Kingdom reported that in the past years they had expended in the order of NZ\$130,000 and the UK £180,000 respectively. The Committee invited any government which had not yet done so to submit to the Secretariat a statement of the amounts expended in 1990 by December of 1991. The Committee took note of this information and observed that while 19.5

there had been no perceived need for submission of such data in future years, that the information could be requested by the Commission if the need arose to do so. Australia noted that it was proving difficult to provide a detailed breakdown of national expenditures on cetacean research but that a detailed submission would be made to the Secretariat in the near future which would amplify the already detailed statement provided annually to the Scientific Committee.

19.6 Under 'Action arising' the Secretariat explained that small arrears arise when banks deduct charges associated with the transfer of member government contributions. The Committee agreed that the governments are obligated to remit to the Commission the full amount due and costs of remitting such amounts should be borne by the member governments and not the Commission. The Committee also noted that one means of avoiding the deduction of transfer charges would be payment of contributions through their London missions where applicable.

20 We then went on to Item 20 Attendance at meetings. Under the Section 20.1 of Invited Participants to  
20.1 the Scientific Committee, the Committee recalled that it discussed this issue under Agenda Item 19.2.

20.2 Under 20.2 Numbers attending Committees and Working Groups, the Secretariat appealed to the delegations to communicate to the Secretariat as precisely as possible the number of persons it anticipates will participate in the Committees and Working Groups. The Committee took note of the Secretariat's request and recommends that in the future member governments also be asked to provide the Secretariat in advance the number of persons that will attend the plenary.

21 Mr Chairman, we then discussed the date and place of the Annual Meeting. Under Item 21, 21.1 The 44th  
21.1 Annual Meeting 1992, the Committee took note of the Secretariat's arrangements to hold the 44th Annual Meeting in Glasgow, Scotland, in the week commencing 29 June 1992. For the 45th Annual  
21.2 Meeting in 1993, under Item 21.2, the Secretariat reported that the Commission had received no invitation to host the 45th Annual Meeting. The Secretariat further reported that if no invitations were immediately forthcoming it would proceed to making arrangements for the 45th Annual Meeting in the United Kingdom, most likely in Glasgow, Scotland.

There was no other business raised by the Committee and the Committee adopted the report on 24 May 1991, and that concludes the report of the Finance and Administration Committee, Mr Chairman. Thank you.

#### **Chairman**

Thank you, Dr Evans. I would like to thank you for your valuable work and all the participants in the Finance and Administration Committee. I now invite for general comments on the whole report and not for these specific agenda items. Iceland has asked for the floor.

#### **Iceland**

19.5 Thank you, Mr Chairman. I do hope there is no need to withhold documents from Iceland but in fact I haven't seen this report until just now so I regret that. I would like to draw your attention to Item 19.5 - National Funding of Research - on page 4, where it is stated that I think Norway reported, in the third line. I believe this should be Iceland. As you can see in the document 'National Funding of Research' IWC/43/23, Iceland submitted a document on this and I think the figures referred to by Iceland should be either included in this report or it should be corrected if this was incorrect on the draft. Can I get an explanation? Thank you.

#### **Chairman**

Thank you, Iceland. Dr Gambell will make a comment on that.

**Secretary**

Mr Chairman, I think what has happened here is that the material submitted in IWC/43/23 has not been reported directly, or the content of that has not been reported directly, and what is recorded in this paragraph are verbal submissions by delegates attending the meeting. So that these are additions to the material already tabled in document 23, the idea being to try and make a more complete survey of all those contributions both written and verbal.

**Chairman**

Iceland.

**Iceland**

Yes, thank you, Chairman. I understand the explanation. Thank you.

**Chairman**

Thank you. Are there any other general comments? Can we then turn to Agenda Item 18.1 18.1  
Consideration of a modified method for calculating financial contributions? On the report from the Finance and Administration Committee we have a recommendation that the Commission retain the existing method for calculating financial contributions for the fiscal year 91/92, with the exception that shares for aboriginal subsistence whaling be calculated based on the existence of a catch rather than a quota. Are there any comments on that recommendation? Spain.

**Spain**

Thank you, Chairman. As you know, Spain proposed a new formulation based on a new philosophy for calculating contributions, intending that countries that at present are not able to pay their contributions with a new formula were able to do so, and this new philosophy divided into five different concepts the amounts that should be paid by every country. I'm not going to discuss this here because it has been already discussed at the financial group, but what I see is two formulas that have resulted and I have serious doubts, Mr Chairman, that the result of any of those two formulas, even though the second one - Formulation 2 - could resolve the problem. Anyway, as it is stated in paragraph 18.1 on page 1, the Committee recommends that it be implemented on a trial basis so we wouldn't oppose to the application of this formulation too in a trial basis and see how it works. Anyway, I have serious doubts that it works and that it solves the problem we have. Thank you, Mr Chairman.

**Chairman**

Thank you, Spain, for that comment. I take it that your comment's more related to what is said in the report on the two formulations, and not just to adopt the recommendation for 91/92? OK. Are there are any other comments on the 91/92? India.

**India**

Chairman, India is not a whaling country so that's why India supports this Norwegian proposal for this contribution system - not as a whaling country.

**Chairman**

Thank you. Any further comments? UK.

**UK**

Mr Chairman, I think you would like us particularly to address the first recommendation that the Commission retain the existing method for financial contributions for the fiscal year 1991/92 with the exception that shares for aboriginal subsistence whaling should be calculated based on the existence of a catch rather than quota. I think, bearing in mind the timing of the various fiscal years among the members of the IWC, I think we can do no other than go on with the present system for 1991/92. Thank you.

**Chairman**

Thank you, UK. Brazil.

**Brazil**

Thank you, Mr Chairman. Mr Chairman, as this delegation was able to work in the Finance and Administration Committee we would like to support this recommendation and call the attention of the members of this Commission that this is a part of a package tied, or offered, together with a renewal or reapportionment of the formula of contributions. As our Chairman very well explained it a few moments ago, one of the major tasks of our Committee was to work out, reapportion the contributions to the IWC because some members felt that the way contributions are now distributed have caused a lot of difficulty to the financial situation of the IWC. These members thought that too much of the budget was being shared between countries with unequal financial capacities. So we worked very well in this group looking for a new formula and we agreed on one, principally, which is called here Formulation 1. Formulation 2 is an option for the Commission, but our choice of these formulations is linked to this recommendation we are addressing now. So the countries that do agree to this recommendation that the existing method for calculating financial contributions be retained for an extra year are also agreeing that a new formulation be considered. Thank you, Mr Chairman.

**Chairman**

Thank you, Brazil. Oman.

**Oman**

Thank you, Mr Chairman. I was about to come to the same views as the distinguished Commissioner from Brazil. Then I don't have much to say except to concur my views with her views. Thank you, Sir.

**Chairman**

Thank you, Oman. There seems to be no further comments on this first recommendation concerning 91/92. Can I take it that we adopt the recommendation for 91/92 on the Finance and Administration Committee? Thank you. Adopted.

Can we then address ourselves to the recommendation on the very last lines on the first page of the Finance and Administration report concerning the two formulations? I open the floor for comments on these two formulations. It has already been commented by some delegations. The floor is open for further comments. USA.

**USA**

Mr Chairman, no delegation ever likes to take the floor to say that we will accept a higher set of dues than previously agreed upon, but that is the formulation that has been recommended by the Finance Committee. As I understand it, four delegations will be paying somewhat more than would be the case if we had accepted the alternative formulation. The United States is not enthusiastic about this particular recommendation, but we feel we can accept it based upon the recommendation that has previously been agreed upon, namely that this new formulation does not take effect until another fiscal year rolls by. Our government, like those of many, and as the UK noted in its intervention with respect to the first recommendation, we are not able to make changes in our budgets very quickly. Therefore if we do accept this preferred formulation by the Finance Committee, it is imperative that it not take effect until a later period. Thank you, Mr Chairman.

**Chairman**

Thank you, US. Any further comments? Brazil.



**Brazil**

Thank you, Mr Chairman. Mr Chairman, we appreciate very much the US position on this recommendation. Thank you.

**Chairman**

Thank you. Any further comments? UK.

**UK**

Thank you, Mr Chairman. I realise that this is an extremely succinct paragraph - and a very clear one, I might add - of what is a very complex problem, and I thought perhaps it might help if there were any further comments to come forward if I could explain that, while it would appear the United Kingdom is inventing lots of formulations, we were trying to be helpful in suggesting various ideas for consideration by the Finance and Administration Committee, and in particular we were trying to find a compromise between the very useful proposals by Norway and Spain. Any system, we do find, is likely to be a compromise between different needs. We know that perfection isn't possible, and this isn't claimed in any of the formulas. Reducing the percentage of total contributions allied to membership and shared equally, the system may reflect more closely each country's level of participation in the Commission, especially when coupled with a more refined scale of meeting attendance shares. Either of the proposals goes some way towards reducing the possible influence on the budget of countries failing to pay their contributions. I would merely note that, while in the Committee a majority favoured the first formula, the second formula might do more to actually get over the problems we have, but I'm quite happy to go with the consensus of the meeting. Thank you.

**Chairman**

Thank you, UK. USSR.

**USSR**

Thank you, Mr Chairman. Mr Chairman, as the Soviet delegation has already said at the Finance and Administration Committee meeting, it was not happy with either of the proposed options. We believe that these schemes are not capable of solving the financial problems of this Commission till the end. These problems have much deeper roots. They are laid down within the text of the Convention and can be settled only through the Convention. We as well, Mr Chairman, cannot consider these formulas as equitable and just from the point of view of the contribution of member nations to the achievement of the goals and purposes of the 1946 Convention. Nevertheless, Mr Chairman, at this stage we would not be opposed for application on a trial basis of Formula 2, but it is our strong viewpoint, Mr Chairman, that the definite period of such a trial should be set up. Thank you.

**Chairman**

Thank you, USSR. I give the floor to St Vincent.

**St Vincent & The Grenadines**

Thank you, Mr Chairman. Mr Chairman, the results of the deliberations of the Finance and Administration Committee came in part from representations made by my delegation and I would like to record our appreciation for the consideration given by members of the Committee and this Commission to those representations. Thank you.

**Chairman**

Thank you, St Vincent. There seems not to be any further comments. Denmark.

**Denmark**

Thank you, Mr Chairman. I am referring to what is mentioned in this report. I am able to inform you that, following consultations with my government in the spirit of compromise, we will be ready to accept Formulation 1 in the spirit of compromise because we feel that this was going to have the support from the largest number of members. Thank you.

**Chairman**

Thank you, Denmark. Can I take it that we adopt the recommendation forwarded by the Committee, thereby giving us time to consider these two formulations until next year? UK.

**UK**

Sorry, Mr Chairman. I'm perhaps being a bit strict on words, but the wording of the Working Group was 'if the Commission is able to agree on a formulation, the Committee recommends that it be implemented on a trial basis beginning in the fiscal year 1992/93'. I think there's a feeling that we do want to start the trial basis. It's a question of the formula. Thank you.

**Chairman**

But you don't object to adoption of this recommendation now?

**UK**

Mr Chairman, have you defined which formula it is we're going forward on? Thank you.

**Chairman**

I interpret this recommendation as should be agreed on next year. Sweden.

**Sweden**

Thank you, Mr Chairman. I might try and shed some light on that. As I understand it, the provision is that we have to make a decision on which formula we are going to adopt in 92/93 due to the fact that some delegations would need time to adjust their budgets in accordance with this formula. Thank you.

**Chairman**

Most of the comments given during this agenda item favoured Formulation 1 although there were some governments which preferred Formula 2. Can I take it that we decide on Formula 1, taking into account the recommendation given by the Committee? That seems to be the case. Thank you.

- 18.2 Can we then address ourselves to 18.2 Arrears of Contributions? Here the Committee recommends that the Commission request the Chairman and Secretariat to continue these efforts and to indicate to the member governments as appropriate that payments in instalments are acceptable. Any comments on that recommendation? Peru.

**Peru**

Thank you, Mr Chairman. Just to inform the plenary that the Peruvian Government shall be paying next June the contributions we owe for the period 1981 till 85. Thank you.

**Chairman**

Thank you, Peru. We do appreciate that very much. Thank you. Can we adopt the recommendation contained in Item 18.2? Thank you.

I now adjourn the plenary for a coffee break until 11 o'clock. The plenary is adjourned.

[Coffee break]

**Chairman**

The meeting is resumed. We will now address ourselves to Agenda Item 18.3, Financial Implications of Holding the Meetings of the Commission Every Other Year. You all can read what the Committee has reported on this very Agenda Item. I open the floor for comments. 18.3

[Long pause]

There seems to be no comment. We are on Agenda Item 18.3. Can we then take note of what the Committee has reported? Thank you.

We then turn our attention to Agenda Item 18.4, Action Arising. We have there two recommendations. The first, that as a cost- and time-saving measure the Technical Committee be reconstituted in such a way as to allow its Sub-committees and Working Groups to report directly to the Plenary. The other recommendation is that in the intersessional period the Secretariat review the Rules of Procedure regarding this restructuring and draft a proposed revision with a view to implementing the new procedure at the 44th Meeting. I open the floor for comment. Brazil. 18.4

**Brazil**

Thank you, Mr Chairman. Mr Chairman, during the meetings of the Finance Committee my delegation put forward some doubts about the timing of this measure - we thought that it could be thought of but maybe in a longer term, frame of time, and we thought that possibly a decision on this today is a bit hasty. We can always keep it in our minds but we think this ought to be possibly left for a future date. Thank you, Mr Chairman.

**Chairman**

Thank you, Brazil. I don't know if I understand you correctly but - you would like to adopt the second recommendation but not the first? You don't oppose that the Secretariat make this effort? Brazil.

**Brazil**

If the Secretariat's effort is entirely related to what is written in the first recommendation, Mr Chairman, then I think it would be premature, but if possibly this Commission would instruct the Secretariat with any other kinds of rules of procedure of course I would wish to hear it. I think the two things are very inter-related and maybe they could stay for a future date.

**Chairman**

Thank you, Brazil. Any other comments? UK.

**UK**

Thank you, Mr Chairman. I'm sure that we ought, as a Commission, to think about how we could perhaps save time and not perhaps repeat ourselves on certain occasions and I think that the recommendation that we should consider reconstituting the Technical Committee is a good one and well worth considering. I share some of Brazil's reservations. One, as a purely practical one, is that as I understand it, and perhaps the Secretary can confirm it, that under our Rules of Procedure, Section Q, if we are going to operate under new Rules of Procedure they have to be available to the Commission 60 days in advance of the meeting when they are going to be used. So I think, in fact, we will probably have to consider proposals to changes for Rules next year, if the Secretariat can do what is requested, and then consider whether they get implemented in the following year or two or three years later depending on how dramatic the changes are. Thank you.

**Chairman**

Thank you, UK. Any further comments?

[Long pause]

I take the silence as a sign that you are satisfied with the way we are working in this Commission for the time being, and therefore I propose that we postpone the whole issue and are thereby not adopting these two recommendations. Is that the opinion of the meeting? Chile.

**Chile**

Mr Chairman, I think that as I understood it, the Brazilian proposal, it seems quite appropriate to give to the Secretariat permission to undertake the consideration of the Rules of Procedure and then to decide next year on what is to be done and which is the best way of operating. Thank you.

**Chairman**

Do I take it that your proposal is that we postpone this discussion until next year but in the meantime ask the Secretariat to make a kind of, let's say, a report on this problem? We could call that report as a kind of proposal for how to implement this suggestion. Can we decide so? Decided, thank you.

That disposes of Agenda Item 18.4 and the whole Agenda Item 18. We then address ourselves to - Denmark, on 19 or 18.

**Denmark**

Thank you, Mr Chairman. I don't know if the proper place to repeat what I said yesterday in the Technical Committee, my proposal to have a kind of separation between the meeting of the Technical, excuse me - of the Scientific Committee - and the Commission's meeting for a certain period of maybe some weeks, or maybe a month, and I would just be interested to hear impressions and expressions in this Commission and maybe we could agree to something in that direction. I don't know, but that is maybe a question to Dr Gambell, if it's possible in practice already from next year, I mean you may have made some binding reservations and other things but then maybe for later meetings. Thank you.

**Chairman**

Thank you, Denmark. Before giving the floor for general comments on the Danish proposal, New Zealand has asked, I will ask the Secretary to comment. Dr Gambell.

**Secretary**

Mr Chairman, the early history of this Commission had a break between meetings of its Scientific Committee and the Commission so this is no new concept. In the practical terms of immediate implementation for next year, we would have to go back to the venue selected in Glasgow and carry out some negotiations, so I can't give an immediate response, and it perhaps would be wisest to say that we can investigate and could inform the Commission of the results of that investigation. There would be some small additional cost to the Commission absolutely equivalent to the additional costs to each member government because we would have to travel twice in the same way that the delegates who attend both meetings would have to travel twice but that cost, at least to the IWC, is relatively small compared to the overall cost of running the Annual Meeting.

**Chairman**

Thank you, Dr Gambell. New Zealand.

**New Zealand**

Thank you, Mr Chairman. My comments really align very much with those that the Secretary has just made. We are very conscious of the difficulties of coping with a flood of somewhat, very highly, technical papers on many occasions and other detailed papers which deluge upon you at short notice and which you are supposed to read, assimilate, and be able to discuss intelligently at a moment's notice, and it is difficult, especially if you don't have specialists covering each aspect of the proceedings. We also are,

along with Australia, I guess, the furthest away, and in the case of New Zealand having very limited resources in terms of manpower and perhaps not much more money - we do have real problems with suggestions for, sort of, intersessional meetings or for any procedure that requires attendance at other than the Annual Meeting. In fact, normally we can't supply any scientist to attend meetings in between the Annual Meetings for example, so that precludes us from making a contribution on those occasions. So I think that others will probably be in the same position and I feel that it is a very considerable handicap but perhaps we just have to grin and bear it. Thank you.

**Chairman**

Thank you, New Zealand. Sweden.

**Sweden**

Thank you, Mr Chairman. We do share the concerns of Denmark that it would be desirable to have separation between the Commission meeting and the Scientific Committee meeting and we are also conscious of the fact that this might cause additional costs for both the Secretariat and some delegations who will be faced with increased travel costs. I wonder if I could pose a question to the Secretariat whether it could be feasible to have the Scientific Committee meet, for instance, in Cambridge or in a near vicinity there, to at least avoid the extra travel costs of the Secretariat. Thank you.

**Chairman**

Thank you, Sweden. Sweden asked the Secretariat a question, can you respond to that?

**Secretary**

Mr Chairman, we cannot find a venue sufficiently large for the Scientific Committee in Cambridge any more. We used to meet there when it was a more manageable sized Committee but it has grown beyond the meeting rooms available.

**Chairman**

Thank you. Australia.

**Australia**

Yes, thank you, Mr Chairman. The suggestion made by Denmark certainly has considerable merit and I would normally be prepared to support such a sensible move. I would be prepared to support it if the IWC Secretariat were to locate to either Australia or New Zealand and if that were the case I would be interested in Denmark's response. Seriously, Mr Chairman, I think there are, not just for Australia and New Zealand, I think there are for a number of countries quite significant difficulties in having meetings that are separated by about a month, which is not that close, but by the time you take a day to and from travelling to the Southern Hemisphere it really adds significantly to the staff costs and the individual stress on our scientists who tend to be back for the meetings anyway. So, while I am in sympathy with what's been proposed and would be interested in continuing to look at ways in which we might be able to improve it, I think I would have to indicate, along with New Zealand, that we have quite severe reservations in terms of the additional expense that it would cost our own country. Thank you, Mr Chairman.

**Chairman**

Thank you, Australia. Brazil.

**Brazil**

Thank you, Mr Chairman. We also understand and feel as Denmark in this issue but maybe we could put the problem in other words. The problem, in fact, for us is that the Scientific Committee produces enormous reports, especially, very good reports, but which need sufficient time for not only delegates, but sometimes governments, to absorb. I think that the effort here is enormous to get these reports to

delegates on a Sunday noon or afternoon, I agree that is an enormous effort. Still some kinds of reports do not allow the necessary time for some delegations to support them. They don't even know what is in them, and they can't know what is in them because meetings go on here from early morning until late night and reading time is really very scarce. So possibly what we would be looking for, and I don't think we have to find it right now, is some kind of a procedure giving sufficient time for delegations or governments to absorb and approve, and if necessary disapprove, of certain very extensive works, papers. Thank you, Mr Chairman.

**Chairman**

Thank you, Brazil. Any further comments? UK.

**UK**

Thank you, Mr Chairman. Like everyone else in this room, I do find that there is a great deal of material to absorb, but I am equally conscious that if we ask the Secretariat to move house twice in one year rather than once we will lose quite a lot of working days in the Secretariat, as well as costs. There could also be extra costs for distributing documents, some of which might well get lost on the way. I note Brazil suggests we might try and find some time to allow for more reading time. I don't know if there is much manoeuvre but perhaps we could look at the Agenda to see if we could cover the non scientific items rather later in the Agenda when we have had a little more time to absorb it because the - sorry, cover the scientific items later in the Agenda because the non-scientific ones such as finance we can, we always get the papers in good time and we can look at those fairly early on in the proceedings. Thank you.

**Chairman**

Thank you, UK. Any further comments? It has been expressed quite limited support for the Danish proposal, a lot of reservation has been expressed. May I propose that we decide that the Secretariat try to devise a kind of procedure to give more reading time for delegates? Any comments on that proposal? Chile.

**Chile**

Mr Chairman, maybe if it is not too much cost we could arrange it in a way that the Secretariat has resources to engage staff for this particular purpose in order to have it a few days earlier than on Sunday, because, really, to have the Scientific report on Sunday or part of it on Monday morning, it doesn't allow delegates to read the report. Would it be possible to have it a few days in advance at least, because most of the delegates are here for the Working Groups and meetings?

**Chairman**

The Secretary will comment on your proposal.

**Secretary**

Mr Chairman, the basis of the delay in producing the report between the end of the Scientific Committee meeting and the start of the Commission meeting is just the sheer amount of time to get all the documentation into good order, and additional staff would not actually help that process because we have to get the convenors of the various groups in the Scientific Committee to finalise the documents and it's a matter of the final editing and preparation. So it's not a question of personnel, it's a matter of time and one way to have the document available sooner would be to have a greater separation between the meeting of the Scientific Committee and the Commission. Perhaps that could be a matter of one or two days rather than the month or more which perhaps Denmark was suggesting, but that has an overall cost implication because it extends the overall length of the Annual Meeting. So it really is a difficult balance to try to achieve.

Mr Chairman, if I might make the suggestion - since the Secretariat has been charged with looking at some kind of restructuring of the Technical Committee and its Working Groups and so on, whether those terms of reference could be expanded slightly to look at the structure of the whole Annual Meeting sequence, rather than just the Technical Committee in isolation, that we might be able to bring up a package which would go some way to achieving the object you are aiming for.

**Chairman**

Thank you, Secretary, for that constructive proposal. New Zealand.

**New Zealand**

Thank you, Mr Chairman. I would just like to support that suggestion from the Secretary. I think it's quite timely to have a look at the overall structure in which the Danish, the problem raised by Denmark, could be examined and so, yes, we would like to support it. Thank you.

**Chairman**

Thank you, New Zealand. I take it that we can agree to expand the proposal given to the Secretariat to find new devices for the Technical Committee as well as for this problem. Can we agree on that? Thank you.

We then address ourselves to Agenda Item 19, 19.1, Review of Provisional Financial Statement. The Committee has put forward a recommendation that the Commission approve the Provisional Financial Statement for 1990/91. Any comments on that recommendation? Can I take it that we can adopt that recommendation? Adopted, thank you. 19 19.1

19.2, Consideration of Estimated Basic Budget, 1991/92. On page 4, on the top, we have a recommendation from the Committee that the Provisional Budget for 1991/92 be approved. Any comments on that recommendation? I take it that we can adopt it then. UK. 19.2

**UK**

Mr Chairman, perhaps the Secretariat could offer some clarification. I'm sure that on all the items of the Provisional Budget that have been considered in the Finance and Administration group there was agreement but it was noted that there were various extra possible expenditure in the pipeline depending on the future scientific work, and if that's the case do we not have to leave this item open to the Plenary when we see the full plan of action for next year's work? Thank you.

**Chairman**

Thank you, UK. Norway.

**Norway**

Thank you, Mr Chairman. I would just like to support the suggestion just made by the UK Commissioner.

**Chairman**

Thank you, Norway. There has been expressed support for the UK proposal. Can we then adopt the basic budget for 1991/92 but be aware that there can be further changes to that budget? Brazil.

**Brazil**

Mr Chairman, I think we cannot adopt a budget without knowing its entirety so I think it would be more useful to adopt after, as the UK has proposed, after we consider all the necessary financial items still to be considered.

**Chairman**

New Zealand.

#### **New Zealand**

Thank you, Mr Chairman. I don't have any problem in adopting this estimated budget. We are only adopting it seems to me the items that are there listed and I assume, at least unto my knowledge, that it will remain regardless of what we decide in the next two or three days. So I would suggest that one could approve the items and the budget as listed with the recognition that other activities may be approved in the following few days, in which case I would hope that the sponsors, or those responsible, would provide an estimate of costs attaching to each proposal so that as we approved a project we would, by implication at least, be endorsing the idea of an addition to the budget, and to that extent this is perhaps a partial budget, but I would suggest that, inasmuch as we have a paper, it is not very controversial and we might just clear it out of the way now by approving what we have already got. Thank you.

#### **Chairman**

Thank you. You have heard the New Zealand proposal. Federal Republic.

#### **Germany**

Thank you, Mr Chairman. Germany has some difficulties with the announcement of reserves in the General Fund. In our view the existing reserves are sufficient in order to cover the risk of late payments. On the other hand, I am prepared to go along with the proposed budget if there is a consensus. Thank you.

#### **Chairman**

Thank you. Any further comments? Can we adopt this, as expressed by New Zealand, that we adopt the budget as listed with the recognition that some items can be changed during these two days as the meeting will go on. Some items might be added, or changed. Changed, OK. Adopted then? Thank you.

- 19.3 The next Agenda Item is 19.3, Consideration of Advanced Budget Estimates for 1992/93. You can read what the Committee has said during this Agenda Item. Can we take note of that? Norway.

#### **Norway**

Thank you, Mr Chairman. In our, during our deliberation in the Committee we were, it was explained to us by the Secretary, Dr Gambell, how difficult at times the economic financial situation of the Commission is. So given this fact, the financial situation of the Commission, Norway believes we should try to use every opportunity or possibility to increase the IWC income. One way of doing it is what was referred to in the Committee by the delegation of St Vincent, which is reflected here in the report as "one delegation suggested that observer's fees be increased" and I think this is a very timely and very relevant proposal, or suggestion. So I would propose that the observers' fees be doubled as of 1992/93. That would get us some additional £28-30,000 which the Commission can very well make use of. So I stress that this is a suggestion, or rather proposal that I make that should be taken into account for the budget year 1992/93. So other Commissioners will have due time, or ample time I should say, to reflect upon this proposal which should then probably not be adopted by the Commission until next year, but I want to flag this proposal of mine this year. Thank you, Mr Chairman.

#### **Chairman**

Thank you, Norway. May I take it that you just put forward this proposal this year and then want us to decide it next year? Thank you, Norway. New Zealand.

#### **New Zealand**

Thank you, Mr Chairman. I asked to speak on the assumption that Norway was making a proposal and if that were the case I'd have to say that I would be opposed to it, that we have recently increased the fees of the observers, we are not proposing to raise the fees, the assessments of member countries, and any idea of sort of harvesting the observers to supplement the funds of the Commission doesn't appeal to me very



much. They are an integral part of this organisation and we would, we think it's good that the public that they represent take an interest in the affairs of this organisation and we would be very much opposed to any idea of trying to step up the fees to a level where they would be unable to attend. Thank you.

**Chairman**

Thank you, New Zealand. Iceland.

**Iceland**

Thank you, Mr Chairman. Iceland would like to second the proposal of Norway. Thank you.

**Chairman**

Thank you, Iceland. Netherlands.

**Netherlands**

Yes, thank you, Mr Chairman. Well, we have noted that the observer fees have been increased recently to the extent that all of them now have to pay at least £400 to be admitted to a meeting and I would just like to observe that that is a very high amount, certainly in relation to many other international organisations and, for the same reasons really as were expressed by the New Zealand Commissioner, I would oppose any such increase as was suggested. Thank you.

**Chairman**

Thank you, Netherlands. I have three speakers on my list - St Vincent, UK and Oman. I give the - and Japan - I give the floor to St Vincent.

**St Vincent & The Grenadines**

Thank you, Mr Chairman. As the proposer of this idea in the Committee I am very happy, of course, to support it now, with the additional comment that I don't think that this increase would result in the NGOs being unable to attend, but I dare say that some of them have very efficient systems of raising funds and even if their own organisations are not able to come up with it I am pretty sure that there are other general organisations in their network that would be able to help and probably have access to more funds than, for one, my own government. Thank you.

**Chairman**

Thank you, St Vincent. United Kingdom,

**UK**

Thank you, Mr Chairman. I think that a proposal to double subscriptions, it sounds a little arbitrary and it may be that Norway has some detailed calculations as to how to arrive at that kind of figure. I mean, I rather think that in the Finance and Administration Committee each year we consider our own contributions and the various sources of income and obviously nobody can expect fees to stay the same for ever and ever, but I think these are items we should review normally along in our annual considerations. Thank you.

**Chairman**

Thank you, UK. Oman.

**Oman**

Thank you, Mr Chairman. The view of my delegation is raising the contribution of the observers is not a remedy for our problem. Our problem can only be solved by going very deep into the financial implications and try to come with something which can solve the problem, such as, for example, not delaying, or try to contact the governments which have not yet paid their dues. There are so many factors to that, so what I propose, Mr Chairman, is that there should be a Financial Committee sitting down and

review deeper in the means of covering these such problems and maybe next year we can have something more constructive. Thank you, sir.

**Chairman**

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

**Japan**

Thank you, Mr Chairman. We have been discussing during past certain years on the difficulties of the IWC's financial background and it is very much serious and for this point I certainly feel the same kind of the remedies to do and to strength of the IWC's financial background which is very much important, that's why I would like to associate with Norway's proposal. Thank you.

**Chairman**

Thank you, Japan. USA.

**USA**

Thank you, Mr Chairman. The issue of how dues should be associated, or fees should be associated, was discussed thoroughly by the Finance and Administration Committee and we would like to associate ourselves with the positions of New Zealand, Netherlands and other nations who have spoken on this issue. Thank you, sir.

**Chairman**

Thank you US. Brazil.

**Brazil**

Thank you, Mr Chairman. Mr Chairman, we would like to support what New Zealand has said in relation to the role of the NGOs as an integral part of our organisation. We therefore see that their dues should not go up any more than the national contributions go up and we see that, and in that we support the UK. Thank you.

**Chairman**

Thank you. Australia.

**Australia**

Thank you, Mr Chairman. I might have intervened earlier, but I wasn't quite sure that we were actually going to have a debate on this. I thought the proposal was that we would have the debate next year, but since we do seem to be having it I must say I share the views of Brazil and the UK and some of the other delegations that have spoken. But I suggest that this is an item that we should look at and discuss in detail next year. Thank you, Mr Chairman.

**Chairman**

Thank you. Seychelles.

**Seychelles**

Thank you, Mr Chairman. Since we are discussing the fate of the observers in the IWC it is unfortunate that the observers, being observers, cannot comment on this. However, that apart, this delegation is not in favour of the Norwegian proposal of doubling the observer fees. Thank you.

**Chairman**

Thank you. Chile.

**Chile**

Thank you, Mr Chairman. The New Zealand delegation and the Brazilian delegation has expressed the feelings that the Chilean delegation share, so we are opposed to increase the fees of observers.

**Chairman**

Thank you. Any further comments? Switzerland.

**Switzerland**

Thank you, Mr Chairman. I would just like to say that we would associate ourselves with the members that have opposed the proposal from Norway because we also think after last year, the contribution has been raised, it is way too early to raise it again in this proportion.

**Chairman**

Thank you. There seems to be no comments. All these comments will be recorded and give food for thought for the deliberations at next year's meeting and no decision must be taken this year. I take it that we can then take note of the Advance Budget Estimates for 1992/93. Thank you.

The next item is 19.4 Purchase of Headquarters Offices. Can we take note of what the Committee has reported on this Agenda Item, Purchase of Headquarters Office? Thank you. 19.4

19.5, National Funding of Research. Any comments? It seems - Iceland. 19.5

**Iceland**

Thank you, Mr Chairman. I find it necessary to include the contributions of nations. We actually did submit a paper and this should be reflected as well in the report. It is only a reference to the paper IWC/43/23 and then there is the information from other nations but I think they should be reflected in the report of the Commission. Thank you.

**Chairman**

The Secretary will arrange that. Can we then take note of this Agenda Item 19.5? Thank you.

Then we come to 19.6, Action Arising, regarding small amounts in arrears. Any comments? No comments. The importance of this meeting is what is said in the second sentence that governments are obligated to remit to the Commission the full amounts due. Can we endorse this? Thank you. That covers Agenda Item 19. 19.6

Then we turn to Agenda Item 20, Attendance at Meetings. 20.1, Invited Participants to the Scientific Committee. Can we take note of that? Thank you. 20.2, Numbers Attending Committees and Working Groups. Any comments? The Secretary has a little comment on that Agenda Item. 20 20.1 20.2

**Secretary**

Mr Chairman, I just wanted to make sure that the meeting understood that we are hoping to circulate the form by which governments give the numbers of attending the various Working Groups and Sub-committees, that there will be an additional item for the number of people attending the main meeting. You will appreciate, in a room of this size, the problems that arose when we had some unexpected arrivals, so I will, with your permission on adopting this, add the total meeting line in addition to the Working Groups.

**Chairman**

Thank you, Secretary. Can we then take note of Agenda Item 20.2? Thank you. That disposes of Agenda Item 20.

21 21, Date and Place of Annual Meetings. 21.1, the 44th Annual Meeting. Any comments? Can we take  
21.1 note of that? Thank you. 21.2, the 45th Annual Meeting, 1993. Any comments? This is the time for  
21.2 governments to invite the Commission for the 1993 meeting, but the silence is complete so I think the  
Commission has to go to Glasgow. The Secretary.

**Secretary**

Mr Chairman, I always live in hope. I wouldn't sort of close the door at this moment. If some governments would like to write to me in the next month or two, then I would be pleased to receive a letter along those lines, but we do need to know quite soon because of the problems of booking accommodation in the UK. So if any government wishes to return home and to make serious proposals then a matter of say a couple of months from now would be appropriate timing.

**Chairman**

Thank you, Secretary. Can we then take note of Agenda Item 21.2? Thank you. That disposes of Agenda Item 21, and we turn to - UK.

**UK**

Sorry, Mr Chairman, but I think that being Chairman and Rapporteur of the Finance and Administration Committee is an extremely thorny and difficult task and I think we ought to commend the Chairman, his Rapporteur and indeed the Committee for what was in fact an extremely clear report that we could all understand very quickly. Thank you.

**Chairman**

Thank you, UK. You expressed the general feeling of the meeting I am sure. We do fully agree with what you have said. Thank you, Dr Evans and the group. Can we then adopt the Report of the Finance and  
22 Administration Committee, Agenda Item 22? Adopted. Thank you. That disposes of Agenda Item 22, and all the finance and administration matters.

6 I propose that we now turn to Agenda Item 6, Operation of the Convention. Although a lot of delegates are hungry and there are a series of Working Groups eager to start their work, I think we could stay a little while with this Agenda Item. May I ask the Chairman of the Working Group to present the report. UK, you asked for the floor?

**UK**

I couldn't hear.

**Chairman**

Sorry, I turned away from the microphone, but we will now address ourselves to Agenda Item 6. Brazil.

**Brazil**

6.1 Thank you, Mr Chairman. As our report is quite short and it was done especially so, not to keep the Commission up too long, we hope not to take too much time. Mr Chairman, the Working Group on the Operation of the Convention was attended by 19 delegations and I think that that represents the interest of member countries in the subject. We met because of a decision of last year's Annual Meeting on four proposals by the Soviet Union which are listed under Terms of Reference of this report. Discussions on the proposals by the Soviet Union led immediately to a general discussion regarding the operation of the Convention and whether it was necessary to revise or renegotiate the 1946 Convention. The following paragraphs of the report, Mr Chairman, are really negotiated paragraphs and I think they are very important and that's why I would like to read them out as they stand.

"Some delegations expressed the view that improving and updating the Convention are urgently necessary because of fundamental changes of circumstances and international law. Of these delegations, some

believed that the Commission had taken off from the Convention, and that the Convention should be modified in view of this development. It was noted that the extent of such revisions may require the convening of a diplomatic conference. Some delegations expressed regret at the slow pace the discussions had taken over the past several years and the low number of written responses to the 1988 questionnaire. The Chair provided the Working Group with some historical perspective by reminding it of the lengthy and complex analysis gone through in the 1970s when possible revisions to the Convention had been previously considered.

Other delegations, while acknowledging that there had been changes of circumstances since the negotiation of the Convention in 1946, did not consider them to be such fundamental changes in circumstances or international law so as to require revision of the Convention. They believed that the Convention in its present form has operated successfully over the years. They further stated that the Schedule, itself a part of the Convention, has provided the Commission with some flexibility since the Convention allows for amendment of the Schedule as circumstances require."

The third paragraph, Mr Chairman, is the position of delegations coming from both the first paragraph I read out and the second, so it's not properly a third position but it's an extra or possibly a consensual position.

Some delegations stated that while revision of the Convention might be necessary at some stage, it was inopportune at this time. It was suggested that any review of fundamental aspects of the Convention would require sufficient support and may be premature in light of factors such as the consideration by the IWC of the development of revised management procedures and the 1992 UN Conference on the Environment and Development. Nevertheless, a few delegations thought that one or two aspects could be considered in the interim. It was also stated, however, that care should be taken not to introduce elements which in any way could affect the completion of the Comprehensive Assessment.

There was nearly complete agreement on the following paragraph:

Most delegations agreed however that a thorough review of the Schedule to the Convention should be undertaken to improve its operation. The possible adoption of a Revised Management Procedure would involve changes to certain parts of the Schedule and other aspects of the Schedule clearly needed updating. This review could also identify issues capable of being resolved by action within the terms of Article V of the Convention, or those which might only be resolved through other means. Some delegations, while not opposed to that review, considered it a separate issue from the operation of the Convention, and urged continuation of this work with regard to the Convention itself on the basis of the 1988 questionnaire.

Mr Chairman, one of the terms of reference of the group was to examine the Draft Resolution from the Soviet Union which was referred to from the last Annual Meeting. Because of fundamental differences in approach regarding the need for timing, the need for and timing of review or revision of the Convention there was no consensus on it and we therefore are making no recommendation to the Commission on the Draft Resolution proposed by the USSR. On the other hand Mr Chairman, the Working Group makes the following recommendations. 1. 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. 2. That a Working Group with advice from the Scientific Committee as necessary be asked to initiate a thorough review of the Schedule in the context of the 44th Annual Meeting and to report to the Commission. 3. That the Working Group on the operation of the Convention meet again when, and if, requested by the Commission.

Mr Chairman, as to recommendation number 2 that I have just read out. The Working Group would have liked to present to the Commission a time table or at least an ordering of items of the Schedule it thought

could be reviewed or revised in a constructive way, that is not starting off with the most controversial items and so as to permit work to progress. However, Mr Chairman, there was really not enough time for that so I suppose this will be a discussion now now here in our Commission. I consider that quite a lot was accomplished in this meeting and I thank all delegations that participated in it. Thank you.

**Chairman**

6.2 Thank you Brazil and thank you for your valuable work chairing this Group. I open the floor for comments. Japan.

**Japan**

Mr Chairman, the Government of Japan firmly believe that the objectives of the International Convention for the Regulation of Whaling which the rational conservation and rational utilisation of the whale stocks and of the orderly development of the whaling industry. However, in the recent years it is regrettable to observe that the core members of this organisation seems to be the ones who only consider the protection of the whale stocks and thereby going away from the original objectives of the Convention. The Government of Japan expects the IWC to realign its current course of operation and resume its normal and original objectives of operations based on the original objective of the Convention. Thank you Mr Chairman.

**Chairman**

Thank you Japan. No further comments? Netherlands.

**Netherlands**

Thank you Mr Chairman. The Netherlands takes the view that in the foreseeable future the Commission may take some important decisions concerning the revised management procedure and concerning the finalisation of various components of it for implementation and these decisions will presumably give rise changes in the Schedule. The inclusion of the final rules of a revised management procedure and the necessary additional components into the Schedule will probably lead to a substantial improvement of the Schedule and therefore of the operation of the Convention.

However, the Netherlands would not have any objections if an investigation were initiated to the possibilities of a partial amendment to the Convention and/or other parts of the Schedule on such subjects as permits for scientific research, small cetaceans and humane killing for instance. But we do not think that such changes would require a diplomatic conference and I would finally associated the Netherlands with the part in the Report of this Working Group on the operation of the Convention which suggests that any review of fundamental aspects of the Convention would require sufficient support and maybe premature in light of factors such as the consideration by the IWC of the development of the revised management procedures and the 1992 UN Conference of the Environment on the Environment and Development. Thank you Mr Chairman.

**Chairman**

Thank you Netherlands. I give the floor to the United Kingdom.

**UK**

Thank you Mr Chairman. As a general comment I note that the Commissioner for Japan feels that the objectives of the IWC have not been fully observed in recent years. I think, as I said last year, there is actually a question of balance between the various objectives and I think that when the IWC called the moratorium it decided that for the time being the conservation objection required a greater element and a greater consideration than perhaps had been given in the past and I am quite sure that when we develop the revised management procedure it will be done in the spirit of the whole of the Convention and I think that we are merely at the moment in what one might describe as a wise and prudent phase.

On the proposal in 9.2 of the Report it is suggested that there should be a Working Group to initiate a thorough review of the Schedule. As our very able Chairman said there wasn't enough time to consider exactly the terms of reference of this Working Group and I wonder if we might consider here whether we want the Working Group to decide on its own plan of work as is rather generally described in the document we have before us or whether in fact we need to be more specific. I have in mind, for example, that with a revised management procedure we probably need to rewrite paragraphs 9-12 of the Schedule and we would need the advice of the Scientific Committee on that. Equally we need the help of the Scientific Committee on paragraphs 15-18 on whale size limits, on paragraph 23 on measurements needed, on information required in paragraphs 24-29 and probably also in relation to areas and seasons in paragraphs 2-8. We also need to look, we discovered in the Working Group, that there are some very outdated sections indeed that might even relate to the days when we worked in blue whale units and I think therefore we need to consider very carefully in the context of any revised management procedure the paragraphs that run from 19-25 I think which cover all the aspects of supervision and control and I wonder if other members have managed to give some thought as to how we might best guide the Working Group. Thank you.

**Chairman**

Thank you UK. I give the floor to USSR.

**USSR**

Thank you Mr Chairman. Mr Chairman first of all I would like to start my intervention by expressing our appreciation to the Chairwoman of the Working Group on the operation of the Convention for her experienced and effective Chairing of the Group which discussed this complicated Agenda Item. As is known, this Working Group was set up as a result of the 1986 Proposal of the USSR on the Revision of the 1946 Convention. During the year after that we brought forward rather detailed proposals to that end for the discussion in this Commission. Then after, in 1988, the Working Group was convened in New Zealand which resulted in the so-called 'Auckland Questionnaire'. It seemed that so to say the ice started melting and the work in the area concerned was initiated but already next year the unwillingness of many member nations to examine this issue became evident. Nevertheless, four Contracting Governments including the proponent submitted their responses to the above questionnaire. The 42nd Annual Meeting in 1990 regrettably added little new, if anything, although during the five years since the proposal had been tabled a number of delegations spoke of their intention to examine this problem. The problem does exist, a number of the provisions of the 1946 Convention are outdated and do not correspond with the realities of the present day both from the economic, political and ecological viewpoints and from the legal standpoint.

The Soviet delegation brought this to the attention of the Commission more than once and in a rather detailed manner. At the previous IWC meetings we presented several documents which contained our analysis in this field. Unfortunately consideration of these issues relating to the operation of the Convention at the present Annual Meeting are rather disappointing. Lack of support for the Draft Resolution on the improvement and updating of the 1946 Convention which was initially tabled three years ago clearly shows unwillingness and absence of interest in not only revising the Convention but even in a co-operative and joint analytical and preparatory work. In this connection I have to state once again that the blocking and impeding of such a revision may bring the Soviet party to the necessity to consider the relevance of its future participation in it.

We believe that as parties to the Convention we are losing a good opportunity to settle some matters which are constantly debated in this Commission and thus to secure stability of the IWC in the future. In particular, the issue under discussion relating to small cetaceans as a matter of substance of the Convention cannot be solved by voting in this Commission but may be solved in the context of the revision.

Mr Chairman, we support the recommendations of the Working Group to invite the Contracting Governments to continue their analysis of the 'Auckland Questionnaire' and on the possible meeting of the working group again by the decision of the Commission. I mean the Working Group on the operation of the Convention if the necessity arises. The Commission, in our view, might keep under a constant review the progress in this matter.

As far as the proposal on the review of the Schedule to the Convention is concerned, which was brought forward by a number of delegations, we believe that such work maybe implemented by a special group of experts which possess necessary expertise but at the same time in our view it will have just limited nature and character which are set by the provisions of article 5 of the Convention.

It is clear for us that by such a review we will not be in a position to solve fundamental problems of this Commission. Thank you Mr Chairman.

**Chairman**

Thank you USSR. I give the floor to the Federal Republic.

**Germany**

Thank you Mr Chairman. I would like to associate myself with member states who have taken the view that it might be premature to have a review of the fundamental aspects of the Convention. We have to take account of the work that is undertaken by the Commission at the time being. Thank you.

**Chairman**

Thank you Germany. I give the floor to Sweden.

**Sweden**

Thank you Mr Chairman. It is the view of my delegation that we do at this point not foresee any need for a fundamental review of the Convention. However, we are positive to setting forth a group to analysis the Schedule and look at necessary changes to that. It is quite evident that for instance the adoption of a revised management procedure will mean substantial changes to the Schedule and there are also other issues in the Schedule that definitely need to be looked at and it is our opinion that such an analysis of the Schedule as being the fundamental working instrument of this Convention could very well give us an analysis and a basis upon which we could look more closely to the question of the need to revise or amend the Convention. Thank you.

**Chairman**

Thank you Sweden. I have four speakers on my list. Mexico, Republic of Korea, USA and Denmark. I give the floor to Mexico.

**Mexico**

Thank you Mr Chairman. My delegation wishes to express first of all their appreciation for the efficient work that has been carried out by the Chairwoman of the Working Group. Mexico has been one of the member countries of IWC actively involved in this issue since 1988 because we are convinced that throughout the revision of the operation of the Convention the principles of international cooperation could be strengthened and this will lead to the better achievements of this Commission conservation objectives. In the Working Group we expressed that at the present time the revision of the operation of the Convention should be a priority because of the fundamental changes of the international law of the sea. My delegation subscribes to the recommendation presented by the distinguished representative from Brazil as Chairwoman of the Working Group but we would also like to underline that the review of the Schedule is a separate issue from the operation of the Convention and therefore the continuation of this task shall remain in the Agenda of the Commission for future consultations. In general Mr Chairman my delegation shares the views expressed by USSR. Thank you.



**Chairman**

Thank you Mexico. Republic of Korea.

**Republic of Korea**

Thank you Mr Chairman. My delegation believes that operation of the present Convention has contributed to the proper conservation and management of whale stocks but with regard to the orderly development of the whaling industry I feel that it has not well contributed in some points at this moment. I believe that the operations of the present Convention could make possible the orderly development of the whaling industry in the near future by the revised management procedure until the completion of the comprehensive assessment. However, if some division of the Convention is necessary in connecting with the new Law of the Sea and other circumstances I think it is desirable the revision should be made to meet the proposal pursued by all member nations concerned, preferably by convening a diplomatic conference. Thank you.

**Chairman**

Thank you Republic of Korea. I give the floor to USA.

**USA**

Thank you Mr Chairman. I suspect that if we were to start afresh with a new Convention for the IWC that what we would arrive at would not be identical with what we presently have. On the other hand, I am not quite certain I know what it might look like given the widely diverse views that one finds among the membership of this Convention. In my delegation's view, Conventions should be amended only very sparingly and we at this time we are not at all enthusiastic about opening up the Convention for amendment. In our view, there is sufficient flexibility in the Schedule to allow for all of the things that are necessary to be done under the continually changing conditions that we must operate under in the IWC. Along that line we would like to associate ourselves with the proposal of the United Kingdom that there should be a Working Group prior to next year's Annual Meeting to initiate a thorough review of the Schedule, to take up the issues that was suggested by the delegate of the UK. It is very clear that if we are going to have a revised management procedure in place next year, or even partially in place next year, the Schedule of the IWC must also undergo a thorough review at that time and as the delegate from the UK indicated whatever review of the Schedule is undertaken should be done in close cooperation with the Scientific Committee. Thank you Mr Chairman.

**Chairman**

Thank you US delegation. I give the floor to Denmark.

**Denmark**

Thank you Mr Chairman. Many of the almost unsolvable problems the IWC is facing today is due to the fact that the Convention was made more than 45 years ago and was edited at a time where concepts such as environment and sustainable utilisation of marine living resources were absolute unknown. For obvious reasons, concepts such as 200 mile economic zones could not be part of the formulation of that Convention and as we all know the Convention is not at all clear on the limitation between whales and other cetaceans. The text of the Convention does not take into account that a number of international developments is taking place such as the establishment of the European Economic Community and it doesn't either cover the fact that some of the member states have established home governments in parts of the territories. As you all know, there is no revision clause to the Convention and to be fair the so-called Schedule today is a mess of a number of bits and pieces which have been out together for 45 years. For that reason the Danish delegation can't support the idea that a special Working Group sit down to review the Schedule but at the same time from the Danish side we would like to see a new diplomatic conference called which could go into all these problems of the unfairities of this Convention and which aims at establishing a whole new Convention which recognises that whaling can and should take place on a sustainable basis. Thank you Sir.

**Chairman**

Thank you Denmark. Spain.

**Spain**

Thank you Mr Chairman. We have had the time these last years for reflecting about the problem of the operation of the Convention. This reflection has taken place both individually and as Working Groups that have been created and that meet in these last years and we have arrived at the conclusion that the Convention of the United Nations on the Law of the Sea is compatible with the IWC Convention as it is compatible with other organisations which have envisaged the problem of its compatibility with this United Nations Law of the Sea. The Working Group has been useful for identifying questions that can be solved through the revision of the Schedule. Spain wishes that the text of the Convention remains as it is because the objectives that are set in the Convention remains actual, present, remains in force and they are also always useful. Some modifications of the Convention, some deep modifications of the Convention as it could be - the inclusion of small cetaceans could require modification, modifications of the text of the Convention, not just modifications of the Schedule. We don't think Mr Chairman that this is the moment to make big the competence of the Convention, to increase the competence of the Convention. We have spoken a few minutes ago of the revision of the work of the Technical Committee and the financial implications that it has. We have really a lot of work to do and these additions of competences to the Convention could take all our attention far from our main work which is established in the text of the Convention and for which the Convention was created in 1946. We support the creation of a group for revising the Schedule but we can not support this Working Group on the operation of the Convention to work anymore until we have solved some bigger problems we have now on the table as could be the new revised management procedure and the decision we have to take related with modifications of some important paragraphs of the Schedule, paragraphs 10(e), 13(a) and so thank you Mr Chairman.

**Chairman**

Thank you Spain. I have just one on my list of speakers. That is Australia. New Zealand wants to speak before lunch. I give the floor to Australia.

**Australia**

I would like to support the remarks made by Germany and the United States of America and particular to add Australia's thanks to a splendid Chairmanship of the Working Group by the Commission for Brazil. We do not see, I think, a priority being given to a review of the Convention at present but note that the Commission has indeed other priorities that will require major changes in the Schedule and the operational part of the Convention. Clear terms of reference need to be developed for the proposed Working Group that we have heard about and indeed support and we would suggest that note is taken of the views that have been expressed and that if general agreement on the need for a Working Group arises, the Plenary be given a chance to review such draft terms of reference as may be available either later in the day today or tomorrow before finalising our conclusions. Thank you Mr Chairman.

**Chairman**

Thank you Australia. New Zealand.

**New Zealand**

The last thing that New Zealand would wish to do would be to delay delegates to proceeding to their lunch so I simply wish to say that New Zealand shares the view of the United Kingdom as to the desirability of holding a special Working Group to review the Schedule. Thank you.

**Chairman**

Thank you New Zealand. Any further comments? That seems not to be the case. I would propose that we not take any decision on adopting of these three recommendations now but try to get the proposed terms of reference. May I ask the Commissioner of Brazil if she would like to share a little open-ended group of interested parties to produce a proposed terms of reference for this group? Brazil.

**Brazil**

Thank you Mr Chairman. Of course I can help you on although I don't know as to what kind of .... Yes, of course I will. Thank you.

**Chairman**

Thank you very much. You can tell me as soon as you are ready. It must be done before Friday afternoon. Chile.

**Chile**

Mr Chairman, I don't want to delay the closure of the meeting but I would like to propose that also this Working Group takes into account when it will take place and for how long it will be - the meeting of the Working Group because it will deal with the very important matters and for countries such as ours which has a small delegation, we must be prepared to do the work. Thank you.

**Chairman**

I am sure your opinion will be taken into account. That disposes of Agenda Item 6.1 and we come back to 6.2 when we have a proposed terms of reference. There are a lot of Working Groups going on formally and informally having very important tasks ahead of them and we have to have to get the Report from the Technical Committee and so I propose quite a substantial lunchtime. I propose to adjourn the meeting until 3.15p.m. The Plenary is adjourned.

[Lunch break]

**Chairman**

Commissioners, ladies and gentlemen, the Plenary is resumed. I hope you have had a good lunch and have been working hard in all the various groups going on. We should now turn to Agenda Item 7 - Scientific Permits but before asking the Chairman of the Scientific Committee to comment on the various sub-items I would request you to speak a little more closer to the microphones. Sometimes I have difficulties to hear what people say in my life and that is sometimes a bonus but definitely not here. I would like you to speak louder or closer to the microphone. May I ask the Chairman of the Scientific Committee to comment on this Agenda Item - sub-item by sub-item.

7

**Chairman of the Scientific Committee**

Yes, thank you Mr Chairman. I will start with review of research results based on existing scientific permits and the first item we looked at was Japan and that is page 34 of the Scientific Committee Report. It was noted that the programme had been revised to try to account of comments made by the Scientific Committee last year. This was the fourth year of the programme and many papers have been submitted to the Scientific Committee based on that programme. The research in 1990/91 had taken place from December to March of this year. A total of 750 primary sightings and 468 secondary sightings had been made for a total of 137 animals taken during the course of the cruise. Results from the programme were given in a number of documents covering topics ranging from estimation of natural mortality rates and age at sexual maturity to estimation of abundance and examination of segregation and age distribution. Insufficient time was available to discuss any of this in detail. Some theoretical aspects are briefly under our Agenda Item 10.2.1.

7.1

Now I will go on to the Norwegian - no, OK.

**Chairman**

Thank you Chairman. I think we will stop there and invite comments on this sub-item. That seems not to be the case. Then you can go on Chairman.

**Chairman of the Scientific Committee**

Yes, so the next part was the Norwegian permit. Five minke whales were taken in 1990, four males and one female. This completed the first stage of the Norwegian programme which had been a pilot study into methodology. Major methodological finding from last season's catch had been that feeding energetic studies could equally well be carried out on frozen as fresh samples and future work would use frozen samples. It was also reported that there are no plans to take whales this year and any future programme would, of course, be submitted to the Scientific Committee in time for them to review it. Some general comments were made but there was little detailed discussion and this is covered on the bottom of page 34 and the top of page 35 of our Report - that is the end for that section Mr Chairman.

**Chairman**

Thank you Chairman of the Scientific Committee. Are there any comments on this Agenda Item - this sub-item? That seems not to be the case - will you go on please.

**Chairman of the Scientific Committee**

Yes, OK, thank you. The next part is top of page 35 - Review of new or revised scientific permit proposals. The first one we looked at was Japan. The Committee noted that the proposal was a continuation of a programme it had discussed extensively before and the Committee draws the Commission's attention to those discussions which are not repeated here. It further noted that the population estimate for Area 4 where the research is to be carried out is approximately 75,000 animals. Comments by various members of the Committee are given on the rest of page 35 and the top of page 36. That's all for that section Mr Chairman.

**Chairman**

Thank you Chairman of the Scientific Committee. Any comments on this sub-item? Japan you have the floor.

**Japan**

Mr Chairman, the Antarctic waters are where the most abundant population of the whale stocks do inhabit and in the past we had a very unfortunate experience of having rampant whaling activities by many countries for a long time so that these whale species and stocks have been depleted. However, it seems that there is no accurate scientific information made available to this Commission or to anybody to assess the effect of these rampant depletion of these whale stocks and the recoveries up to this present time have not been researched. Due to this lack of scientific information we have in constant dispute over the estimation I am going to describe later at the Scientific Committee and IWC over the years. In particular as regards the minke whales in Antarctic, the opinions of the scientists were varied. In 1976 some scientists who have the very extreme opinions in the Scientific Committee said that the current status at that time was somewhere in the magnitude of a few of tens of thousands. While Japanese scientists had a view that the minke whales larger than 8 metres would be around 400,000 and they were having a great discrepancy of these two different opinions. In order to fill the gaps between these two different opinions of the Scientific Committee, Japan proposed that the IWC Scientific Committee would set up a sightings survey planning and Japan would offer the majority of the logistic costs, manpower and the researchers so that starting from 1978 every year there will be a IWC/IDCR Sightings Surveys in the area south of 60°S in Antarctic. Accumulation of the efforts of the IWC/IDCR Sightings Surveys in Antarctic for eleven years, in 1990 the Scientific Committee had agreed that the population size of the minke whales in south of the 60°S in Antarctic was estimated to be 760 and with this Sightings Survey Programme we have been able to obtain the information of a variety of other whale species such as blue whales whose recovery were not as

expected or as we had hoped to see. Thanks to the IWC/IDCR Sightings Surveys it was possible for us to know the present stock size or the population size of minke whale in the Antarctic. However, in order to make effective management of those stocks we have to know whether or not the population is increasing or decreasing and we have to know the direction in which the stock population is moving and therefore in order to ascertain those directions we see a need of ascertainment to know the natural mortality coefficient and the recruitment rate and other biological parameters. While we were engaged in commercial whaling before the moratorium was in position there have been a great amount of data being collected through the commercial operations. However, the scientists with the very extreme opinion in IWC Scientific Committee criticised those data as being biased because of the preference of the commercial whaling operation taking larger animals and also concentration of the whaling operation in certain areas and therefore the segregation can influence such data to certain direction of the bias and therefore the moratorium was justified because of these uncertainties of these data. Therefore the Government of Japan regarded the period in which the moratorium was implemented as a rare opportunity to collect unbiased sample by the random sampling not influenced by the commercial operations and therefore we planned the scientific research and had two feasibility studies over two years from 1987 to 1988 and then we started our main research in 1989-1990 season.

The national research by Japan so far has been collecting a number of very interesting scientific knowledges such as the clarification of the segregation by sex and age and other necessary information for the proper management of the minke whale stocks. In the onset of our research programme we did have unreasonable allegation that our research operations are the disguised form of commercial whaling and others. However, we are pleased to note that the research results are speaking for themselves and our scientists have diligently and seriously working towards better understanding of the whale stocks and we are very pleased to note that other foreign scientists come to evaluate the knowledge we have obtained throughout our national research efforts.

Mr Chairman, our national research programme has always had an allowance for the foreign scientists to participate right from the start to date. However, we regret to say there has been no application by the foreign scientists so through you I hope it will be noted to all the Contracting Governments that we do welcome the participation of the foreign scientists in our research programme. Thank you Mr Chairman.

**Chairman**

Thank you Japan. It will be noted. Any further comments? That seems not to be the case. The Chairman of the Scientific Committee will you go on please. Sorry, Iceland.

**Iceland**

Thank you Mr Chairman. I am not sure that's the right tone but I just want to make a few words on the Japanese programme which we refer to now and to note the efforts of the Japanese Government to investigate the stocks in the Southern Hemisphere, primarily the minke whales, which have proven to be of utmost importance for decisions we must make on the management of stocks in the area and it is indeed noteworthy that the Japanese research activities on these whale stocks are the only significant contributions to the knowledge of these stocks and we believe that these activities are important for the continuing flow of information on them. Thank you Chairman.

**Chairman**

Thank you Iceland. Any further comments? Netherlands.

**Netherlands**

Thank you Mr Chairman. This year's proposal by the Japanese Government is a continuation of the programme that extends over a number of years. The Scientific Committee did not engage in very elaborate comments on the Japanese programme and by delegation will follow a similar line and not go into detailed comments now. We would like to express appreciation of the contribution of this research

to our understanding of the Antarctic and particularly those aspects of the programme that are of non lethal nature. With regard to the lethal parts of the research programme, if I may call them like that, our position hasn't changed from previous years but I would like to take this opportunity this year to ask the distinguished Commissioner from Japan if a revised management procedure were adopted and commercial whaling at some time be resumed in Antarctic waters, would that lead to any significant changes in the Japanese research programme? Thank you.

**Chairman**

Thank you Netherlands. Japan wants to respond. Japan.

**Japan**

Thank you Mr Chairman. In response to the question posed by our colleague from the Netherlands I have to say that Japan has no intention of terminating the research efforts in the Antarctic even if RMP is adopted and implemented because we do have a scientific programme for a long-range plan and until such time as the natural mortality coefficient can be obtained with the precision high enough to satisfy our scientists we are not going to cease that and also random sampling has to be conducted without the influence of the commercial whaling and therefore we do hope it will be all completed until the precise mortality rate is obtained. Also even with any revised management procedure that might be adopted by the Commission, ancillary information such as biological parameters if we have more accurate values for those can be usefully incorporated into the management procedure so that there will be more effective management possible and therefore I think we are contributing to the management procedure to be adopted and I think it is going to be a big gain to mankind because no other nation is engaging in research programmes in far seas in this scale. Thank you Mr Chairman.

**Chairman**

Thank you Japan. The UK has asked for the floor.

**UK**

Thank you Mr Chairman. I would like to join my Dutch colleague in expressing appreciation of the tremendous contribution that Japan makes in the non-lethal nature of its research work. I think that everyone in this room should be extremely grateful to Japan for the amount for time and expertise and money they spend on the sightings survey in the Antarctic. Like my Dutch colleague, however, I note there was not a great deal of discussion in the Scientific Committee of programmes which we have all explored in depth over the past years and I feel I ought to remark that as we have had remarked in previous years, the research while potentially very interesting is not essential for the management schemes whether the old ones or the new ones. Thank you.

**Chairman**

Thank you UK. Any further comments? That seems not to be the case. May I therefore ask the Chairman of the Scientific Committee to go on.

**Chairman of the Scientific Committee**

Yes, thank you, Mr Chairman. The next permit we looked at was the one from the USSR. This is found in our Agenda Item 10.2.2 on page 36. The Committee reviewed the proposals in our document O11 only with respect to the proposed lethal taking of minke whales from the waters of the Okhotsk Sea. Last year the Committee noted that at its 1985 meeting it had agreed that the documents on any proposed scientific permits should be provided to the Secretary at least 60 days in advance of an annual meeting of the Scientific Committee so that the proposal and any supporting documentation could be sent out at the same time as the Provisional Agenda. This current proposal was received by the Secretariat and forwarded to the Scientific Committee on 20 April this year. Before discussing the proposal in the context of the Commission's guidelines, some general comments were made and these can be found on page 36 of our report.

We then looked at the various headings that we review these research permits under and the first one is the proposal itself. The main objective of the research is to obtain material that will provide morphological and physiological characteristics of the population. In addition, biological samples will be collected for determining age, sexual and physical maturity and reproductive condition. Stomach contents will also be examined to investigate the role of minke whales in the food web. The proposal envisions a catch of 90 minke whales during June and July of this year. No selection for size or sex will be made of the minke whales taken and all the catches will be from the Okhotsk Sea. Based on discussions of the North Pacific minke whales at this year's meeting, whales killed in the Okhotsk Sea will be from two previously accepted management stocks. One of them is the Okhotsk Sea-West Japan-West Pacific and the other is the Sea of Japan-Yellow Sea-East China Sea stock. The Committee noted that the proposal had not adequately specified the objectives of the research, although some clarification had been provided by the scientists present.

The next thing that we looked at were the objectives of the permit. There is insufficient information given regarding aims and methodology to be able to comment on sample size. No reasons are given in the proposal justifying sample size other than the proponents believe that such catches will not deplete the stock. There is no statement of the method of killing to be used. However, the proposal notes that a catcher boat will be used which is the same one that's used for aboriginal subsistence whaling of gray whales.

Next we looked at the methodology. Several observations were made on the methodology proposed and these can be found on the middle of page 37 of our report. The Committee noted that the level of information given in the proposal made it difficult to comment in detail on the methodology.

The next thing that we looked at was the effect of catches on the stock. The Committee noted that the new abundance estimate of whales in the Okhotsk Sea was just over 19,000 animals. It also noted some degree of mixing, as I mentioned before, from animals from two stocks occurred in Okhotsk Sea north of Japan at least in April. Minke whales from the Sea of Japan-Yellow Sea-East China Sea stock were not able to be assessed at this year's meeting, as I mentioned yesterday. They are currently classified as a Protection Stock by the Commission. It's not possible to say what proportion of the proposed research catch might be taken from the two mixing stocks nor what the level of mixing might be in June or July.

The next and last item that we looked at was the question of research cooperation and it was noted that the research proposal stated that participation of foreign scientists was welcomed and this is an item that we usually have as one of cooperation aspects of research proposals. That was just noted. Thank you.

**Chairman**  
Thank you.

[Break in recording]

**UK**

I'm afraid I found this particular proposal a rather sad one for us to have to look at. It seems to me that the proposal simply isn't ready yet. For example, it states that 90 animals are to be taken but the sample size is not justified in terms of the work to be done but simply that taking 90 may not damage the stocks. When I read through the report there are - almost every line - something comes out that tells us this isn't ready. The Scientific Committee clearly were concerned as they offered assistance in how to improve the programme. The Committee found problems that the proposal hadn't adequately specified its objectives. Moving on, they felt that there was insufficient information given regarding aims and methodology to be

able to comment on the sample size and, all in all, they noted that the level of information given in the proposal made it difficult to comment in detail on the methodology. It seems to me, therefore, that the proposal was perhaps sent in in rather a hurry and either has been extremely badly presented or has not in fact been fully thought through, and I therefore very much hope that the delegation for the USSR will, having seen this report, decide that the wisest course of action is to withdraw this programme and to allow it to be developed. Thank you.

**Chairman**

Thank you, UK. Any further comments? US.

**USA**

Yes, Mr Chairman. We too would like to join the UK with respect to this proposal by the Soviets. As last year, we are deeply concerned this proposal has not been well thought through. It has not achieved any of the requirements for the Scientific Committee and we too hope that the Soviets will consider withdrawing the proposal. Thank you, Sir.

**Chairman**

Thank you. Australia.

**Australia**

Yes, thank you, Mr Chairman. It is, as my colleague from the United Kingdom said, a little sad to have to review this programme in essence for the second year. It still seems to be far from ready and I concur entirely with the point of view that the United Kingdom Commissioner has presented. Thank you, Mr Chairman.

**Chairman**

Thank you, Australia. Switzerland has the floor.

**Switzerland**

Thank you, Mr Chairman. I just would like to say that we share the views expressed by the United Kingdom and the other speakers.

**Chairman**

Thank you, Switzerland. Spain.

**Spain**

Thank you, Mr Chairman. Spain also follows the point of view of the United Kingdom delegation and would be very happy if the USSR could withdraw this scientific activity. Thank you, Mr Chairman.

**Chairman**

Thank you, Spain. Germany.

**Germany**

Thank you, Mr Chairman. Germany also shares the concerns expressed by other delegations. Thank you.

**Chairman**

Thank you. France.

**France**

Yes, Mr Chairman. We also share these concerns expressed by the former delegation on the Soviet programme. Thank you, Chairman.



**Chairman**

Thank you, France. New Zealand.

**New Zealand**

We also would share the view that the proposal doesn't address the concerns of the Scientific Committee and we would therefore support the UK and United States in this matter.

**Chairman**

Thank you. Netherlands.

**Netherlands**

We have the same views, Mr Chairman. We would therefore support the UK suggestion. Thank you.

**Chairman**

Thank you. Denmark.

**Denmark**

Thank you, Mr Chairman. I would just like to associate with my German colleague's remarks. Thank you.

**Chairman**

Thank you, Denmark. Sweden.

**Sweden**

Thank you, Mr Chairman. We would also like to ask if the Soviet delegation might reconsider their proposal. Thank you.

**Chairman**

Thank you. India.

**India**

Chairman, India also wants these scientific experiments to be stopped by the Soviet Union.

**Chairman**

Thank you. Ireland.

**Ireland**

Ireland shares the view of the UK delegation.

**Chairman**

Thank you. Chile.

**Chile**

Our position is the same as previous delegations.

**Chairman**

Japan.

**Japan**

Mr Chairman, Japan's position concerning the management of whale stocks is that it should be based on scientific information. Therefore, in principle, the research to obtain scientific information is indispensable and for this reason I welcome the submission by the USSR of the proposal for scientific permit. And therefore, Mr Chairman, I welcome the Soviet proposal for the scientific research to be

planned on the North Pacific minke whale stocks which were subjected to the Scientific Committee this year. The Scientific Committee this year discussed the plans and programmes submitted by USSR and there seem to be some questions raised by the Scientific Committee. However, I think USSR would be able to amend and enhance its programme according to the doubts and questions raised by the Scientific Committee.

**Chairman**

Thank you. Any further comments? Iceland.

**Iceland**

Yes, thank you, Mr Chairman. We would like to note references in the report of the Scientific Committee welcoming plans for increased research in the area for which there is a need, and we would expect that efforts could be directed at remedying the presentational difficulties referred to by the Commissioner of the United Kingdom. And whatever amendments need be made, we have noted that the proposal would not affect the status of the stocks in the area and in conclusion I just like to repeat the well-known views of the Icelandic delegation about the right of governments to carry out research by issuing scientific permits. Thank you, Chairman.

**Chairman**

Thank you, Iceland. Norway.

**Norway**

Thank you, Mr Chairman. In respect to this Soviet research proposal I would like to refer to what is stated here in the report of the Scientific Committee - the suggestion made by our Norwegian scientist, Professor Walløe, who has suggested the formation of a group of scientists with relevant expertise to advise the Soviet scientists on how the programme might be improved. Because, obviously, according to our experts the programme submitted by the Soviet delegation, or rather the Soviet Government, may have some shortcomings. However, I would like to remind the majority of those who've taken the floor before me that they all, or most of them, seem to have forgotten that we have a Convention, we have an Article VIII in that Convention, according to which any state has the sovereign right to its scientific research programme and taking of whales for that purpose. Thank you, Mr Chairman.

**Chairman**

Thank you, Norway. Any further comments? USSR.

**USSR**

Thank you, Mr Chairman. The comments which were brought forward by the Scientific Committee, of course, are very interesting and they will be taken into account by our competent authorities. But taking into account the amount of work which was done previously and the sort of work which was done previously, the Soviet scientists believe that their research activities which include taking of a certain number of whales are necessary. And we would, of course, appreciate very much the participation of foreign scientists in such a programme. And, of course, as far as the question of issuing a permit is concerned, the competent authorities will take into account the criticism which was brought forward at the Commission meeting. Thank you.

**Chairman**

Thank you, USSR. Any further comments? China.

**People's Republic of China**

China supports any real scientific research but I hope any scientific research should honour the principle set by the Scientific Committee and the Convention. I hope the USSR delegation should consider the advice by the Committee. Thank you, Mr Chairman.

**Chairman**

Thank you, China. Brazil.

**Brazil**

Thank you, Mr Chairman. Mr Chairman, our position is also that we do not favour lethal research initiatives, but we do appreciate very much having heard from the Soviet delegation that, before issuing the permit, their authorities will be made aware of the opinion of this Commission. Thank you very much.

**Chairman**

Thank you. India has asked for the floor. India.

**India**

Thank you, Chairman. India is not against scientific research but it is against lethal scientific research.

**Chairman**

Thank you. Any further comments? That seems not to be the case. That disposes of Agenda Item 7.1.

We then proceed to Agenda Item 7.2 Action arising. Any comments regarding this agenda item? 7.2  
Australia.

**Australia**

Mr Chairman, I understand that there are some resolutions that will come forward - in fact I think they may already be in draft form - so I would request that this item be postponed so that the normal length of time can take place between the lodging of resolutions. Thank you, Mr Chairman.

**Chairman**

Thank you. OK, we will postpone the deliberations on 7.2 until probably tomorrow.

I now propose that we proceed with Agenda Item 23 Cooperation with other organisations. There are 23  
some comments in the Scientific Committee's report regarding this issue. Have you any comments,  
Chairman of the Scientific Committee?

**Chairman of the Scientific Committee**

Yes, thank you, Mr Chairman. Just a few comments. On page 3 of our report under 'CCAMLR' we have 23.1  
reference to the IWC/CCAMLR Feeding Ecology Workshop that we've made mention to for a number of  
years now, and the Committee recognised that - we had some additional discussions on this year.  
However, it still believes that any useful discussions on the relationship between krill and baleen whale  
trends in abundance has to include consideration of other major predators of krill, and the Committee  
agreed that it was not possible to determine detailed terms of reference identifying work required to  
develop an agenda at this meeting. It agreed that this should be carried out in the intersessional period by  
a steering group that would be convened by Steve Reilly.

And the other one, let's see, I'd like to bring your attention to is under UNCED - 5.2 on page 4, and that  
regards the Workshop on Mortality of Cetaceans in Passive Fishing Nets and Traps that I gave you a  
summary of yesterday, and just to note that the Commission has already agreed to forward that report.  
That's all, Mr Chairman.

**Chairman**

Thank you, Chairman of the Scientific Committee. I propose that we take sub-item by sub-item. Will you  
comment on the various sub-items, Secretary? Can you start with 23.1.1?

**Secretary**

Mr Chairman, I refer the meeting to document IWC/43/10 which is a compilation of the reports by IWC observers at meetings of other intergovernmental organisations. These reports were made available to the Scientific Committee and are referred to in the report of the Scientific Committee so I think, with your permission, it would be sufficient to record that we did have observers present at these various meetings which are identified here. There is no immediate action arising from any of them in this agenda item, Mr Chairman.

**Chairman**

I leave the floor open for comments. Are there any comments on the first agenda item regarding ICES? Regarding CMS? Regarding CCAMLR? Regarding ICCAT? Regarding IUCN? Regarding UNEP? Denmark.

**Denmark**

I shall be very brief and just refer to the last paragraph on the page dealing with the Marine Mammal Action Plan where it's said that the IWC is asked to contribute to a Resolution on the need for management of small cetaceans and I will just repeat our well-known attitude towards that question. Thank you, Sir.

**Chairman**

23.2 Thank you, Denmark. Your comment will be noted. Any further comments? Can we then turn to 23.2.1 IOMAC? Any comments? The Secretary.

**Secretary**

Mr Chairman, under this agenda item in the annotations to the agenda you will see that an extract from the report of the Second Conference on Economic, Scientific and Technical Cooperation in the Indian Ocean referring to this area as a whale sanctuary for all time, is given in paper IWC/43/15. This is a quite significant proposal by another intergovernmental organisation which has an area of overlapping interest with the activities of this Commission, and I think it would be helpful if there was any kind of view which the Commission might like to express which I would be able to forward to the IOMAC Secretariat. Following on from earlier decisions of this Commission the Secretariats of the two organisations have quite close collaboration and exchange of documentation and it would be helpful for me to have any specific guidance which the Commission might like to offer on this subject. I might point out that some of our member governments are also members of the IOMAC organisation.

**Chairman**

Any comments? Seychelles.

**Seychelles**

Thank you, Mr Chairman. We agree with the Secretary that this is a very important decision that was taken at IOMAC and we would like to say that this should be noted now for discussion next year when this issue comes up at this Commission. Thank you.

**Chairman**

Thank you, Seychelles. Japan.

**Japan**

Mr Chairman, I concur with the proposal made by Seychelles earlier. I think we need to look at this matter at the next Annual Meeting.

**Chairman**

Thank you. Any further comments? Comments will be noted.

Can we then proceed to 23.2.2 CMS? Secretary.

**Secretary**

Mr Chairman, I again refer to the annotations to the agenda where I've indicated that we are invited to be represented at the forthcoming Third Meeting of the Conference of the Parties to the Convention on the Conservation of Migratory Species of Wild Animals. That's to be held in Geneva in September this year, and it would be very helpful to me if a delegate who will be attending could offer to represent the IWC in an observer capacity if that is the wish of this Commission.

**Chairman**

Thank you, Secretary. Any comments? If you need more time to consider this, can you contact the Secretary as soon as possible if you are willing to act as an observer for IWC.

Can we then turn to 23.2.3 CITES?

**Secretary**

Mr Chairman, effectively the same comment that there is a note in the annotation and that we need an observer to represent the IWC at the meeting in Kyoto in March 1992. May I ask the same question and hope for a more positive response?

**Chairman**

No response? Australia.

**Australia**

I think, Mr Chairman, it is possible that someone from my organisation will be at that meeting and I would be quite happy, therefore, to act as observer in that capacity.

**Chairman**

Thank you very much, Australia. That disposes of 23.2.3.

Then we turn to 23.2.4 UNCED. Secretary. Brazil.

**Brazil**

Thank you, Mr Chairman. Mr Chairman, my intervention still relates to CITES. Mr Chairman, we found out during the year that there were three specific reservations entered by Brazil in the early 80s against three cetacean species in the Appendix I of CITES, and we would like to tell the Commission that we have already begun all necessary procedures to withdraw these reservations. Thank you.

**Chairman**

Thank you, Brazil. Mr Secretary, will you speak to 23.2.4?

**Secretary**

Mr Chairman, the matter of the United Nations Conference on Environment and Development is addressed in part by paper IWC/43/17 which was an initial response I sent to a request from the Preparatory Committee for that conference to be held in Brazil next year. The specific request is for an updating of studies on the status from 1972 onwards of whales, other marine mammals and any endangered marine species. In the light of comments and further information provided during the course of the recent meeting of the Scientific Committee, I have been able to modify that initial response which consists essentially of the estimates of whale stocks which this Commission, through its Scientific

Committee, is prepared to offer as the best information available. The matter now is for the Commission to decide if it wishes to provide any additional information to UNCED in preparation for the 1992 meeting.

**Chairman**

The floor is open for comments. Brazil.

**Brazil**

Thank you, Mr Chairman. Mr Chairman, we appreciate document IWC/43/17 by which the Secretariat made an initial information for UNCED. We think, however, that because of the influence of the 72 Stockholm Conference on the IWC - which now possibly will repeat itself in Rio in our country next June - and also because quite substantial bits of work are being submitted on small cetaceans and on mortality of cetaceans in passive fishing nets and traps, that the IWC should also send a substantial information on large cetaceans, on whales. I don't think we need produce any new material. I'm sure that if we could go through the accumulated work of this Commission from 72 until this date that something could be found to give a balance, because I do think it could give a different image of the IWC to report only on small cetaceans and on passive fishing nets and traps. I think we ought to stick to our business, or at least the business that was ours until quite recently. Thank you. I mean the protection of cetaceans in general.

**Chairman**

Thank you, Brazil. New Zealand.

**New Zealand**

Thank you, Mr Chairman. New Zealand very much shares Brazil's concern at this lacuna in the supply of information to this very important conference. We will, as has been recalled, be sending a report on small cetaceans as agreed last year, and for the rest we have this rather restricted document which covers one particular topic but doesn't really give any impression of the work or the nature of this organisation, and I feel we really are not doing justice to IWC or to the area over which we have management control if we leave it at that. So we do feel a more comprehensive report should be sent from this organisation forward to the UNCED conference. Thank you.

**Chairman**

Thank you, New Zealand. Denmark has asked for the floor.

**Denmark**

Thank you, Mr Chairman. I just like to support the expression made by my colleague from Brazil. Thank you.

**Chairman**

Thank you. Any further comment? UK.

**UK**

Thank you, Mr Chairman. I'm happy to support what is suggested by my colleagues here, but I think we ought to thank the Secretariat for holding the position for us in the meantime by producing a sound and very easily read comprehensive report of where things are, and now we as a Commission have decided a bit more should be sent than that can be done. Thank you.

**Chairman**

Thank you. Any further comments? There seems to be an agreement that more substantial materials should be sent to the UNCED. The question is, who will do that? Secretary, have you a comment on that? Japan.

**Japan**

Mr Chairman, I do not know what kind of presentation the IWC as an organisation is going to present to UNCED, but UNCED being very important organisation - and this occasion of assembly is very important in the forthcoming year - I should hope that the Secretary would circulate to all the signatory nations of IWC the documents which would be prepared especially for the UNCED except for the parts that have been already published by this organisation, and get the acknowledgement or the approval by the member nations. Thank you.

**Chairman**

Thank you, Japan. Secretary.

**Secretary**

Mr Chairman, I find this a very difficult situation. The Secretariat has no authority to provide information in the name of the Commission which has not been approved by the Commission itself, so that anything which is produced would need to be circulated to member governments and there is a serious question of time here because, as I understand it, the submissions to the UNCED Preparatory Committee have to be in by July. Quite frankly, the Secretariat does not have the physical capacity to undertake a work of this kind in this immediate time frame, and I really can't see an easy solution to the problem.

**Chairman**

Does any delegate see any solution to this problem? UK.

**UK**

Mr Chairman, we have already sent to UNCED a summary of all the information we do have, but since the focus of our work over the last few years has been the Comprehensive Assessment, would a solution be to send the detailed reports on the Comprehensive Assessments of each of the stocks?

**Chairman**

Thank you, UK. You have all heard the UK proposal. Any comments on that? Australia.

**Australia**

Yes, thank you, Mr Chairman. I sympathise very much with the position that the Secretariat would be in over what the Commission appears to be asking them to do. It does seem to me that the very substantial report on small cetaceans which has been prepared by the Scientific Committee was something the Commission quite specifically asked for last year, recognising that UNCED was coming up. We weren't, I suppose, farsighted enough or forethinking enough to actually include and widen that to what has just been discussed. Therefore I think, given the time frame constraints, I think it's unlikely we'll be able to produce something afresh, but I thoroughly agree with what I think is a very useful suggestion from the United Kingdom Commissioner that we should in fact perhaps provide a compendium of our work on Comprehensive Assessment over the last few years which would form a useful balance alongside the small cetacean report. So I would strongly support that suggestion.

**Chairman**

Thank you. The UK proposal has been supported. Can we agree on that? Thank you. That disposes of Agenda Item 23.2.4.

I adjourn for a coffee break until 5 o'clock. The plenary is adjourned.

[Tea break]

**Chairman**

24 Commissioners, ladies and gentlemen, the plenary is resumed. I now propose that we address ourselves to Agenda Item 24 42nd Annual Report. Mr Secretary, will you speak to that agenda item?

**Secretary**

Mr Chairman, I draw the attention of the meeting to document IWC/43/11 which is the Draft 42nd Annual Report of the Commission. As usual, the Secretariat will make any necessary amendments to the report in the light of changes which have occurred and which have come to our notice at the time of this meeting before the document is finally published, and so if there are any corrections to be made in terms of the data in the tables or any other matters in the text, we would appreciate receiving a note of those alterations so that the most correct version can be published as the Commission's Annual Report. Thank you.

**Chairman**

Thank you. Any comments? That seems not to be the case. Can we then proceed in the way the Secretary has proposed? I think so. Thank you. That disposes of Agenda Item 24.

I now propose that we address to the agenda items which were dealt with by the Technical Committee, and I propose that we - in order to save time - go on in the following way, that we establish a kind of dual body, Dr Fleischer and I, and Dr Fleischer will be at my right side and present the draft report of the Technical Committee page by page and then we will discuss amendments, changes, and so on, and then bring the report of the Technical Committee to the plenary. This could be a time-saving procedure. We have used that procedure several times before. Can we proceed in that way? Thank you. Welcome [to Dr Fleischer].

Would you start, Dr Fleischer?

**Chairman of the Technical Committee**

8 Thank you, Mr Chairman. We have the first part of the Technical Committee report, document  
8.1 IWC/43/5, a pink document. It's the draft report of the Technical Committee and in this way we will be  
8.2 able to approve it at the same time which is discussed in the plenary. On the first page we have Agenda  
Item 1 of the Technical Committee and that is the adoption of the agenda. We deal with the agenda for  
the Commission's points 8 to 17 as well as some other agenda items which are dealt normally in the  
Technical Committee such as the preparation of the next agenda for the next meeting. Point number 2 for  
the appointment of Committees, no Committees were formed. Plenary Agenda Item 3 is plenary agenda  
items and we start with Plenary Item 8 Infractions. We received the report in the Technical Committee of  
the Sub-committee on Infractions which was chaired by Mr Chu. You find the details of this report on  
page 1 of our Technical Committee report. Over the page, on page 2, you find the recommendation from  
this Sub-committee and also, Mr Chairman, the action arising at the Technical Committee which  
endorsed the recommendations of this Sub-committee. I should stop here, Mr Chairman. I may ask now,  
as the Chairman of the Technical Committee, for any comments on the report before this is passed to the  
plenary for final discussions. Chile.

**Chile**

We are working as Technical Committee?

**Chairman of the Technical Committee**

Yes, Sir.



**Chile**

So, the Chilean delegation would like to have it deleted what it said in page 3 what Chile said that should be decided in a special session. It is not correct. And instead of an especial session to put after careful consideration of its legal and practical implications.

**Chairman of the Technical Committee**

Excuse me, Chile. We are now dealing with only page 2 of the report and specifically with the Plenary Item 8 which is Infractions.

**Chile**

Oh, sorry.

**Chairman of the Technical Committee**

Sorry, I know it's a little bit confused but it saves time. So are there any corrections, amendments in the Infractions section of the Technical Committee report? It seems none. I'm sorry - UK.

**UK**

I'm sorry, Mr Chairman, but I'd quite like to rewrite Section 8.2 on page 2 of the report. It seems to have lost some of the thoughts I had and I would like them on the record. If you like I'll read it very quickly, what I think it should have said, and then I'll read it out slowly if we are going to proceed like that. I think it should have said 'The UK ...'

**Chairman of the Technical Committee**

Excuse me, UK, I think for the benefit of non-English speaking countries and Commissioners it could be better if you just read it normal speed so we get the idea and then if you, as you suggest, read it slowly so we can copy your proposed wording.

**UK**

Yes. Reading it at normal speed - 'The UK asked for the report of the enquiry on a humpback whale taken in the Manisoq municipality of West Greenland to be submitted to the IWC when finalised.' It would then go on 'The UK appreciated the load enforcement placed on governments but said that it was important that enforcement of regulations is clearly seen to be imposed and monitored. It appreciated there had been no overrun of quotas in West Greenland in the last year and thanked the governments for their continuing work.' Shall I read that more slowly? The reason why I think it's important is that the authorities in West Greenland do put a lot of effort into enforcement and we ought to take note of it. So I will read it slowly. In the first line, begins 'The UK' you delete 'commented' and insert 'asked for the report of the enquiry' then it returns to the text 'on a humpback whale taken in the Manisoq municipality of West Greenland'. Delete the full stop and 'it' at the end of the line. In line 2, delete the words 'asked that a report should'. Leave in 'be submitted'. After 'submitted' insert 'to the IWC'. Then it reads as it stands 'when finalised'. So I'll recap on that sentence. It would read 'The UK asked for the report of the enquiry on a humpback whale taken in the Manisoq municipality of West Greenland be submitted to the IWC when finalised.' Then we delete 'because' and we insert several words: 'The UK appreciated the load enforcement placed on governments but said that'. Then the text reads as it is already: 'It was important that enforcement of the regulations is clearly seen to be imposed and monitored'. It still continues 'It appreciated that there had been no overrun of quotas in West Greenland in the last year' and inserts after 'year' 'and thanked the governments concerned for their continuing work'. That's all.

**Chairman of the Technical Committee**

Thank you, UK. Well, I have good news. Since this is a dual meeting of the technical and the plenary session we have a recording, so every word you will have to amend will be immediately recorded in the Secretariat. So that will save some time. What I mean is, if maybe we can correct the report of the Technical Committee in a faster way just by reading the proposed wording by the delegations since I do

not intend to open the debate because that can be done in the plenary. Another way is just for some delegations who make amendments to their statements to present in a written form to the Secretary. Any other comment on this part of the report? It seems none. Then we can present this to the plenary for final discussion, Mr Chairman.

**Chairman**

Thank you, Dr Fleischer. I now invite comments on 8.1, the report from the Technical Committee Infractions Sub-committee. The floor is open. No comments? I will then take ... Denmark.

**Denmark**

Excuse me, but I just lost what you said. Where are you in this report now?

**Chairman**

8.1 We are in the report on paragraph 8.1. And I'm inviting comments on that paragraph. There seems to be no comments. Can we then take note of the report, paragraph 8.1?

8.2 Can we then turn to paragraph 8.2 Action arising? Any comments? Can we adopt the paragraph 8.2 and the recommendations therein? That seems to be the case. Thank you. That disposes of Agenda Item 8.

9 May I now ask Dr Fleischer to proceed with Agenda Item number 9?

**Chairman of the Technical Committee**

Thank you, Mr Chairman. Switching hats again we're back to the Technical Committee. The report on Agenda Item 9 is present on page 2 and over the page on page 3, 4 and part of 5. There are, Mr Chairman, several statements by different delegations regarding the competence of the Commission for setting catch limits for Baird's beaked whales and the competence for dealing with cetaceans not listed in the Convention. Are there any comments or changes on page 2? I think Chile asked for the floor ... I'm sorry, we're on page 2. Any comments on page 2? Over the page, page 3? Chile, then Denmark.

**Chile**

Thank you, Mr Chairman. It's in the third or the fourth paragraph which refers to the Chilean statement. We would like to change when it is mentioned 'in a special session' and to insert instead 'After careful consideration of its legal and practical implications' and then it continues as it is.

**Chairman of the Technical Committee**

Thank you. Denmark.

**Denmark**

Thank you. That's on the top of page 3. I would propose the following reading: 'Denmark stated' - and then exclude 'it's you' - 'that the Convention does not give the Commission legal competence to manage small cetaceans', not this word 'rights' but 'competence'. Thank you.

**Chairman of the Technical Committee**

Thank you. Brazil.

**Brazil**

Mr Chairman, Brazil has an intervention ... Oh, are we still page 3?

**Chairman of the Technical Committee**

Yes, page 3. UK.

**UK**

Thank you, Mr Chairman. I have a few changes on the paragraph third from the bottom on page 3 relating to the UK intervention. In the first line it would probably be easier to read if it said 'The UK supported the USA proposal'. I would like in the fourth line to rephrase the first sentence by deleting 'It thought' and instead writing the sentence as follows: 'The IWC should consider whether it was recognising its responsibilities'. In the next sentence it should read 'Whilst there *were* conflicting interpretations' since this is reported speech. In the penultimate sentence after the words 'problem of creeping jurisdiction' we should at least insert 'as the IWC already dealt with large whales on a global basis'. Thank you.

**Chairman of the Technical Committee**

Thank you, UK. Any other change on page 3? No? Then over the page, page 4 please. St Vincent.

**St Vincent & The Grenadines**

Thank you, Mr Chairman. Just a minor one in the middle paragraph that begins 'New Zealand expressed its concern'. I think the second sentence should come out and there could be a comma after 'St Vincent & The Grenadines' to be followed by 'and asked St Vincent if they knew how much the cost was'.

**Chairman of the Technical Committee**

May I ask you to read the whole paragraph as being proposed change?

**St Vincent & The Grenadines**

Yes, Mr Chairman. 'New Zealand expressed its concern over the cost question raised by St Vincent & The Grenadines, and asked St Vincent if they knew how much the cost was'. That would replace the second sentence that is now there.

**Chairman of the Technical Committee**

Thank you. Is that OK with New Zealand because this is a New Zealand intervention?

**New Zealand**

It wasn't quite how I would have expressed it, Mr Chairman. We didn't so much express our concern over the cost question - we simply asked a direct question of St Vincent & The Grenadines as to the actual cost so that we would be in a position to comment on it. It was St Vincent that had expressed its concern. So I think if we could just reflect the fact that New Zealand enquired as to the cost that caused concern to St Vincent. But I think the second sentence really reflects what I said. The sub-committee has worked for many years and we pointed out why there wasn't the great additional cost this year because the Invited Participants had not come at the expense of the Commission and so we questioned, of course, the conclusion that St Vincent had arrived at. So, I think really the second sentence would have to stand.

**Chairman of the Technical Committee**

Thank you. USA.

**USA**

Thank you, Mr Chairman. On the bottom of page 4 where the USA intervention is the question in the fourth sentence 'Is the IWC that body for cetaceans?' should read 'for small cetaceans'.

**Chairman of the Technical Committee**

Thank you. Brazil.

**Brazil**

Thank you, Mr Chairman. Mr Chairman, on page 4, the second paragraph. I would also like to rewrite it, but I wonder if I could be doing that and read it out afterwards because it's quite a long intervention and it's a bit difficult for me to do it. I've only just got the report now. The idea would be just to say something like the following: 'Brazil pointed out that the US proposal was not a simple issue to address. It reflected a longstanding debate over competence ...' I'd have to work out the rest and without adding anything I would hand it in in a minute.

**Chairman of the Technical Committee**

Well, let's go back to this statement by Brazil because I think everybody in the room has to at least listen what you propose in your new wording, or the idea at least, so I will give you time and I will deal with some other part of the report. France.

**France**

Yes, thank you, Mr Chairman. In the fifth paragraph, from the second line, it should read 'France emphasised that the IWC must ensure conservation of small cetaceans on the basis of the continuation of scientific work' and not 'through' but maybe you find a better wording in English. I trust the Secretariat to do that. That's the first idea. And at the end of the sentence 'with other appropriate Conventions' I would like to quote such as 'Bonn and Berne Conventions' to be more precise. Thank you, Chairman.

**Chairman of the Technical Committee**

Thank you, France. Any other change? We will go back to page 4 for the Brazilian amendment. Let's move on then to the last part of this section in the middle of page 5. Any comments there? It seems none. Then, Mr Chairman, as you can see there was not a clear consensus on this issue. There was a general feeling for further discussion at the plenary and this was gone forward to the plenary session, and this was supported by Iceland. Japan.

**Japan**

Mr Chairman, may I go back to page 4 because it was very fast and we just missed out the part relating to our comment?

**Chairman of the Technical Committee**

Yes, of course.

**Japan**

On page 4 at the bottom, the paragraph starting with 'Japan' we would like to have amendments made. I will just present it in the normal speed first and then if that's acceptable go on at slower speed. 'Japan outlined the management' - 'the management' should be struck out. And then continue with the original wording 'history of small cetaceans' and then insert 'of the Commission'. And strike out 'the establishment' and replace it with the word 'that'. And continue with the original words 'The Small Cetaceans sub-committee of the Scientific Committee' then insert 'was established after a Special Meeting on small cetaceans was held in Montreal in 1974. Full stop.' Should I repeat it because this is the history so we wanted to make it straight?

**Chairman of the Technical Committee**

Yes, if you can repeat it once more, please. Just the normal speed.

**Japan**

Yes, I read it through with the amended paragraph. 'Japan outlined the history of small cetaceans of the Commission that the Small Cetaceans sub-committee of the Scientific Committee was established after a Special Meeting on small cetaceans was held in Montreal in 1974. Full stop.' Thank you.

**Chairman of the Technical Committee**

Thank you, Japan. Are there any other changes or comments? Australia.

**Australia**

Yes, thank you, Mr Chairman. My comment actually refers to a statement which is attributed to Iceland which is the third paragraph from the bottom. It's a one sentence paragraph which begins 'Iceland pointed out that UNCLOS requires' etc. It's simply a question of expression, Mr Chairman, but it seems to me that what actually happened was that Iceland expressed the view that UNCLOS requires coastal states rather than pointed out that. Thank you, Mr Chairman.

**Chairman of the Technical Committee**

Thank you for the comment but I should ask Iceland if it feels comfortable with the proposed wording in his statement. Iceland.

**Iceland**

Yes, Mr Chairman, that's a fact not necessarily a view. Thank you.

**Chairman of the Technical Committee**

New Zealand.

**New Zealand**

Thank you, Mr Chairman. I don't really want to get involved in legalities here, but I would suggest to Iceland it would have to be a view because it doesn't conform with the text of Article V of the Law of the Sea Convention which says 'States shall cooperate with a view to the conservation of marine mammals and in the case of cetaceans shall in particular work through the appropriate international organisations for their conservation, management and study. That is the only fact that I'm aware of. Thank you.

**Chairman of the Technical Committee**

Thank you, New Zealand. Well, we will have the chance to go back to the whole report at the plenary level which is just, you know, two seconds ahead, so maybe we should agree on the written form of this report and refrain further comments.

**Iceland**

Mr Chairman, I can be very boring about the Law of the Sea, I assure you. Thank you, Chairman.

**Chairman of the Technical Committee**

OK. Any other comment? Can we go back to the Brazil amendment please? Thank you, Brazil.

**Brazil**

Mr Chairman, in the second paragraph, page 4, I would please ask for your indulgence to delete the whole paragraph and start it again. And here we go - I'll read it normal speed first - 'Brazil pointed out that the US proposal was not a simple issue to address. It reflected a longstanding debate over competence relating to species and their management. Instead of proceeding to annual confrontation it suggested that member countries make an effort to bridge their disagreement. Brazil was sure that if there was political will and the necessary flexibility, a solution could be worked out.' So you see, that would be it. Can I hand that in, or ...?

**Chairman of the Technical Committee**

I think it's not necessary, Brazil. Thank you. Well, that concludes this agenda item, Mr ... Oh, sorry, UK.

**UK**

Mr Chairman, the trouble is if Brazil ends like that, as it's reported in the group at the moment, in the report it says 'This could be done by a group within the IWC'. Her exact wording, at least the words I wrote down, were 'We must sit down and talk about it'. If we don't have something in there it looks odd over the page when we get there at paragraph 5 where it said 'The UK liked the idea from Brazil supported by the USA', so we do need a little thought there.

**Chairman of the Technical Committee**

Thank you, UK. Brazil, any comments?

**Brazil**

Yes, of course. I think this last sentence should stay there and I can't remember ... That's fine. So it would end with 'This could be done by a group within the IWC'. And I thank the UK for reminding me. Thank you.

**Chairman of the Technical Committee**

Thank you. Well, as I said before, Mr Chairman, there was no consensus at the Technical Committee on this issue and there was a general feeling for further discussion at the plenary.

**Chairman**

Thank you, Dr Fleischer. The plenary has now before it the Technical Committee report on Plenary Item 9 - the Commission's competence to set catch limits for Baird's beaked whale in the North Pacific. I invite comments from the floor. USA.

**USA**

Mr Chairman, two quite separate points. One going back to the Iceland statement in the Technical Report which notes that UNCLOS requires coastal states to decide, etc etc. I agree certainly with my colleague from New Zealand that that is not the interpretation of the Law of the Sea Convention that I have, and as I expect he has, and I expect most others have. I note, however, that the Law of the Sea Convention has been written in a sufficiently ambiguous way that many nations are allowed to interpret it in the ways they wish and certainly my Icelandic colleagues have in the past shown somewhat greater imagination than many of us in so interpreting UNCLOS3 as well as UNCLOS1 and 2 going back to 1958 and 1960.

The second point I'd like to make, Mr Chairman, is that that one can see from this discussion of this agenda item which was presented by the United States, there was a wide-ranging discussion of this issue. I'm not certain that we need to reopen this discussion at this plenary session but I would like to note that after that discussion there has been meetings in the hallways and over coffee by several delegations, and it is possible that there will be a Resolution brought forward addressed to this particular agenda item and therefore I would like to request that the agenda item be left open, Sir. Thank you.

**Chairman**

Thank you, USA. Brazil.

**Brazil**

Thank you, Mr Chairman. Mr Chairman, yes, we hope to bring forward a USA/Brazilian idea in a Resolution and we're asking all delegations for their opinions. Mr Chairman, because I was very occupied with this second paragraph I didn't see, as the distinguished USA Commissioner just said, of course I could never have said the USA ..., on page 5 the USA had ... I just like to delete this entire sentence after Mexico where it starts with Brazil. That would have to be completely deleted. It's irrelevant to the discussion completely.

**Chairman**

Thank you, Brazil. I don't think I exactly caught which sentence you meant. In the second paragraph? The second sentence on the second paragraph on page 5?

**Brazil**

Second and third sentences, really, because there is a full stop. It emphasised and so on, so that already is in the first intervention. We won't need those two sentences there. Delete them. Thank you.

**Chairman**

Any further comments? Mexico.

**Mexico**

Thank you, Mr Chairman. We do not want to go into the substance of this issue, therefore we would like that the paragraph included in page number 3 of the report of the Technical Committee should be reflected in the report of this plenary meeting. Thank you.

**Chairman**

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

**Iceland**

Thank you, Mr Chairman. I must say I'm not at all embarrassed by having imagination as expressed by the distinguished Commissioner of United States. But I would say that if we had had more imagination in UNCLOS2, UNCLOS3 would not be necessary. Thank you, Chairman.

**Chairman**

Thank you, Iceland. Any further comments? Can I take it that we have dealt with most of Agenda Item 9, at least for the commentary side? And then we come back to Agenda Item 9 at a later stage as requested by US and Brazil. I propose to adjourn the Technical Committee and plenary until 9 o'clock tomorrow, 9 o'clock tomorrow, thereby giving you plenty of time to read all the papers and work diligently in all those working groups. The plenary is adjourned.

**END OF SECOND PLENARY SESSION**

## THIRD PLENARY SESSION

Thursday 30 May: 9.05am

**Chairman**

Commissioners, ladies and gentlemen, good morning and welcome to this day's hard work. We have a heavy workload in front of us and I ask you to be prepared for a night session. I propose now that we start with Agenda Item 11 Aboriginal Subsistence Whaling. May I ask the Chairman of Technical Committee, Dr Fleischer, to proceed in the same manner as we did yesterday. Dr Fleischer.

**Chairman of the Technical Committee**

11.1 Thank you, Mr Chairman. The Technical Committee Agenda Item 11 starts on page 16 of our report. Are there any comments on the last paragraph of page 16? It's straight from the Scientific Committee report. If not, we can turn the page - page 17?. It's the different information from the Scientific Committee report on the different stocks - catch history. Any comments on this page? It seems none. Then we can go to page 18. All this contains information from the Scientific Committee report. I should point out the recommendation on the middle of the page, just before 'Population simulations'. Any comments? Then we can turn to page 19. It's the management advice for the bowheads. And then the information on the Eastern stock of North Pacific gray whales. There are some recommendations on page 19. Are there any changes to this part of the Technical Committee report or any concerns? No? Then we can review page 20. Again this is information of the Scientific Committee report - West Greenland minke whales, West Greenland fin whales and then it's the start of the Technical Committee discussion at the bottom of page 20. Any comments on the Scientific Committee information? No. Then we can start with the Technical Committee discussion. Brazil.

**Brazil**

Thank you, Mr Chairman. At the end of page 20 you will find a small paragraph with the Brazilian intervention. This intervention, Mr Chairman, is for clarification. I think either it would have to be rewritten to explain exactly what was being sought or simply deleted and I possibly prefer the second - to delete the whole paragraph - because it was a point for clarification and nothing else. Thank you.

**Chairman of the Technical Committee**

Thank you. So you want to delete the Brazilian intervention in this part of the Technical report? OK, thank you. Turning the page - page 21. The first paragraph which is a statement by Japan has been amended. I will ask the Secretary to read the proposed wording. Mr Secretary, please.

**Secretary**

Mr Chairman, the top of page 21 should read as follows: "Japan spoke of the long history of the minke whale fishery. The recent average annual catch is 200 whales. It had cooperated with the USSR in sightings surveys and noted that the population estimate of 25,000 is probably an under-estimate since this value...,

**Japan**

Mr Chairman, thanks to Dr Gambell's amendment, but I think the place should be on page 12 instead of here.

**Chairman of the Technical Committee**

We're on page 21, first paragraph starting with Japan. I was informed that there was some amendment... No? OK, sorry for the confusion.

**Secretary**

My apologies, Mr Chairman.



**Chairman of the Technical Committee**

OK, page 21. Any comments? No? We can move to the report of the Technical Committee or should I stop here, Mr Chairman?

**Chairman**

I think we can stop here. May I ask the plenary if there are any comments on the paragraph 11.1.1? That seems not to be the case. Can we thereby adopt this paragraph and in that process as well adopt the recommendations contained therein? Thank you. Please go ahead, Dr Fleischer.

**Chairman of the Technical Committee**

OK, we can continue reviewing the Technical Committee report on page 21, the report of the Technical Committee on aboriginal subsistence whaling. The contents of page 21 is basically taken from the report of this Sub-committee. Are there any comments on this page? It seems none. Brazil. 11.2

**Brazil**

Are we talking about page 22, Mr Chairman?

**Chairman of the Technical Committee**

Twenty-one. We are just turning to 22 so you have the floor.

**Brazil**

Thank you, Mr Chairman. Mr Chairman, the first paragraph on 22 here - the way it's put down I would possibly have to be sitting behind the Danish flag and I am not yet sitting behind the Danish flag, so I would propose... The way it now stands, Mr Chairman, at the top of page 22 Brazil would have to possibly be sitting behind the Danish flag to have said it that way, so I ask for your indulgence to be able to rewrite this paragraph - the first two sentences. I would propose, please, that it read as follows: "Brazil noted from the Danish opening statement that Greenland's aboriginal whale meat need seemed to have increased from 400 tonnes to 670 tonnes. It wondered if modern methods of preservation might not justify a reduction in the latter figure." And then, of course, the rest is from Denmark. Thank you.

**Chairman of the Technical Committee**

Thank you, Brazil. Denmark.

**Denmark**

Mr Chairman, I think gives us a problem with respect to the drafting of the report, that's what we are doing now, because if we had understood at that time the Brazilian intervention to be what Brazil now is saying it was we would certainly have responded, because the need of 670 is not something which is increased. It is a need which was recognised by this Commission last year.

**Chairman of the Technical Committee**

I will have to rule here that the Brazilian statement, and it's reflected in the report now, is to our best what you said on the discussion of this, and in that respect I will rule that we'll keep your wording as it was taken by the Secretary and in the plenary when we review again this, which is just 30 seconds ahead, you will have the chance to make your point. And then Denmark will have the chance to reply. Brazil.

**Brazil**

Thank you, Mr Chairman. Yes, I do understand that this is a problem, and there is a word that I would like to change if that can help Denmark. I am not comfortable with it myself and it's the word 'increase'. If I could think of something else, but as it's a diplomatic word I would need a few minutes. Would that be all right for Denmark? Thank you.

**Chairman of the Technical Committee**  
Denmark.

**Denmark**

Mr Chairman, we find it quite difficult to respond so quickly to the Brazilian proposal. We hardly had time to note your first proposed text and we are now in the totally new ballgame, and if we have to rewrite the whole thing which went on yesterday, which didn't go on after all, we find it very difficult. So we would suggest that we stick to the text as it is and we come back to the substantial comments a bit later. Thank you.

**Chairman of the Technical Committee**  
Thank you, Denmark. Brazil.

**Brazil**

OK, yes, Mr Chairman.

**Chairman of the Technical Committee**

Thank you, Brazil. Then the text will remain as it is now in the report. We are on page 22. Any other comments? Australia.

**Australia**

- 11.3 Yes, thank you, Mr Chairman. I'd like to make some additions to the text of Item 11.3 Action arising - bowhead whales because I think in one case there is a word missing that I think is important and there's also a small amount of additional text that I'd like to suggest be read in. Let me try and do this clearly. If you read the first sentence it says "Australia outlined its well-known position that it seeks a worldwide ban on whaling but recognised" and then I would like to insert the word "aboriginal subsistence need for some communities". That is what I said, Mr Chairman, and it's a very important distinction. If we then go on to the third sentence which begins "It thought that a periodic assessment of need should be documented and that international observers". I'd like to actually insert a new sentence in there which would read as follows - and I'll start again from the sentence. "It thought that a periodic assessment of need should be documented - full stop." Delete the word "and" and "Australia's support is contingent on the provision of information not just on the level of population but also of need - full stop. Whales taken under aboriginal subsistence provision should be used exclusively for local consumption and it suggested" and then we continue "that international observers might be appointed in future." That's rather a complicated piece of rewording. Has the Secretary grasped it? Has everybody else grasped it? Thank you, Mr Chairman.

**Chairman of the Technical Committee**

Does any delegation wish Australia to repeat this? Then US has asked for the floor, then the Netherlands and then Denmark.

**USA**

- 11.2 Yes, Mr Chairman. Going up to the top of page 22 under 11.2.3, in the fourth line of the USA intervention where it reads "to the attachment of radio transmitters so that" and so forth - add the word after "radio transmitters" "and acoustic pingers" so the struck whales can be located. Thank you, Mr Chairman.

**Chairman of the Technical Committee**  
Thank you, USA. Netherlands.

**Netherlands**

Yes, Mr Chairman. In the second last paragraph headed 'Technical Committee discussion'...

**Chairman of the Technical Committee**

Can you speak out a little bit please?

**Netherlands**

Yes. In the second last paragraph on page 22 under the heading 'Technical Committee discussion', on the fifth line, I would propose to change the word "recognised" to "referred to". So the sentence would read "Netherlands referred to the problems of collecting such information and shared the concerns on the loss rates." Then in the following sentence I propose the following changes: strike out the words "need for accurate data to be used by" and replace those by "necessity of providing", and then add after "Scientific Committee" add the words "with accurate data". So that sentence would then read "It emphasised the necessity of providing the Scientific Committee with accurate data."

**Chairman of the Technical Committee**

Thank you. Any comments? No? Then perhaps I should stop before action arising, Mr Chairman, for your consideration of the plenary.

**Chairman**

Thank you, Dr Fleischer. Are there any comments on the items contained in Item 11.2? That seems not to be the case. Can we then adopt this paragraph with the recommendations contained therein? Thank you. Please go ahead, Dr Fleischer.

**Chairman of the Technical Committee**

Well, action arising starts on page 22. We already amend that so we can turn to page 23. Norway.

11.3

**Norway**

Thank you, Mr Chairman. The first paragraph there, it refers to my statement and there is a little misunderstanding here in the text. The second sentence reads "when the Revised Management Procedure is adopted the Commission can include" and so on. It should read actually "when the Revised Management Procedure is adopted the safety principles contained in that procedure could also be of guidance for aboriginal subsistence whaling". That's what I said and I would like to have that amended accordingly. I'll repeat: "The safety principles contained in that procedure could also be of guidance for aboriginal subsistence whaling". Thank you.

**Chairman of the Technical Committee**

Thank you, Norway. Iceland.

**Iceland**

Yes, thank you, Chairman. That is in fact how I understood the Norwegian proposal on the basis of our seconding of it. I have another suggestion. Perhaps you would like to deal with this first? Thank you, Chairman.

**Chairman of the Technical Committee**

You have another suggestion for your intervention or...? Later on the page. OK, thank you. Anything else in the next paragraph by UK or the USA? USA.

**USA**

Yes, Mr Chairman. I have several small additions or changes to the USA paragraph. The first one is in the first line where it says "The US took the Australian point" and then add there "recognising the subsistence and aboriginal needs of aboriginal communities very seriously", so we're adding the additional phrase "recognising the subsistence and aboriginal needs of aboriginal communities". The second addition or change is that at in the middle of the third sentence, at the end of the sentence that says "had not changed since 1988" add the additional sentence "All whale meat is consumed in local villages". And then further

down in the middle of the paragraph, essentially a grammatical change - the sentence that reads "The needs remain for 41 landed bowhead whales a year *but that* the present strike limit of 44" etc. That is change "and" to "but that". And then the sentence that follows, it may be more clear if you - in the sentence that reads "The struck and lost rate has improved from 50 dash 70 percent" - "from 50 *to* 70 percent" because there has been an increase in the efficiency rate, so I think the term "to" there better expresses what was actually said. And finally in the third from the bottom line, the sentence that starts "The new estimate for the stock is 75,000 bowheads, has a replacement yield" and after "yield" "of 95% lower confidence interval". "Of 95%" has to be added there. Those are my additions and corrections, Mr Chairman.

**Chairman of the Technical Committee**

Any problems with the proposed amendments by the US? No. Thank you. Iceland.

**Iceland**

Thank you Mr Chairman. I am speaking to the fourth paragraph on that page which begins with "Iceland believes....". Mr Chairman, after the meeting which is being reported on in this paragraph, I met the Secretary in an ante room here and he said that he didn't fully understand what I had stated but that he would put down in the Report what it thinks I should have said. Mr Chairman I think I said more than once or twice something else so I think I would rather reflect what I did say. At this point it would require a rather complicated change to this paragraph. Perhaps I should submit it in writing to the Secretary for him to look at.

**Chairman of the Technical Committee**

Can you read it out please.

**Iceland**

Yes, thank you Chairman. Mr Chairman it would begin instead of the first sentence, the first sentence would be replaced by the following. "Iceland stated that it was aware that under the work schedule adopted for the Commission, a revised management procedure could not be adopted next year for aboriginal subsistence whaling but felt that annual catch quotas should be determined taking into account the principles included in the...", and then I continue as is found in the latter part of that sentence "included in the revised management procedure for commercial whaling which will be adopted", and then I think I said "I hope", but I didn't say next year but I said "will be adopted this year and implemented next year", so that would replace the first sentence of that paragraph. But I wouldn't necessarily need the "hope" expressed in this paragraph. So the sentence would read "Iceland stated that it was aware that under the work schedule adopted for the Commission, a revised management procedure could not be adopted next year for aboriginal subsistence whaling but felt that annual catch quotas should be determined taking into account the principles included in the revised management procedure for commercial whaling which will be adopted this year and implemented next year". This is my first proposal for a change and in fact is consistent with the change just made by the Norwegian Commissioner to the first paragraph on that page.

Mr Chairman, I replace the second sentence which is also linked to the misunderstanding about the first sentence to read simply "Higher catches could more likely be justified under an annual quota than under the system proposed" and then the third sentence would remain as it is. So apparently the Chairman thinks that I should have said that or the Secretary thinks I should have said that. So I propose a change to the first two sentences as I have read out. Thank you Chairman.

**Chairman of the Technical Committee**

Thank you Iceland. Any problems with the proposed amendments? No, thank you. We can move onto the next paragraphs on page 23. Netherlands.

#### **Netherlands**

On the second last paragraph beginning with the Netherlands. Mr Chairman I would like to propose the insertion of a sentence, half of the second sentence that ends with the word "present catch levels" because we added something there that we think is rather important and should be reflected in the Report. The sentence is as follows "It noted with appreciation that the Scientific Committee had taken a cautious approach by considering both the lower bound of the replacement yield and the lower bound of the population estimate". In the following sentence that starts with "It noted", I think the word "further" should be added as a consequential change to the first amendment or the insertion so the third sentence in this paragraph should start with "It further noted". Thank you.

#### **Chairman of the Technical Committee**

Are there any reactions to the proposed wording by the Netherlands to amend the Technical Committee in the way he is suggesting now? If there is none then we will approve the proposed wording which is a little bit different than yesterday. Not too much. No reactions, OK, then the Netherlands.

#### **Netherlands**

No, Mr Chairman I don't think that it is any different from what I said. As I said we thought it was rather an important remark that we made and that we should like to have it included but maybe it didn't come across clearly. Do you think I should repeat it?

#### **Chairman of the Technical Committee**

No it is not necessary. No reactions then everyone agrees with your words just fine. The wording will be in the Report. Anything else on page 23. Spain.

#### **Spain**

Thank you Mr Chairman. On the last paragraph I vote to change the word "is unable" by the word "was unable" as what I try to express is that the Scientific Committee couldn't provide advice on the basis of the aboriginal management scheme. Thank you Mr Chairman.

#### **Chairman of the Technical Committee**

Thank you Spain. Anything else on this page? Page 24 please. Seychelles.

#### **Seychelles**

Yes, Mr Chairman on this page 24 we refer to the second line from the top, the sentence that starts with "Aboriginal subsistence whaling has different objectives". We would propose that "has different objectives" is deleted and the sentence which starts "The Commission has defined a different set of objectives for aboriginal subsistence whaling".

#### **Chairman of the Technical Committee**

Thank you. Any comments? Next paragraph on page 24. Brazil.

#### **Brazil**

Thank you Mr Chairman. I would like to include a little bit of text to clarify the Brazilian position here on the second paragraph on page 24. So it would read as it is "Brazil supported the USA proposal for a three year block quota with the New Zealand idea for a yearly review or possible amendment but it had difficulties with" and I would like to ask the Secretariat's help because although I did have Latin at school, "a *de facto* increase in the number of strikes, it could not support a *de facto* increase in the number of strikes, it had difficulties, I am sorry, with a *de facto* increase in the number of strikes". That's all, thank you.

**Chairman of the Technical Committee**

Thank you. Any reactions to this? No, everybody agrees. Next paragraph. Any other paragraph on this page? France and then UK.

**France**

Thank you Mr Chairman. On the paragraph starting with "France stated that....", it should read after some modification at the end, "France stated that the block quota does not prevent a review but questioned the justification of an increase in the number of strikes". Thank you Chairman.

**Chairman of the Technical Committee**

Thank you. UK.

**UK**

Thank you Mr Chairman. In the paragraph beginning "The UK thought that the Commission....". That's halfway down the page. Could I read out how I would like that paragraph to read as it is not quite as I think it was. If I might be able to add at the beginning "In response to Iceland" because otherwise the point looks rather odd stuck where it is but if it could begin "In response to Iceland, the United Kingdom concurred that the Commission could review next year how a revised management procedure for commercial whaling might be applicable to the aboriginal subsistence situation but thought that time would be needed to implement any application to a aboriginal subsistence whaling stock. The UK therefore supported a block quota as a sensible approach providing certainty to the communities involved". Thank you.

**Chairman of the Technical Committee**

Thank you UK. Any reactions to that? No. Anything else on this page? Sorry, Sweden.

**Sweden**

Thank you Mr Chairman. I am referring to the ninth paragraph on this page starting with "Sweden agreed...". I would like to make the following changes. Strike the words "agreed with the" and insert "supported the request for a..." and at the end of the sentence strike out "review" and insert "and also felt that a review provision would be appropriate". So that the meaning would read "Sweden supported the request for a block quota and also felt that a review provision would be appropriate". Thank you.

**Chairman of the Technical Committee**

Thank you Sweden. Any comments? Anything else on page 24? India.

**India**

I want to change, in fact what I said is that India was concerned that setting a block quota may lose the aboriginal subsistence character of the hunt and give it commercial characters.

**Chairman of the Technical Committee**

Can you repeat the last part please.

**India**

I only want to add "and give it commercial characters".

**Chairman of the Technical Committee**

Thank you. Last part of page 24 or anything else. No. Over to page 25 please. Part three of the draft Report. Anything on the paragraph just before Plenary Item 12. USA.

## **USA**

Yes, Mr Chairman, two small points with respect to the second paragraph. Three times forty-seven is one hundred and forty one and not three times forty one so that at the end of the first line it should read "An average of forty-seven per year" and not "an average of forty-one per year". Secondly, in the penultimate line, I think it would read better if the sentence read "this would result in no more than fifty-four strikes to land forty-one whales per year". Thank you Mr Chairman.

## **Chairman of the Technical Committee**

Thank you USA. Any other comment? Australia.

## **Australia**

Thank you Mr Chairman. I am slightly concerned that the last paragraph in the section headed 'North Pacific Eastern Stock of Gray Whales' leaves a question slightly unanswered. The last sentence actually reads "An additional ten whales had been allocated in the past by mutual consideration with the USA", but it doesn't actually say what I thought was said which was that there would in fact be no request for this to happen this year. Now I am not sure whether that can be clarified but I think the record should probably clarify it to that extent. Thank you Mr Chairman.

## **Chairman of the Technical Committee**

So what is the proposed wording Australia?

## **Australia**

Well, thank you Mr Chairman. I wasn't going to be presumptive but since you ask I would suggest that it actually reads "An additional ten whales had been allocated under bilateral arrangements with the USA and at the present time no proposal has been received for any increase in this year".

## **Chairman of the Technical Committee**

Well let's see if there are any comments from the Soviet delegation to this proposed wording because in a way you are amending their own intervention. USSR please.

## **USSR**

Thank you Mr Chairman. Mr Chairman one clarification I would like to make. Maybe the situation will be more clear that if we insert the following additions to this paragraph. First the USSR had presented a comprehensive review of the needs of the people in the Chukotka region for 169 gray whales to adhere 169 in 1987 and then in the next sentence "This has led to recognition that the need of the local populations would be satisfied by a three-year block quota with an annual take no greater than 179 whales". That is exactly the wording from the Report of that year's Commission Meeting. Ten of which were subject for mutual consideration with the USA. Maybe this will help Mr Chairman. Thank you.

## **Chairman of the Technical Committee**

Thank you USSR. Australia.

## **Australia**

Yes, Mr Chairman, I don't want to be a nuisance but I don't think feel that actually clarifies what was I thought quite clearly said by the USSR delegation at the time that they were only asking for 169 whales this year, of this next time, and I think that's the important thing that I would like to see there. I don't know if the delegation can be given a moment or two to think about how they would like to express that. Thank you Mr Chairman.

## **Chairman of the Technical Committee**

I don't want to go into the substance of this issue. What the USSR is doing is amending his own statement, is trying to clarify at the same time your concerns. So I will rule that we will take the last

amended words and in the Plenary when we review this you can raise whatever concerns you have. Thank you. Any other comments? Denmark.

**Denmark**

Thank you, Mr Chairman. There's just a slight correction a little above in the text under the heading 'North Atlantic-West Greenland stock of fin and minke whales'. The quotation here is that Denmark indicated that it would make a proposal in plenary for no change in the fin whale catch limit of 21 per year. That was not what I said. I said "21 in 1992". Thank you. And then I have an additional question to you, Mr Chairman. We have tabled a proposal now - I take it that this is going to be discussed in the plenary. Thank you.

**Chairman of the Technical Committee**

Yes, excuse me. This will be discussed at the plenary. I hope the proposal has been circulated in the pigeonholes so everybody has a chance to see it. Anything else on this part of the report of the Technical Committee? If not, we have amend these and approved, then we can pass these to the plenary for discussion. Mr Chairman.

**Chairman**

Thank you, Dr Fleischer. Are there any comments in the plenary on the paragraph 11.3 in the Technical Committee report? That seems not to be the case. Denmark.

**Denmark**

Excuse me. Thank you. Under 'Action arising' I will refer to the Danish proposal already distributed as a Danish proposal for catch limits for aboriginal subsistence hunts in West Greenland, and the proposal is as follows: 'Fin whales in West Greenland'...

**Chairman**

Sorry, Denmark. What is the number of the proposal? We haven't got it yet.

**Denmark**

IWC/43/32. Thank you, Mr Chairman. I'll then read out the Danish proposal for catch limits for aboriginal subsistence hunts in West Greenland. As to the fin whales our proposal is a catch limit for 1992 of 21. As to the minke whales - West Greenland - we propose the following text: "For each of the years 1992, 1993 and 1994 the number of whales struck shall not exceed 115 and the total number of whales struck shall not exceed 315 in these three years." Thank you, Mr Chairman.

**Chairman**

Thank you, Denmark. Before dealing with this proposal I would like to ask if there are any comments on the Technical Report? I would like us to adopt the report before dealing with the various proposals. Are there any comments on the Technical Committee report? US, have you a comment on the Technical Committee report? No. Can I take it that we adopt the Technical Committee report? Brazil.

**Brazil**

I'm not quite familiar with the proceedings, Mr Chairman, so I don't know, under paragraph 11.2.2 'Technical Committee discussion', last paragraph, how it would figure in the report. I wonder if we would be allowed to make a proposal to Denmark in a minute and come back on that. I understand the Chairman of the Technical Committee proposed that the wording stand as it was until we came under your chairmanship. Now that we are under your chairmanship I wonder if you would allow us...

**Chairman**

May I propose that Brazil and Denmark get together and agree on a text and then forward that to the Secretariat?



**Brazil**

Thank you, Mr Chairman. That's very agreeable. Thank you.

**Chairman**

**USA**

**USA**

Mr Chairman, carrying on from the discussion originated by the Australian delegation concerning the allocation or mutual agreement or whatever one wishes to call it between the US and the USSR with respect to the North Pacific gray whales, I would just like to make it as a matter of record that the United States is not requesting an allocation or use of 10 gray whales, either this year or in future years. It is not our practice to take gray whales, Mr Chairman.

**Chairman**

Thank you, USA. That will be noted. Can I take it that we now adopt the Technical Committee report? Adopted. Thank you.

We have now before us a proposal from Denmark contained in IWC/43/32. Any comments on that? Sweden.

**Sweden**

Thank you, Mr Chairman. My delegation would like to sponsor this proposal. Thank you.

**Chairman**

Thank you. New Zealand.

**New Zealand**

Thank you, Mr Chairman. I would like to direct an enquiry, if I may, to the delegation for Denmark. It proposes that for each of the years 1992, '93 and '94 the number of whales struck shall not exceed 115. The definition in our Schedule of 'strike' - it says "strike means to penetrate with a weapon used for whaling". Now as I understand, some of these whales are struck by rifle fire and technically, I suppose, the weapon is the rifle and the bullet is what strikes the whales, so I would just like to be assured that if a whale is struck by a bullet from a rifle, that is counted as a strike. Could they confirm that please?

**Chairman**

Denmark, have you any comments on that?

**Denmark**

Thank you, Mr Chairman. We are very much aware of this point of view and the expressions from different member states concerning the rifle rounds, and naturally the rifle hunt is included in this proposal and strikes there. Thank you.

**Chairman**

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

**Iceland**

Yes, thank you Mr Chairman. We also would like to support this proposal. Thank you. Chairman.

**Chairman**

Thank you, Iceland. St Vincent.

**St Vincent & The Grenadines**

Mr Chairman, we'd also like to support the Danish proposal. Thank you.

**Chairman**

US.

**USA**

Mr Chairman the United States would also like to support this proposal of Denmark.

**Chairman**

USSR.

**USSR**

Thank you, Mr Chairman. We support the Danish proposal.

**Chairman**

Finland.

**Finland**

Thank you, Mr Chairman. Finland seconds the Danish proposal. Thank you.

**Chairman**

Thank you.

**Germany**

Thank you, Mr Chairman. Germany also supports the Danish proposal.

**Chairman**

St Lucia.

**St Lucia**

Thank you, Mr Chairman. Merely to support the Danish proposal.

**Chairman**

Thank you. Chile.

**Chile**

Thank you, Mr Chairman. The Chilean delegation likes to support the Danish proposal as well.

**Chairman**

UK.

**UK**

Thank you, Mr Chairman. In view of the important point that we're now talking about numbers of strikes of minke, the UK is happy to concur with this. Thank you.

**Chairman**

Any further comments? Japan.

**Japan**

Thank you, Mr Chairman. We support the proposal by Denmark for the quota to meet the need of nutritional and cultural subsistence way of life in Greenland. Thank you.

**Chairman**

The Secretary wants some clarification from the Danish delegation regarding the Schedule.

**Secretary**

Mr Chairman, I'm just trying to see how the Danish proposal can be fitted into the existing format of the Schedule and I understand that, for the fin whale West Greenland stock, this is a proposal to amend the Schedule from the existing figure of 23 to a figure of 21 for 1992 and presumably with the existing footnote to indicate that it is subject for aboriginal subsistence whaling only. But with respect to the minke whale figure, Table 1 is a figure of catch limits, and I don't immediately see how to put the number of strikes into a table of catch limits, and I would ask for advice on the form of the Schedule amendment which is being proposed.

**Chairman**

Denmark.

**Denmark**

Thank you, Mr Chairman. What we intend is the same kind of practice or solution that has been mentioned about aboriginal bowhead whale hunts and I take it that we could agree to a suitable way of doing it with the Secretariat, so as just to make it the similar way as it is done by the Alaskan bowhead aboriginal hunts. Thank you.

**Chairman**

As this is a Schedule amendment, it must have a formal basis and there is some question on how to formulate it, but I think the Danish delegation and Secretariat can get together later and agree on that. I have just Australia on my list of speakers. Australia.

**Australia**

Yes, thank you, Mr Chairman. Simply to associate Australia with the remarks just made by the United Kingdom. Thank you, Mr Chairman.

**Chairman**

Switzerland.

**Switzerland**

Thank you, Mr Chairman. Since this limiting factor here are strikes and especially since they also include the hunting of rifles, we can also concur with this proposal. I have, however, one question. It is not defined concerning the fin whales if this number of 21 means strikes also. I would like to know that.

**Chairman**

Denmark.

**Denmark**

Thank you, Mr Chairman. Here we are talking about an unchanged situation, that is 21 landed - a catch limit of 21. Thank you.

**Chairman**

Thank you. The Danish proposal has been seconded and supported by a series of delegations. Nobody has opposed it, so I take it that we can accept it, or adopt the Danish proposal? Adopted. Thank you. The Secretary points out that the formulation to be agreed on by Denmark and the Secretariat will be presented to the plenary later on. USA.

**USA**

Thank you, Mr Chairman. We also have a request for the bowhead whale quota for the next three years. This request is given in IWC/43/26 where the differences from the previous quota wording to the new are outlined in bold. Since there was an extensive discussion of this proposal in the Technical Committee I will not repeat the arguments at this point unless other delegations wish to request that of the US delegation. I would like to, in terms of questions that have been raised to me, note two points: one of which is the question of what is the total number of unused strikes of up to 10%? The maximum would be 13. Of course, the present whaling season is not yet completed so we do not know at this point - or at least I do not know - how many will be carried forward over this three year period. And the second point is that it is certainly my interpretation that the additional provision that says "This provision shall be reviewed annually by the Commission in light of advice to the Scientific Committee" means that it will indeed, that the Scientific Committee will indeed enable it to have a full review of the quotas and that this would be done to carry out the tasks in accordance with the Schedule. Thank you, Mr Chairman.

**Chairman**

Thank you, US delegation. Any comments? Denmark.

**Denmark**

Thank you, Mr Chairman. Denmark would like to second the US proposal.

**Chairman**

Thank you, Denmark.UK.

**UK**

Thank you, Mr Chairman. We had requested a little bit of time to think about this yesterday and we've thought about it carefully overnight in the light of science and can concur with the US proposal. Thank you.

**Chairman**

Thank you. St Vincent.

**St Vincent & The Grenadines**

Mr Chairman, my delegation still confirms its support of the US position.

**Chairman**

The Republic of Korea.

**Republic of Korea**

My delegation also supports the US proposal.

**Chairman**

Australia.

**Australia**

Yes, thank you, Mr Chairman. As I've noted before, Australia is sympathetic to aboriginal subsistence needs and, indeed, is grateful to the USA for clarifying the continuing existence of need as well as the scientific details that we have had. I have to say, however, we still have a concern over likely increased strikes because of the increased removals from populations that that represents. We note also however, improvements that have been noted by the USA in strike and landed rates and wish to encourage the USA and the Alaska Eskimo Whaling Commission to strive for greater improvements in the efficiency, in the humaneness, of the hunt in future years. (I can't read my own writing - that's the problem.) Australia is

supportive of the annual review proposed, assuming this also applies of course to all aboriginal subsistence programmes. Thank you, Mr Chairman.

**Chairman**

Thank you, Australia. Iceland.

**Iceland**

Thank you, Mr Chairman. Iceland is also pleased to support the United States proposal. Thank you, Mr Chairman.

**Chairman**

Thank you. Sweden.

**Sweden**

Thank you, Mr Chairman. We would also like to support the United States proposal. Thank you.

**Chairman**

Thank you. Japan.

**Japan**

The delegation of Japan also supports the proposal by the USA.

**Chairman**

Thank you. New Zealand.

**New Zealand**

Thank you, Mr Chairman. New Zealand had expressed earlier its view that the United States had made a good case for increased flexibility and this proposal certainly gives that. I would have to say that it has a certain concern about the rather high proportion of total strikes allowed to be carried forward from one block to another. It seems to us that this is rather more than was desirable, and adds to the sort of total ability to take whales, but we are prepared to go along with it on the basis that the provision is to be reviewed annually by the Commission so we can see how it works out and also we took due note of the United States Commissioner's view that, because of the particular conditions existing in the area and the number of villages involved etc, that the full number of strikes provided is in practice unlikely to be fully utilised. Thank you.

**Chairman**

Thank you, New Zealand. Germany.

**Germany**

Thank you, Mr Chairman. Germany also can support the US proposal. Thank you.

**Chairman**

China.

**People's Republic of China**

Mr Chairman, China agrees the USA proposal for the requirement of a quota of bowhead whales for the needs of aboriginal subsistence and the cultural continuation, but we also hope the USA Government actively helps local communities to apply advanced technology and scientific method in the improvement of hunting efficiency to reduce any waste of this treasure for human beings. Thank you, Mr Chairman.

**Chairman**

Thank you, China. India.

**India**

In view of the provision of review annually by the Scientific Committee, India agrees to this proposal.

**Chairman**

Thank you, India. The Netherlands.

**Netherlands**

Thank you, Mr Chairman. We also have some concerns about the proposal, notably the rather high number of strikes that can be carried forward, but taking into account the possibility of regular review and also taking into account the United States' efforts to keep striving for a decrease of the number of struck-and-lost whales, the Netherlands can accept this proposal. Thank you.

**Chairman**

Thank you, the Netherlands. Ireland.

**Ireland**

Thank you, Chairman. Ireland is sympathetic to the needs of aboriginal subsistence whaling but we are concerned at the high number of strikes to be carried forward. Thank you, Chairman.

**Chairman**

Thank you. Oman.

**Oman**

Thank you, Mr Chairman. Oman was so much concerned in the beginning on the 10% increase. However, we are also concerned about the aboriginal needs on the take of these whales. We are also pleased on the annual review of the Scientific Committee as proposed by the United States and we hope some work will be done to improve the struck-and-lost rate. This way we'll be quite happy to go with this proposal. Thank you, Sir.

**Chairman**

Thank you. St Lucia.

**St Lucia**

Thank you, Mr Chairman. Merely to reconfirm St Lucia's support of the US proposal. Thank you.

**Chairman**

Thank you. Switzerland.

**Switzerland**

Thank you, Mr Chairman. Switzerland also has great sympathy for the needs for aboriginal subsistence hunting and we also see that this hunt may have some cultural aspects for the local population. We share, however, the concerns expressed by Australia and New Zealand and the Netherlands but since, as has been expressed already, it seems that not all strikes may be used in this period as has been proven in the past, and also in view that this will be annually revised, we can go along with this proposal.

**Chairman**

Thank you, Switzerland. Brazil.

**Brazil**

Thank you, Mr Chairman. Mr Chairman, as I have said before, we would not like to break any consensus. We are with the consensus, but we are of course very concerned about there being, or possibly being - I still hope there won't be - more strikes than in the apparent figure. Thank you.

**Chairman**

Thank you, Brazil. Finland.

**Finland**

Thank you, Mr Chairman. Finland can support the US proposal, but in addition to that I would like to associate myself with those ideas put forward by New Zealand. Thank you, Mr Chairman.

**Chairman**

Thank you, Finland. Mexico.

**Mexico**

Thank you, Mr Chairman. My delegation also supports the US proposal and we would like to be associated with the views expressed by the delegations of China and India.

**Chairman**

Thank you. Spain.

**Spain**

Thank you, Mr Chairman. So many concerns have been expressed here about increasing the strikes in this aboriginal whaling activity that I'm not quite sure, Mr Chairman, there is a real consensus in accepting this proposal - Resolution. If it was a case of a consensus Spain wouldn't like at all to break this consensus. Spain is very concerned of the subsistence problems of the aboriginal populations. It is very concerned as well about the ethnological conditions of these populations and their cultural needs and nutritive needs, and so if we could reach here a real consensus in a Resolution which could avoid such a big concern and have a Resolution that could satisfy fully everybody, we would be much happier than with a Resolution that not fully pleases everybody. Anyway, if this Resolution can be accepted by the delegation of Spain, we will accept it as well, anyway expressing our own concern about it and expressing that the provision in paragraph B.3 "This provision shall be reviewed annually by the Commission in light of advice of the Scientific Committee", this provision should take full advice of the Scientific Committee according to the Schedule, mainly to paragraph 13(a) of the Schedule. Thank you, Mr Chairman.

**Chairman**

Thank you, Spain. France.

**France**

Thank you, Mr Chairman. We would like to associate ourselves with what the Brazilian delegation said. Thank you, Mr Chairman.

**Chairman**

Thank you, France. Chile.

**Chile**

Yes, the Chilean delegation supports the United States proposal on the understanding that all these concerns, of course, will be reflected in the final report and the United States delegation will take them into account. Thank you.

**Chairman**

Thank you, Chile. The Seychelles.

**Seychelles**

Thank you, Mr Chairman. As we stated before, we are sympathetic to the US proposal. However, noting all the concerns regarding the carryover principle, we would like to make a suggestion that the Scientific Committee should examine the implications of carrying over catch limits or strikes when it is revising aboriginal subsistence whaling procedures. Thank you, Mr Chairman.

**Chairman**

Thank you. Any further comments? The US proposal has been seconded and met with general support. Some concerns have been expressed and they will be recorded and accordingly be taken account of by the US delegation. Can we then adopt the US Resolution? As the Danish proposal, this is a Schedule amendment and needs a three-quarter majority. Can we adopt it? Adopted. Thank you. The Seychelles put forward a proposal regarding the Scientific... Just a moment. Can we deal with the Seychelles proposal regarding the Scientific Committee? Any comments on that? Brazil.

**Brazil**

Brazil supports the Seychelles proposal. Thank you, Mr Chairman.

**Chairman**

Oman.

**Oman**

Oman supports the Seychelles proposal.

**Chairman**

Is there general support for the Seychelles? Yes. Can we then accept it? Thank you. Iceland.

**Iceland**

Yes, Mr Chairman. It seems rather innocuous but I didn't read it as a proposal. It seemed to be phrased in the form of a suggestion. In fact, I haven't seen it in writing so I'm not sure that it's that type of a... I think it's a sentiment that should surely be taken up in that context, but substantially I'm sure I have no problems with it. Thank you, Chairman.

**Chairman**

OK. Your comments will be recorded. USA.

**USA**

Thank you, Mr Chairman. I would like just to say a few words with respect to the proposal on the bowhead whale that was recently approved. I appreciate the concerns of a number of delegations on the issues that were raised. We have listened very carefully to these and I guarantee you, Sir, that we will work very closely with the Scientific Committee to see that the question of full review of the needs of our aboriginal whalers, the effects of the carryover, and all other issues that various Commissioners raised in this debate, will have our full support during these subsequent years. Thank you, Mr Chairman.

**Chairman**

Thank you, USA The Netherlands.



**Netherlands**

Thank you, Mr Chairman. I wish to come back to your conclusion. Before we adopt the United States proposal you said that it had met with general support. I would suggest, just for the report, that that term is not used. It wasn't general support. I suppose you could say it was wide support but there were a number of concerns - I don't think you can say there was general support.

**Chairman**

OK. I think you are right. Thank you, the Netherlands. Any further comments regarding these agenda items? Japan.

**Japan**

Mr Chairman, reading the report of the Technical Committee we note that Australia stated that it would seek the worldwide ban of any type of whaling. However, in this instance, it is noted that Australia makes an exemption for the aboriginal subsistence whaling. It reminds of the occasion when your former Commissioner for Australia, Professor Ovington, took the chairmanship for the first time in, I think, it was 1978 or '79, when he was sitting there as Commissioner he made a very long impressive speech to support the worldwide ban on any whaling. It seems that Australia has changed its position, at least on the aboriginal subsistence whaling case, and I welcome this change. It is the discretion and the sovereign rights of any nation to set a domestic statute of any kind. However, when we look at the domestic statutes in relation to the International Convention we are in the view that the International Convention supersedes the force of the domestic statute. It seems the International Convention for the Regulation of Whaling in which we are sitting here for has three objectives: one is the conservation of whale stocks and another is the rational utilisation of the whale stocks, and lastly but not least importantly the orderly development of the whaling industry. In consideration of these three objectives of this Convention it seems to me, with common sense, that option is given to Australia whether or not it should adhere to these objectives or decide to walk out on the Convention. Thank you, Mr Chairman.

**Chairman**

Australia.

**Australia**

Thank you, Mr Chairman. I am grateful to the Commissioner for Japan for the opportunity to once again restate Australia's position. The Australian Government's position is that it does indeed seek a worldwide ban on commercial whaling. It has also always recognised that there are exceptions to whaling in terms of aboriginal subsistence and I don't believe that that position has changed. The Commissioner may have changed (I'm not sure whether in eloquence, size or girth) but nonetheless the position of Australia itself has not changed. I do not recall myself either this year or last year making any suggestions about walking out from the Commission. I have left that to other delegations whose eloquence far surpasses mine. Australia, while it may have a policy which wishes to see the end to commercial whaling worldwide, has been a member of IWC virtually since the establishment of the Commission and will continue to work as constructively as is possible within the Commission until such time as it takes a decision to remove itself from the Commission. At this time we are not considering walking out from the Commission. We are simply using the Commission as a basis to state our policy and I hope that both Japan and other countries will note that Australia has always tried to maintain a constructive attitude within the discussions of the IWC. It will continue to maintain that position. Thank you, Mr Chairman.

**Chairman**

Thank you, Australia. Japan.

**Japan**

Mr Chairman, I think we have to solicit the assistance by the Secretary of the Commission to look into the history of IWC. We believe, and I remember quite clearly, that Professor Ovington was stating that he would support the worldwide ban of any type of whaling, including aboriginal subsistence whaling, in late 1970s or early 1980s. However, I am very pleased to note that the intervention by the Australian Commissioner at this time reconfirmed my understanding of the change of their position. Thank you.

**Chairman**

Thank you, Japan. Any further comments regarding this agenda item? USSR.

**USSR**

Thank you, Mr Chairman. Mr Chairman, taking into account the clarification which we received here at this meeting, our request for gray whale quota is 169 whales for three years. That is a three-year block quota with annual catch of 169 gray whales. Thank you.

**Chairman**

Thank you, USSR. I think we can deal with that after the coffee break. Is that OK? I now propose to adjourn for a coffee break until 5 minutes past 11, then we can resume the plenary, hopefully, and I would ask the Commissioners in the coffee break to join me in the B Room here. Thank you. The plenary is adjourned.

[Coffee break]

**Chairman**

The plenary is resumed. I now reopen Agenda Item 11.3 and give the floor to USSR.

**USSR**

Thank you, Mr Chairman. Mr Chairman, taking the account the clarifications we received during this meeting our request is for a three-year quota with an annual take of 169 gray whales. Thank you, Mr Chairman.

**Chairman**

Thank you, USSR. You have heard a request for a three-year quota on 169 gray whales. Any comments? Iceland.

**Iceland**

Yes, Mr Chairman. We have studied carefully the proposal made and have been convinced by the arguments presented in the earlier discussion on this to be able to support the proposal. Thank you, Mr Chairman.

**Chairman**

Thank you. Any further comments? Japan.

**Japan**

Mr Chairman, the delegation of Japan considers the severity of the subsistence and local need by the people of Siberia and therefore we support the proposal.

**Chairman**

Norway.

**Norway**

Thank you, Mr Chairman. We are also in the same position after having carefully studied this proposal to be able to support it. Thank you.

**Chairman**

Thank you. Any further comments? People's Republic of China.

**People's Republic of China**

China supports the USSR's proposal.

**Chairman**

Thank you. Denmark.

**Denmark**

Thank you, Mr Chairman. Denmark is prepared to accept this proposal. Thank you.

**Chairman**

Thank you. US.

**USA**

The United States accepts the Soviet Union's proposal.

**Chairman**

Thank you. Australia.

**Australia**

Thank you, Mr Chairman. We have obviously the same reservations that I have expressed for the other two and I would seek clarification as to whether in fact we are going to have an annual review of this proposal within the three years as was, I think, proposed for the others. I would just seek clarification that we are in fact going to have an annual review of all the aboriginal programmes. Thank you, Mr Chairman.

**Chairman**

Thank you, Australia. May I ask USSR if you would like to clarify this? USSR.

**USSR**

Thank you, Mr Chairman. Mr Chairman, if there is a scientific need in such a review we will not be opposed to that. Thank you, Mr Chairman.

**Chairman**

Thank you. Finland has asked for the floor.

**Finland**

Thank you, Chairman. Finland supports the proposal put forward by USSR. Thank you.

**Chairman**

Thank you. No further comments? The proposal from USSR has been seconded and met wide support. Can I take it that we adopt the USSR proposal? Adopted. The Secretary wants to do a comment here.

**Secretary**

Mr Chairman, since this is a Schedule amendment I think the record should show exactly what the implications of this proposal are, that in Schedule Table 1 the number under the gray whale catch limit will be changed to 169 with the continuing Footnote 1, and in the Schedule paragraph 13(b)(ii) the years

89, 90 and 91 will be changed to 92, 93 and 94. So those are the substantive Schedule amendments to which you are agreeing. Thank you.

**Chairman**

Thank you Dr Gambell. I take it that this disposes of the whole Agenda Item 11. UK.

**UK**

Sorry, Mr Chairman, I may be a little lost but I thought that when we introduced a provision to be reviewed annually in relation to the bowhead whale, that that was going to be written into paragraph 13 of the Schedule. So do we need to write that provision in for all three? Thank you.

**Chairman**

In my understanding this was not a Schedule amendment but a common understanding which we recorded here.

**UK**

Sorry, Mr Chairman. Dr Gambell specifically read out particular Schedule amendments and I thought, for completion, I wanted clarification that the provision for reviewing annually applied to all of them. Thank you.

**Chairman**

We have a proposal that the text contained in the US proposal in document IWC/43/26 - in Roman small 3 - which reads "The provision shall be reviewed annually by the Commission in light of the advice of the Scientific Committee" could be included as for the USSR as well. Is that acceptable? That seems to be the case. Australia.

**Australia**

Sorry, Chairman, I just wanted to seek clarification of where assessment of need came into that.

**Secretary**

I think, Mr Chairman, that Australia is referring to the chapeau in paragraph 13(a).

**Chairman**

Australia.

**Australia**

Yes, thank you, Mr Chairman. That's certainly true, but the point I've been trying to make is that I think we shouldn't simply restrict this annual review to scientific consideration but we should also, particularly bearing in mind that we haven't had a detailed statement on need for the USSR proposal for quite some years, that this should also cover need. Thank you, Mr Chairman.

**Chairman**

Thank you, Australia. Spain.

**Spain**

Thank you, Mr Chairman. A point of clarification as well as for what was asked by the United Kingdom delegation - I have assumed that a point is going to be included in the Schedule paragraph 13(b) that this provision shall be reviewed annually by the Commission in light of the advice of the Scientific Committee for the bowhead whale. Is it going to be included in the Schedule?

**Chairman**

Yes. These last interventions will be recorded and thereby taken account of. Can we thereby consider Agenda Item 11 disposed of? Dr Gambell has a comment to make.

**Secretary**

Just to indicate, Mr Chairman, that we have drafted Schedule language to implement the agreement already adopted for the proposal for the West Greenland hunt characteristics and that will come out as document IWC/43/34 and should be distributed very shortly, but that is the formal implementation language of the proposal already agreed in the earlier plenary.

**Chairman**

Thank you. USSR.

**USSR**

Thank you, Mr Chairman. Mr Chairman, the question was raised with regard to the submission of information on the needs of the local populations and therefore we would like to seek some clarification - what sort of information is needed as far as it is not a long period that has passed since the time we submitted such information and there were no substantial changes, neither in the number of population nor in the habits and needs. Thank you, Mr Chairman.

**Chairman**

Thank you, USSR. Any comments on that question? Australia.

**Australia**

Yes, thank you, Mr Chairman. It's fine to accept a generalised statement that there has been little change, but I think what we were seeking is a continued documentation of the need and continued assurance that in fact the products were being directed for the aboriginal subsistence requirement, and not in any sense diverted to other areas. I think that's the sort of information that is helpful for countries like my own which have to make a difficult decision, usually, on supporting aboriginal subsistence requirements. Thank you, Mr Chairman.

**Chairman**

Thank you, Australia. USSR.

**USSR**

Thank you, Mr Chairman. Mr Chairman, as we have reported at the Sub-committee on Aboriginal Subsistence Whaling, there was no substantial changes nor in circumstances nor in the need of the aboriginal people. If there is a request for specific data we believe that this matter might be reviewed by the Sub-committee at the next meeting. Thank you, Mr Chairman.

**Chairman**

Thank you. That seems to be acceptable to the Australian delegation. Can we then turn to Agenda Item 12 Socio-economic Implications and Small-type Whaling? May I ask Dr Fleischer, Chairman of the Technical Committee, to proceed as we did on the earlier agenda items? Dr Fleischer. 12

**Chairman of the Technical Committee**

Thank you, Mr Chairman. The Technical Committee report on Agenda Item 12 starts on page 25. Are there any comments on this last paragraph of page 25? It seems none. Then we can turn the page - page 26. Japan has a comment. 12.1

**Japan**

Mr Chairman, are we on the page 25, the last paragraph? Yes, please. Yes, we like to have a very small amendment to the first sentence to the effect that the Chairman of the Working Group read the report of the Working Group *in full*. If Mr Chairman or the Secretary could assist us in amending the sentence to that effect... And at the end insert the document number so that anybody can refer back to the Working Group paper.

**Chairman of the Technical Committee**

I've just been informed by the Secretary that it's not the normal style for the report to include the numbers.

**Japan**

In that case, if you could just insert "Chairman, Mr E. Lemche (Denmark) presented the report in full of the Working Group". Thank you.

**Chairman of the Technical Committee**

Yes, that's taken care. Thank you. Any other comment, page 25? Page 26 please. This is taken basically from the Sub-committee. Brazil asked for the floor? No, sorry. Then we can go to page 27, the recommendations in the middle of the page, from the Working Group. New Zealand.

**New Zealand**

Thank you, Mr Chairman. I'm referring to the text on page 27 under 'Consideration of the situation of various kinds of small-type whaling'. This text appears to suggest that the only interventions were in favour of this particular proposal but, in fact, in the discussion there was a divergence of views and this only reports one tendency. I think, therefore, it would appropriate after the first paragraph under this heading to state that several delegations stated that they saw the hunt as essentially commercial and that they would not support the establishment of a new category. Thank you.

**Chairman of the Technical Committee**

Let me clarify, New Zealand. You are proposing to change the report of the Working Group by adding this new paragraph? Because this where we are dealing on page 27 with the consideration of the situation of various kinds of small-type whaling is taken from the report of the Working Group. Just clarify, please, New Zealand.

**New Zealand**

Thank you. Not at all. I would simply draw your attention to the fact that the Working Group report gives a number of views. It says that "UK stated its conclusion", "the United States stated that the hunt is essentially commercial in nature, New Zealand expressed the same view". None of those views have been reflected in the report. It is a different sort of commentary that is reflected. We would simply like to see a balance to indicate that there were differences of views on the subject.

**Chairman of the Technical Committee**

Well, I think the proper way would be when you approved that report - before you approved that report - to make your concerns there that those points were not expressed. Now, if you want this to be taken in consideration in the report of the Technical Committee, we can take your point that while reviewing the Technical Committee report New Zealand is noting that some delegations views have been omitted from this report and write what you want. Exactly. Put it in our Technical Committee report. New Zealand please.

**New Zealand**

Well, this would be a new procedure. I've been sitting here the whole morning listening to amendments by various people where they felt the reports didn't reflect the true situation. Here's a case where the

Working Group report indicates there were two different views, two different lines of view expressed. Only one appears in the report. I would like to restore the balance. Why would one make an exception over this particular case?

**Chairman of the Technical Committee**

Yes, that's what I was saying. We will give the chance to balance these but I was surprised that this was not corrected at the proper level. This is not a new procedure. UK

**UK**

Mr Chairman, I feel there must be some misunderstanding here. We're at the moment dealing with a paragraph headed 'Consideration of the situation of various kinds of small-type whaling'. This paragraph and the preceding ones are in fact a precis of the Working Group report and the problem that New Zealand and I have with this is that, in precisising this work, only one opinion expressed in the Working Group report has been put into the summary. So in order to be procedurally correct we need to have in the report of the Working Group the balance of views, and we're not actually changing the procedure - we're not inventing a new procedure - we're just wanting to make sure that the summary report to this Working Group includes the balance of views. Thank you.

**Chairman of the Technical Committee**

Yes, that has been accepted already. Thank you. USA.

**USA**

The USA just wishes to affirm accord with New Zealand and the UK on this position.

**Chairman of the Technical Committee**

We will balance in accordance with the wording proposed by New Zealand, supported by UK and US. Thank you. Any other comment on page 27?

**Japan**

Mr Chairman, are you now on part headed by 'Technical Committee discussion' on page 27?

**Chairman of the Technical Committee**

Yes.

**Japan**

We would like to delete three words at the bottom of the big paragraph, second line from the bottom, right in the middle of the line where it says "on the stock". These should be deleted.

**Chairman of the Technical Committee**

Thank you. Any other comment on page 27? We can turn the page...

**Chairman**

Thank you, Dr Fleischer. Has the plenary any comments on the paragraph 12.1 in the Technical Committee report? Japan, have you asked for the floor?

**Japan**

You are discussing about Agenda Item 12.2?

**Chairman**

We are on Agenda Item 21.1 now. Can I take it that we adopt paragraph 12.1 and thereby adopting the recommendations contained therein? India.

**India**

Thank you, Chairman. India is against any kind of relaxation for coastal whaling except as subsistence for aboriginal communities.

**Chairman**

We are not there yet. Can I take it that we adopt this paragraph? Adopted. Thank you.

- 12.2 Then we turn to Agenda Item 12.2. Has the plenary any comments on this small paragraph in the Technical Committee report? India. You have done your intervention? OK. Any further comments? Japan.

**Japan**

Mr Chairman, this year again Japan presented the case for the small-type coastal whaling for its cultural, dietary significance which are similar to those identified with the aboriginal subsistence whaling, and asked for the establishment of the third new category but it was not accepted and I deeply regret that this is the case again this year. However, Mr Chairman, we still believe that we should continue to discuss this matter further.

**Chairman**

Thank you, Japan. St Vincent.

**St Vincent & The Grenadines**

Thank you, Mr Chairman. During the meeting of the Working Group on Socio-economic Implications and Small-type Whaling my delegation spoke in support of Denmark's view that IWC should reach an agreement on an *ad hoc* solution allowing limited whaling activities to small populations which have a tradition for whaling dating back from before the Second World War. How this might be done was outside the frame of reference of the Working Group but properly might be considered now by the Commission. The Working Group on Small-type Coastal Whaling has been considering the need to establish a special category of whaling for five years. It has reviewed many documents and received numerous presentations. Despite the available information, the Working Group has not been able to reach consensus on the need to establish a special category of whaling, as has been done for aboriginal subsistence whaling. Further deliberation by the Working Group seems unlikely to reach a consensus. The Working Group has agreed, however, that the moratorium on whaling has had a socio-economic impact on small coastal communities where whaling has been a traditional activity for generations. The degree of the impact has been documented for Iceland, northern Norway and the north-west coast of Japan. Communities in these areas can look for no relief under the management procedures being developed by the IWC for many years to come. During that time some communities may disappear. All will suffer severe hardships. The governments of these nations have asked for relief in the form of interim catches until such time as commercial whaling is allowed to resume. So far these requests for humanitarian relief have been denied by the Commission.

The reasons for refusing have been several but chiefly they are of two sorts: that governments sometimes have to take painful measures when resources that people depend on for livelihood become depleted, and that there is no management procedure extant to permit interim catch quotas. These reasons are not valid this year. The need for relief exists but reasons for imposing these hardships do not. The stocks involved now have all been assessed by the Scientific Committee and all appear to be at levels where some catches can be permitted. The Scientific Committee has provided a tentative time schedule for implementation of Revised Management Procedures under which commercial whaling can resume. Under this schedule it will be three to six years before these communities can look for help if having a complete management procedure in place is the criterion. Because of the demonstrated needs of these communities and the long wait before a Revised Management Procedure is in place for these stocks, the Commission should consider the practical aspects for providing interim humanitarian relief as requested by the respective



governments. The degree of such relief could be based on information obtained during the recent assessments of these stocks and would last until the Revised Management Procedure has been implemented. Thank you, Mr Chairman.

**Chairman**

Thank you, St Vincent. Iceland.

**Iceland**

Thank you, Mr Chairman. I think the position of Iceland in this has been well known and I fully associate myself with the views expressed by the Commissioner of St Vincent. Thank you.

**Chairman**

St Lucia.

**St Lucia**

Thank you, Mr Chairman. Mr Chairman, St Lucia supports the request of Japan for an emergency quota under the specific rubric of small-type coastal whaling. We believe that the humanitarian need on which this request is based has been adequately documented by Japan and its voluminous written and its prolific verbal reports before the Technical Committee's Working Group on Small-type Whaling. Further, the North Pacific minke whale from which this modest quota would come would certainly withstand robustness tests since the population has been replaced by about 300 per year since 1930 and the Scientific Committee agrees that a take in the order of 200 per year is now possible. One may extrapolate from the Scientific Committee's report that, even if we adopt a Revised Management Procedure at this meeting of the IWC, it would be at least six years before it could be validated for the North Pacific minke, allowing for an egregious decline in an already bad situation in the Japanese coastal villages in question. The argument that creeping commercialism has infected the Japanese small-type coastal whaling communities and therefore they should continue to be penalised is not a sound one in that it might be a reason for reducing the requested allocation but not for denying it altogether. In any event, the recent establishment of a local management committee to localise distribution is an attempt to redress this problem. In short, Mr Chairman, my delegation believes that a good case based on genuine humanitarian need has been made and therefore the Commission should respond accordingly. Thank you.

**Chairman**

Thank you, St Lucia. I take it that your comments related to the emergency quota request for small-type coastal whaling soon to be presented by Japan. Are there any further comments on this agenda item? Japan.

**Japan**

Mr Chairman, I like to express my sincere appreciation to the very warm comments made by our colleagues from St Vincent & The Grenadines and St Lucia and Iceland. Mr Chairman, this Commission takes up the subject of humane killing as a very important one. At the same time I believe that humaneness on human beings should be considered almost at the same level. In consideration of these I believe that minke whaling by Norway and Iceland should be considered in the same context as the case we are presenting with regard to the small-type coastal whaling off Japan. As we have heard at the Working Group for the Small-type Coastal Whaling and the Socio-economic Implications, it has been four years already since the implementation of the moratorium was imposed on the small-type coastal whaling off Japan. In spite of the fact that time has been lapsed the effect of the moratorium becomes severer year after year. We conducted the sightings survey up to last year and, based on these sightings surveys, the population size of the minke whales in question have been assessed to be more than 20,000 in the area and at the Comprehensive Assessment conducted by the Scientific Committee this year a population estimate based on the analysis which have incorporated all the possible biological cases, the replacement yield at the very conservative level has been attained to be 209 whales. Under these

circumstances the delegation of Japan has considered the importance of the socio-cultural and economic significance on which the local small coastal whaling communities have heavily depended upon, and in the view that the very serious and tragic influence has been inflicted upon these communities we are asking for the emergency relief quota of 50 minke whales under this agenda item.

We have been requesting the Commission the emergency relief quota for the small-type coastal whaling of Japan every year since four years ago. At the meeting last year the Commission told us that it would depend on the result of the Comprehensive Assessment of the stocks in question and also it will depend on the adoption of the Revised Management Procedure. And therefore we waited for another year. This year the Comprehensive Assessment was conducted by the Scientific Committee and the Revised Management Procedure is likely to be adopted within this year. However, it seems that according to the time schedule suggested by the Scientific Committee the Revised Management Procedure will not be ready to be implemented to this stock in question within the foreseeable future. Mr Chairman, the inability of the Commission to resolve this question which has been over and over presented to the Commission and continuation of the present condition and situation indefinitely would preclude the maintenance of our trust in the ability of the Commission, and it is a very critical matter.

Mr Chairman, the colleague from Denmark at the Working Group saw the need of such whaling activities as has been presented in the case of small-type coastal whaling and also at the opening statement given by Denmark to this meeting says that those whaling activities which have been going on since the time before the World War Two should have some allowance and consideration for the new category, and we fully support this way of thinking. Mr Chairman, the details of our request for the emergency relief quota for the small-type coastal whaling is described in document IWC/43/25. I hope the serious consideration of the members of the Commission on this matter. Thank you.

**Chairman**

Thank you, Japan. We have before us a request from Japan contained in document IWC/43/25. I open the floor. People's Republic of China.

**People's Republic of China**

Thank you, Mr Chairman. We appreciated the effort put by Japanese Government in implementation of the decision of IWC moratorium. We also recognise the difficulties for Japanese local community in their production activity, living and their socio-economic and culture. We express deep sympathy. However, I hope the Scientific Committee can finish further Comprehensive Assessment on North Pacific minke stocks and the Japan Sea-Yellow Sea-East China Sea stock in the near future, and provide the specific management advice. And I also hope acceptable new Revised Management Procedure through the negotiation can be in place soon with the principle of conservation and the rational utilisation. Thank you, Mr Chairman.

**Chairman**

Thank you, People's Republic of China. Any further comments? USA.

**USA**

Mr Chairman, I understand that we are voting, or being asked to consider, emergency relief for Japan pending establishment of a new type of whaling not now on the Schedule. Since it's our view that small-type coastal whaling is in reality a type of commercial whaling we do not believe that this proposal should be addressed as a quota amendment to the Schedule without changing the provisions consistent with the provisions that are in paragraph 10(e). Consistent with past practice we have no objection to considering this as a request for interim relief, but it is our understanding that no category currently exists formally for small-type coastal whaling.

**Chairman**

Thank you, USA. India.

**India**

Thank you, Chairman. I agree with this US view and I would also like to comment on one new concept which has been introduced. It is a comment on humaneness to human beings. That is why ?????? doesn't belong to the Whaling Commission because that is not the Whaling Commission's subject. That belongs to the Human Rights Commission so I don't know whether that concept can be introduced in the Whaling Commission at all. Thank you.

**Chairman**

Thank you, India. New Zealand.

**New Zealand**

Thank you, Mr Chairman. We always find difficulty in dealing with this situation because we do have some sympathy for the case made by the Japanese Commissioner so eloquently on behalf of the people of this region and he does establish that there are dietary and, to some extent, economic needs involved. The problem is, from our viewpoint, that it isn't established that there is the same sort of subsistence need that applies in the case of the aboriginal requirements and that is why we really can't approach it under the aboriginal subsistence category. And therefore it really does have to be considered as a commercial operation because it does have a largely commercial basis to it. And the position is that there is still in place a moratorium on commercial whaling and we therefore believe that this proposal really can only be considered in the light of a Revised Management Procedure governing commercial whaling. Thank you.

**Chairman**

Thank you, New Zealand. The Netherlands.

**Netherlands**

Thank you, Mr Chairman. The Netherlands wishes to state that we understand that the present situation is causing problems in certain communities in Japan. We appreciate that. We also appreciate the documentation that Japan has provided on this problem and we also should like to say that we would like to commend Japan for its efforts to localise the consumption of whale meat resulting the small-type operations. However, I think that this particular effort doesn't really solve our problem because, as has been said by others, we are still talking about an operation that is essentially commercial in nature and therefore I think that is inescapable that before the Commission could approve of such a quota we would have to decide to make an exemption to the commercial moratorium for this kind of operations. Thank you.

**Chairman**

Thank you. Japan.

**Japan**

Mr Chairman, I would like to respond to the comments or questions, I don't which - the interventions made by our US Commissioner and Commissioner for New Zealand. We are not discussing here which category this emergency relief quota request should come under. We are seeking the advice from the floor which existing framework could incorporate such emergency case for the relief quota, so I would appreciate if you could perhaps lead the discussion towards that end.

**Chairman**

Thank you, Japan. Federal Republic of Germany.

#### **Germany**

Thank you, Mr Chairman. I do understand the difficulties for the small-type coastal whalers in Japan. On the other hand our assessment is that this is still a kind of economic whaling, though certain aspects of social and even cultural aspects are involved. The problem of giving interim relief quota requested by Japan is also connected with the general question of the moratorium and there's a third aspect that is the uncertainty about the stock which still exists, though some better assessments are on the table at the time being. For these reasons we cannot support the Japanese request. Thank you, Mr Chairman.

#### **Chairman**

Thank you, Germany. I give the floor to Norway.

#### **Norway**

Thank you, Mr Chairman. I'm pleased to announce that my delegation will support the emergency quota request for small-type coastal whaling submitted by Japan. Because we first of all find this request very very reasonable and we are basing ourselves in our consideration of this request on what again the Scientific Committee has stated, that 209 whales out of this estimated population could be taken without harm. Now in this case Japan has shown restraint and extreme modesty, I would say, in asking that we approve their request for a quota of only 50. And I have really difficulty in understanding why, if this is a body of management for whaling, it should be so hard to accept a request of this kind which is really about how to make the population of local communities in a particular area make their living. I mean, by refusing a request like this we are refusing the people of these communities their livelihood. I feel so strange hearing intervention after intervention here by people who obviously are more concerned about whaling rights than human rights. Thank you.

#### **Chairman**

Iceland.

#### **Iceland**

Yes, thank you, Chairman. Mr Chairman, yesterday the Commissioner of the United States was, I think, praising Iceland for its imagination in various other fora dealing with Law of the Sea matters. So I think perhaps we could consider ourselves as experts on imagination and I'm therefore able to assess that this organisation is clearly one which has a near total lack of imagination. We come here every year and go through the Agenda Item 10.1.2, 10.2.3 and so forth, action arising, move back and forth to Commissioner meetings, look through these proposals after having spent what most people consider quite a boring week of Working Groups. Mr Chairman, this organisation is completely stultified. The reason for that is perhaps, well, twofold. First of all - I've identified it in the Technical Committee - what I see the automatic majority which can be developed around any particular proposal. That's fair enough - there is easy entry to this organisation and there should be no difficulty in establishing a majority around any position which is shared in the world community. The problem, Mr Chairman, for this organisation is not that, but rather that there's no debate which takes place between that majority and the others who might have legitimate interests and, in fact, legitimate interests which many in the majority would be pleased to take account of. The reason for that is that this discussion takes place in antechambers and the discussion here is choreographed in those antechambers. One after another this person is to take this step, another person is to take that step, and there is as a result no debate at all within the plenary. The second reason I think, Mr Chairman, is the motives which have been identified within the schedules that we operate under and I wonder what national government would accept the constraints which are established by those provisions when a clear need can be demonstrated, when everybody knows that there will be no danger to the various stocks concerned and nonetheless one is completely constrained by certain words which cannot be changed easily and particularly because of the situation I mentioned before.

Mr Chairman, in this organisation we can probably identify three periods. The first period, admittedly, a period when whaling was not sufficiently regulated. The second period was a period of concern amongst a number of members of this organisation to try to establish some kind of control over that unrestricted whaling. And the third was the period which began in 1982 with implementation from 1986 in which it can be said that the efforts have been quite successful to deal with the problems of the first period. Mr Chairman, problems which will not return. But nonetheless we seem to be acting at this third period as if the first period were still going on. Mr Chairman, I think we should develop plans for a fourth period - a fourth period when we can cooperate in a decent manner to take account of the interests such as we have had identified before and, Mr Chairman, I hope we can do better than the Human Rights Commission does in the protection of human rights. Thank you, Chairman.

**Chairman**

Thank you. USA You have the floor, USA.

**USA**

Mr Chairman, I just want to reiterate the position of the United States that agreeing to Japan's request for guidance about where an interim relief quota can be considered requires an amendment to the Schedule, that there in effect is no category that exists right now for other than aboriginal or commercial take. It is our view that this falls into the category of commercial taking and it is not likely that the US could agree to such a request under commercial taking until, or even considered, until a Revised Management Procedure is in place. The principal issue is that at present there is not a category established wherein this request can be considered.

**Chairman**

Thank you, USA. St Vincent.

**St Vincent & The Grenadines**

Thank you, Mr Chairman. Mr Chairman, I can't resist a comment on the last intervention by the Commissioner from India because I always thought that we in this Commission were specifically dealing with the human rights of human beings to manage the resource of whales and whale stocks. But I think he has perhaps hit on one of the main problems underlying a lot of the lack of progress that is often made in this Commission, and I just wonder that until we really deal with this fundamental matter how much progress we will ever make. Thank you, Mr Chairman.

**Chairman**

Thank you. United Kingdom.

**UK**

Thank you, Mr Chairman. I would like to support the proposal the United States made in relation to how we might treat this request for an emergency quota. Quite clearly we need to establish an exception to the Schedule and we would therefore need to have an extra paragraph, and we would need to vote upon that before we decided on any quantities. But I think I must state that I personally find the Working Groups of the Commission extremely interesting. This is my fourth year in the Commission and I've attended almost all the Working Groups. I've attended as many as one can fit in when there are two on the same day. I have paid a great deal of attention to the work in the Working Group on Small-type Coastal Whaling and this year called Socio-economic Implications of the Zero Catch. I think we have explored the position of the four villages in Japan very thoroughly. I think we have a very good understanding and I think the Japanese Government have produced a very great deal of information. The problem is we haven't actually come up with an answer that small-type coastal whaling is a kind of whaling that isn't commercial and doesn't require special treatment. So I'm sorry to be so negative but at the moment my Government is still of the view that despite all our efforts to explore the issue we still consider the small-type coastal whaling as being of a commercial nature, and that therefore the moratorium is still operative. Thank you.

**Chairman**

Thank you. India.

**India**

Thank you, Chairman. My friend of St Lucia has taken me in a different light. I only gave response to the new concept which some people are, you know, putting it, because I have a feeling that, you know, the Whaling Commission has got a different parameter than the Human Rights Commission. So Whaling Commission is working within one parameter and if you are bringing another parameter into it then perhaps we have to go to the Human Rights Commission also for their recommendation.

**Chairman**

Thank you. Japan.

**Japan**

Mr Chairman, I thank very much to the interventions by the UK Commissioner as well as the United States Commissioner giving a very full explanation of the difficulties they are facing as regards the categorisation of this type of whaling, and also they suggested that until such time as the Revised Management Procedure is ready to be implemented we have to wait. Our question now is that how long are we supposed to wait? Aren't we forgetting the fact that human beings must live every day, breathing every minute, every second? We have to wait longer and longer by the Commission's avoidance to face this problem. I would like to ask you Commissioners that we have to take this situation as if these are the situations we are now placed under. The situations in which these local communities' people have been placed is very severe and we have to recognise the severity of their situation. While the stock level is agreeably high, why do we have to wait any longer?

I like to respond to the intervention by the Indian Commissioner. Perhaps we have to remind him that the quota given to aboriginal subsistence whaling based on the humanity, not only whales' stock level which have been classified to be protected. It was a humanity question rather than a whaling question. Thank you.

**Chairman**

Thank you, Japan. Any further comments? India.

**India**

Thank you, Chairman. I think the Commissioner of Japan is misunderstanding me. What I meant to say is that the Whaling Commission has set up some parameters so this Whaling Commission has always accepted our original thing, but if we have now to bring in a new category, that will be completely new procedural aspect, and to that extent I support the US and the UK position.

**Chairman**

United States.

**USA**

Yes, Mr Chairman. Like the Commissioner from the UK I too attended the Working Committee and was impressed with the presentations from Japan that showed the largely local consumption of products now derived largely from scientific whaling, and because of the current supply, coming into ceremonial use and maintaining some of the cultural integrity of those communities. We just ask Japan to please be sympathetic with our concerns about the form and the fact that there is no real category that we can currently see in which to put this kind of whaling - that the two categories that do exist, neither are quite comfortable, I suppose, but from our standpoint it falls into commercial whaling as it is currently defined. And there is a procedure in effect to try to address this concern, and people are earnestly working to try to

implement the new management procedures, and we do again invite our colleagues from Japan to please be sympathetic with our concerns as we are trying as well to be sympathetic with yours. Thank you.

**Chairman**

Thank you, US. Iceland.

**Iceland**

Mr Chairman, could I make an appeal to the Commissioners of the United States and United Kingdom to try to remedy this lack of a more convenient category for this type of whaling? It appears that the position of these two countries, that is not taking up quotas, are related to the commercial catch pending the adoption of revised management procedures. But we have until 6 o'clock tomorrow afternoon. It shouldn't be - if the will is there and the imagination, as I said before - we could perhaps establish a third category and not have these hurdles that were mentioned by these two Commissioners. Thank you, Chairman.

**Chairman**

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

**Japan**

Mr Chairman, in response to the intervention by the Indian Commissioner, I have to perhaps ask him to note all the past records of the Commission since 1986 throughout which the Commission has been seriously considering the case presented by Japan. You are here for the first time, and perhaps you are not knowledgeable about the past history. However, the Commission itself has been taking a very serious stance about this case that we have been presenting. Thank you.

**Chairman**

Thank you, Japan. There seems to be no further comment. May I ask Japan if they have any idea on how to proceed with this issue? You have heard the comments from the floor.

**Japan**

Mr Chairman, the natural course we should take would be voting as we have done that in the past years. Thank you.

**Chairman**

Thank you, Japan. We have before us an emergency quota request for small-type coastal whaling put forward by Japan. Denmark.

**Denmark**

To be very brief. If you intend to proceed to a vote, Denmark has an explanation of vote we would like to give. I don't know when it will be appropriate. Thank you.

**Chairman**

After we have conducted the vote. We have heard various comments from the floor, the request has been seconded and supported, and we have heard various views against it. I see no other opportunity to proceed than to put forward the request to vote. Mr Secretary, will you conduct the vote? Dr Gambell.

**Secretary**

Mr Chairman, the proposal before this plenary session is of the character of an amendment to the Schedule. It is contained in document IWC/43/25 and is for an emergency quota of 50 minke whales per year from the Okhotsk Sea-West Pacific stock for... I think after "West Pacific stock" we should say "until the Revised Management Procedure is applied to this stock". The proposal therefore is for an emergency quota of 50 minke whales per year from the Okhotsk Sea-West Pacific stock until the Revised

Management Procedure is applied to this stock. The normal procedure in this Commission is to call the roll and to ask governments to vote 'yes' or 'no' or 'abstain' and if there are subsequent votes after the first one, on any matter, the starting point on the roll moves down one position, so there is a new starting position for every vote in order that countries have an equal share of starting. So, I repeat, the proposal is for this emergency quota of 50 minke whales per year from the Okhotsk Sea-West Pacific stock until the Revised Management Procedure is applied to that stock, and to be adopted as an amendment to the Schedule there requires to be a three-quarters majority of those voting.

The roll starts at Australia - no; Brazil - no; Chile - abstain; People's Republic of China - abstain; Denmark - abstain; Finland - no; France - no; Germany - no; Iceland - yes; India - no; 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 - abstain; Spain - abstain; Sweden - no; Switzerland - no; USSR - yes; UK - no; USA. no. Mr Chairman, there were 6 votes in favour, 14 votes against with 9 abstentions, so that proposal is not adopted.

**Chairman**

Thank you, Dr Gambell. Denmark.

**Denmark**

Thank you, Mr Chairman. As you will know, Denmark has a lot of understanding for local areas which have had a long tradition for limited small-type whaling, and we would have welcomed if it had been possible to reach a broad agreement on an *ad hoc* solution on this problem, not forgetting the fact that Denmark not at present accepts a general resumption of commercial catches. It is a fact, we realise, that such a general agreement on some kind of *ad hoc* solution for small-type whaling was not possible and that was the reason why we accordingly abstained on this proposal. Thank you, Mr Chairman.

**Chairman**

Thank you, Denmark. Any further comments? That seems not to be the case. I take it that that disposes of the Agenda Item 12? Japan.

**Japan**

Mr Chairman, I like to comment after the voting finished. Since 1986 the Government of Japan has exerted its utmost effort to consider the plight inflicted upon the people of the local communities of the small-type coastal whaling. We have endeavoured to document as much as possible all the researches done by the international group of researchers and endeavoured to question every possible question as much as we could. In spite of these endeavours that we have made and the severity of the plight of these people, I deeply regret that the Commission cannot respond to our request over time. Last year we were asked to wait for another year because the Comprehensive Assessment will be undertaken on the stocks in question by Scientific Committee and therefore we waited for one year, and at the Scientific Committee when Comprehensive Assessment was conducted on this stock some scientists held the view that the stock condition is good enough that the zero catch limit was not necessary. I think the result obtained by the voting is a very serious matter. It should be reviewed that each country that has voted 'no' to this question should seriously consider when they go back home to their governments to review their positions, because the position of the IWC as a whole has been manifested by this result as a effective international body to answer the questions by the signatories in the Convention. Thank you, Mr Chairman.

**Chairman**

Thank you, Japan. Your comments will be recorded. I take that this disposes of Agenda Item 12? I now the adjourn the plenary until 3 o'clock and I would ask the so-called Walloe Group to meet in the B Room at a quarter to two. The plenary is adjourned.



# 43RD ANNUAL MEETING VERBATIM RECORD,

## PART II

[Lunch break]

### Chairman

The plenary is resumed. Commissioners, ladies and gentlemen, we will now address ourselves to Agenda Item 13, but before doing so I would like to kindly ask all delegates to refrain from making interventions that in one way or other could be interpreted as a kind of personal attack. Thank you. Dr Fleischer, will you kindly go on with 13? 13

### Chairman of the Technical Committee

Thank you, Mr Chairman. The Technical Committee report on Agenda Item 13 is on page 28 of the draft report that we have to approve, so I open the floor now for comments on this part of the Technical report. Page 28, the first half. Any comments? Japan. 13.1

### Japan

Mr Chairman, IWC/IDCR sightings surveys on the minke whale stocks in the Antarctic was inaugurated in season 1978/79 by the planning carefully made by the members of the Scientific Committee of IWC and incorporating each year more advanced techniques of the methodology for sighting and estimation of abundance, it has been continuing ever since each year. The Government of Japan has contributed all the vessels and the manpower and other logistics every year and all these costs have been borne by the Government of Japan as a contribution to IWC. This policy will not change and I hope that this will continue. The data thus obtained by these expeditions under IWC/IDCR programme in Antarctic become the possession of the IWC, becomes the asset of the IWC. The analysis on those data are made by the members of the Scientific Committee and in the recent years not only the minke whales but other whale stocks have been estimated, based on the data collected under this programme. High quality of the data and high precision of those estimates have been highly evaluated throughout the scientific community in the world. IWC as an international organisation is responsible to investigate what's been happening in the whale stocks in the Antarctic and this programme is the only means through which these responsibilities have been addressed by the IWC. Therefore, Mr Chairman, I strongly support the proposal by the Scientific Committee to have the IDCR programme to be undertaken in season 1991/92 in the Area V of the Antarctic. The Government of Japan is prepared to offer two vessels plus Y200 million in terms of contribution to the programme. In addition, Mr Chairman, I like to thank very much to the members of the crew and the scientists who have worked so hard on these sighting expeditions. The work involved seems to be simple but it is no way so simple as it's been described in the papers. It involves a great deal of effort and energy and intelligence to pursue this programme, so I like to thank through the Chairman all these members of the crew who have been involved and the scientists who have given effort to collect the data and analyse the abundance.

### Chairman of the Technical Committee

Thank you, Japan. We will note your comments as you stated, but we are in the process of just adopting the report of the Technical Committee, but your comments will be carried on to the plenary and the proposal and the kind offer of your Government for providing funds and vessels for this research. Any other comments? No? Then we can adopt this part of the Technical Committee report and pass to the plenary. Mr Chairman.

### Chairman

Thank you, Dr Fleischer. Has the plenary any comments on paragraph 13.1 in the Technical Committee report? Japan.

**Japan**

Mr Chairman, the comment just made by myself earlier should be under the plenary agenda, so if you would be kind enough to just alter the position of the comment in the report to the plenary. Thank you.

**Chairman**

Thank you, Japan, that will be arranged. Any further comments? That seems not to be the case. Brazil.

**Brazil**

Thank you, Mr Chairman. I don't know if I'm at the right moment - I was just wanting to address the recommendation we're asked to make of the three unsolicited research proposals. Brazil does approve this recommendation but I do remember, having read an extract of the three unsolicited research proposals which was kindly given to me by the Chairman of the Scientific Committee, and I did note that one was off Mozambique, a non-member country, so I just wanted to be quite sure that the Commission does approach this government officially to let them know that the IWC is sponsoring a research proposal off their coast. Thank you.

**Secretary**

Mr Chairman, I think it is probably worth saying that the full proposal does include the proper authorisations from the governments in all the waters that are to be investigated.

**Chairman**

Thank you, Dr Gambell. Are there any further comments? Can I then take it that we adopt the paragraph 13.1 in the Technical Committee report, thereby accepting the recommendations contained therein?

13.2 Adopted. That covers Agenda Item 13.1. Are there any actions arising? That seems not to be the case, so that disposes of Agenda Item 13.

14 Then we move to Agenda Item 14 Adoption of the Report of the Scientific Committee. Dr Fleischer.

**Chairman of the Technical Committee**

14.1 Thank you, Mr Chairman. Again we can just review the draft report of this agenda item. Are there any comments on the second half of page 28? It seems none. Then we can turn to page 29. Any comments on direct fisheries? This is basically taken from the Scientific Committee report. We can move down to incidental catches. Page 30 please. Any comments on the wording of the Technical Committee report on page 30? If none, please let's turn to page 31. Any comments? No, then we can turn to page 32 where we have the Technical Committee discussions, and I give the floor to Spain.

**Spain**

Thank you, Mr Chairman. I have a comment for the second paragraph of page 32 and I'd like to amend the second sentence that starts with "Many of the Scientific Committee recommendations imply..." and change it into "The Scientific Committee recommendations on small cetaceans imply..." I will give you immediately the complete text. And we have other amendment to this paragraph which says, in the line before the last one, instead of "It repeated..." because I can't remember any other reference in the Technical Committee report to this statement, so it's not repeated but just stated or informed that "Its government have prohibited the use of driftnets and strictly enforce this regulation." Well, I will have the complete paragraph, Mr Chairman, for the Secretary to be able to write it down, and it will remain this paragraph like this: "Spain, while not opposed to collecting such information, was concerned over the competence of the International Whaling Commission in this regard. The Scientific Committee recommendations on small cetaceans imply a deviation from its tasks related to large cetaceans. It informed that its government had prohibited the use of driftnets and strictly enforced the regulation banning these engines, having burnt a number of them." If the Secretary has been able to take note... Thank you, Mr Chairman.

**Chairman of the Technical Committee**

Thank you, Spain. Any other comment? UK.

**UK**

Thank you, Mr Chairman. The fifth paragraph on page 32 beginning "The UK also considered..." - the last sentence doesn't fully reflect what I said, and I would prefer it to read the following: "As there appeared to be a misconception about driftnets used in the EEC, the UK stated that no nets of the size condemned in the Pacific Ocean were used by EC boats and that draft regulations were currently being prepared by the EEC for driftnet fisheries and were more restrictive than those in some other parts of the world." Thank you.

**Chairman of the Technical Committee**

Thank you. Any other comment on page 32? It seems none. Brazil.

**Brazil**

Thank you, Mr Chairman. Mr Chairman, on page 32, ninth paragraph, where it says "Brazil noted the list..." Mr Chairman, I think this paragraph is irrelevant. It was one of these interventions and I would like it deleted. Thank you.

**Chairman of the Technical Committee**

Thank you. Anything else on this page? Then we'll stop here as requested by the Chairman and then we'll turn this into the plenary.

**Chairman**

Has the plenary any comments to make on paragraph 14.1 in the Technical Committee report? Mexico.

**Mexico**

Thank you, Mr Chairman. As you can note in page 32 of the report of the Technical Committee, we offered to share some information about the efforts made by Mexico in relation to the conservation of marine mammals. Therefore I will read that information and this will be distributed tomorrow.

Mexico's policy on fisheries is based on the responsible management of its marine resources, thereby ensuring that the economic exclusive zone, established in 1976 according to the international Law of the Sea, has been utilised efficiently. This policy has enabled our country to obtain volumes of fisheries products such that it is among the leading twenty fishing countries in the world.

Mexico protects marine mammals. Mexico neither catches marine mammal species commercially, nor utilises large drift nets. The protection of marine mammals in Mexico began in the 1930s, when regulations for the conservation of seals and sea lions were adopted. More specifically, measures for the protection of dolphins date from 1977, when, by circular No. 20, the Ministry for Fisheries prohibited the taking of marine mammals *per se*, and also established the obligation for dolphins caught incidentally during tuna fishing operations to be released. This law was supplemented by subsequent decisions, the most recent of which, adopted in June 1990, established among other provisions a ban on sundown sets and the use of explosives. The Mexican tuna fleet is making use of the most advanced technology available (three speedboats with radio-communication equipment and towing lines to facilitate the release of dolphins, platform and equipment for underwater observation) and is following the practical methods developed to facilitate the release of dolphins. The skippers and crews have been trained in the use of this technology and in performing the release manoeuvres. This training has been supported by experts from the Inter-American Tropical Tuna Commission (IATTC).

In addition, autonomous measures by the Mexican tuna fleet have been taken. Thus, on 1 August 1989 coordination office for the tuna-dolphin programme was established. The office is responsible for

analysing issues relating to incidental mortality in order to recommend remedial action. A number of activities have been carried out in this context: seminars were held which provided training for 129 crew members of 40 tuna boats; during the last three years, test sets have been conducted for 100% of the tuna fleet; and a dolphin rescue boat has been designed and is currently being tested. As a result of these efforts, between 1986-1990 the incidental mortality per set attributed to the Mexican tuna fleet has been reduced by around 70%.

Mexico has decided to strengthen these achievements. Therefore, in 1991, the Government, the cooperatives and the private tuna boat owners jointly decided to launch the "National programme for the management of tuna and the conservation of dolphins". This has established among other goals: to attain an 80% decrease in the incidental mortality of dolphins between 1989 and 1995 - during the first two years of this period, mortality must be reduced by 50%; to increase to 75% the coverage of observers on board the vessels of the Mexican tuna fleet in 1991 and to increase this to 100% in 1992; to inspect, on a regular basis, the availability and functioning of equipment used for the release of dolphins; and to assess the performance of the skippers.

With respect to the vaquita, the Government of Mexico deems it necessary to have complete information and scientific evidence in order to adopt and implement the appropriate conservation measures. Several activities have been planned in order to obtain such information: research projects to evaluate the vaquita population have been included in bilateral cooperation programmes between Mexico and the United States; scientists from Governmental and educational institutions in Mexico will carry out research activities with the objective of evaluating both the population size of this species, and the size of the bycatch in commercial fisheries; a permanent ban on totoaba fisheries has been in effect since 1989; enforcement activities and surveillance by the Mexican navy has been carried out in the northern area of the Gulf of California; and the presence of the navy personnel in that area has recently become permanent.

Mexico is in favour of the international cooperation for the protection of marine mammals. Mexico has been a leading country in establishing whale sanctuaries and refuge areas, specifically for gray whales. Since 1949, it has been an active member of the International Whaling Commission. For more than two decades, Mexico has been promoting bilateral, regional and international schemes for the conservation of dolphins. In particular in 1975, Mexico tabled a proposal to the IATTC, of which our country was then a member (today it is an observer), to begin long term studies of the association between tuna and dolphins. Mexico is also one of the countries fishing tuna in the eastern Pacific which participates in the IATTC observer programme. During 1990, 38.3% of the fishing trips of the Mexican tuna boats had observers on board.

Mexico endorsed the resolutions adopted by Latin American countries in San Jose, Costa Rica, in March 1989 and in Quito, Ecuador in June of the same year. In both resolutions, the Latin American countries expressed their political will to engage into negotiations towards the adoption of an international programme for the conservation of dolphins in the eastern Pacific. In July 1989, Mexico subscribed to the Convention creating the Eastern Pacific Tuna Organisation, whose objectives include the reduction of the incidental mortality of dolphins during tuna fishing activities.

On the initiative of Mexico, within the framework of the Latin American fisheries organisation (*Oldepesca*), the 'international programme to reduce the incidental taking and killing of marine species in commercial fisheries operations' was adopted at the VII conference of ministries of *Oldepesca* (Lima, Peru, November 1990). This programme comprises two subprogrammes, one related to tuna-dolphins and other related to shrimp and marine turtles.

At the recent meeting of the FAO Committee on Fisheries, held in April in Rome, Mexico proposed - and it was accepted - that this organisation should promote the adoption of a code for responsible fishing. At

the same meeting it was decided, again based on a proposal by Mexico, that FAO convene an international meeting on incidental captures, in which this issue will be reviewed scientifically, and from which international cooperation measures will be adopted.

In conclusion, Mr Chairman, Mexico uses its fisheries resources in a responsible way and has been a leading country in marine mammal conservation. Mexico has actively promoted international cooperation for the conservation of dolphins. Between 1989 and 1991 Mexico has made several initiatives for collaboration at the bilateral, regional and multilateral levels. Mexico has significantly reduced incidental mortality rates of dolphins in fishing tuna operations in the Eastern Pacific. Nevertheless it will keep on with its efforts to reduce them even further to the extent that technological improvements allow it. Mexico believes that the further and continuous development of fishing technology and methodology to reduce the incidental mortality of dolphins while at the same time maintaining levels of tuna harvesting, implies the need for international co-operation schemes among coastal states in the eastern Pacific and nations fishing tuna in the area. The exports of yellow fin tuna and yellow fin tuna products from Mexico are subject to unilateral trade measures by the United States. Independently of the evolution of such sanctions, Mexico will maintain its efforts to reduce incidental mortality of dolphins, both at a national and international level. Thank you.

**Chairman**

Thank you, Mexico. Oman.

**Oman**

Thank you, Mr Chairman. The delegation of the Sultanate of Oman would wish to express our gratitude to the Government of Mexico for its effort and progress in reduction of dolphin mortality as just outlined. Thank you, Sir.

**Chairman**

Thank you, Oman. Are there any further comments? India.

**India**

Thank you, Chairman. I would like to stress India's commitment to consider the recommendations of the La Jolla Workshop and to take possible steps to protect and conserve cetaceans in the Indian EEZ in collaboration with the concerned fishery management authorities. India is not in favour of large-scale driftnet and other fishery operations which are harmful not only to cetaceans but the marine ecosystem in general. India would also like to know about the possibilities of international cooperation in evaluating the effects of various fishing operations on marine ecology, assessment of cetaceans, stocks and migratory behaviour of marine mammals including marine turtles. IWC may also think of the scope of seeking cooperation in this area with the Indian Ocean countries like Sri Lanka, Seychelles, etc.

**Chairman**

Thank you, India. Any further comments? US.

**USA**

Yes, Mr Chairman. With respect to the comments by the Commissioner for Mexico, we certainly commend the efforts that were articulated by the Mexican Commissioner with respect to research and conservation. We're well aware of such things as the gray whale sanctuary that has made such a significant difference in that population. However, there's one aspect that needs to be clarified and I'd like to just establish for the record that, under the US Marine Mammal Protection Act, both Mexican and Venezuelan tuna has been embargoed from the United States markets because those countries are killing dolphins at a rate higher than allowed under laws which very strictly regulate US fishermen. Thank you, Mr Chairman.

**Chairman**

Thank you, US. New Zealand.

**New Zealand**

Really an enquiry, Mr Chairman. I wonder if we were still dealing with the report or whether we have in effect moved on to matters arising.

**Chairman**

New Zealand, we are on 14.1, comments on that paragraph, not on action arising yet. Spain has the floor.

**Spain**

Thank you, Mr Chairman. Spain wishes to congratulate Mexico for their extensive research programme on cetaceans. His making..., and we share the Mexican concern about the embargoes the whaling country he's mentioned has put on Mexican products. Thank you.

**Chairman**

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

**Brazil**

Thank you, Mr Chairman. We would like also to appreciate hearing all that Mexico is doing in conservation terms, and just to state our concern in fact with commercial discrimination problems the country is going through with tuna exports. Thank you.

**Chairman**

Thank you, Brazil. Can I then take it that we adopt paragraph 14.1 in the Technical Committee report including the recommendations on page 30 which should be seen as advice to the Commission? Adopted.

14.2 Thank you. Dr Fleischer, will you go on with 14.2?

**Chairman of the Technical Committee**

Thank you, Mr Chairman. That part of the Technical Committee report is on page 33. Are there any comments? It seems none. You want me to go to action arising, Mr Chairman?

**Chairman**

I think we had better deal with this 14.2 first. Are there any comments from the plenary on paragraph 14.2 Other Matters? That seems not to be the case. So I take it that we adopt it. Thank you. Please go ahead.

**Chairman of the Technical Committee**

14.3 Thank you. Action arising of the Technical Committee report, 14.3, is the last part of page 33. Are there any comments there? No. So that clears this agenda item, Mr Chairman.

**Chairman**

Thank you. Has the plenary any comments on paragraph 14.3 in the Technical Committee report? New Zealand.

**New Zealand**

Thank you, Mr Chairman. I have no comments on the report as drafted, but I have a Resolution to introduce at the appropriate time. Would this be the right time?

**Chairman**

Yes.

#### **New Zealand**

Thank you. If I could proceed then? I would like to introduce the Resolution on small cetaceans which appears in document IWC/43/29 Rev.1 and which is also co-sponsored by Australia, Finland, Germany, Ireland, Netherlands, Seychelles, South Africa, Sweden, Switzerland, UK and USA. This Resolution is intended to be non-controversial and to follow the approach that was adopted last year where we decided to adopt a practical approach rather than a legalistic one and to set aside our differing views on questions of competence. It would have been possible, if this were desired, to maintain in this Resolution the passages adopted last year about competence and about sovereign rights of coastal states, but we didn't really think it was necessary to repeat them every time. They govern the whole activity under this item from beginning to end and we don't really need to reaffirm them, we would hope, on each occasion. It's an ongoing activity and I think we all understand that that is the basis on which we started and the basis on which we should proceed, so the fact they are not included there doesn't mean to say they have been set aside, rather that they are beyond any question.

Indeed, we wondered whether we really needed a Resolution at all because last year we decided that this would be an ongoing activity and we decided also that we would report to UNCED on the matter so we don't really need to confirm that or agree it a second time, but it was realised that it would be necessary to authorise the report to go to - or copies of the appropriate sections of the Scientific Committee's report - to go to Contracting Governments and other organisations and entities and that therefore we really did need a Resolution to cover that, and that appears as operative paragraph 4. The wording is identical with a number of previous occasions where we have done this in the case of small cetaceans. There's no new wording. We have endeavoured to keep throughout to accepted wording and accepted procedures. So, as is stipulated, we would like to in this Resolution simply to commend the Scientific Committee for its work to date. We referred to this earlier. We thought it was a very comprehensive, a very useful report. They put a lot of work into it. We've asked those governments who have not yet been in a position to provide appropriate information to try and do so. We have requested the Secretary to forward to Contracting and non-Contracting Governments, intergovernmental organisations and other entities as appropriate copies of the relevant sections of the report and to draw their attention to any particular scientific advice that may be appropriate and offering more detailed advice if that should be sought by the recipient. The initiative would come from the recipient. And then it requests finally the Secretary to forward the report on small cetaceans and the relevant sections of the Scientific Committee's report and the text of any Resolutions to UNCED at the earliest possible date after the close of this Annual Meeting. As I said earlier, I don't really believe the operative paragraph 5 is strictly necessary but it's included for the sake of completeness, so I hope that by keeping within these very careful boundaries we have not trodden on any toes and we have certainly sought to avoid doing so, and we would express the hope that this Resolution could be agreed by consensus. Thank you very much.

#### **Chairman**

Thank you. Are there any comments on this proposed Resolution? Japan.

#### **Japan**

Mr Chairman, this is a repeat of my earlier comments on other occasions, but the Government of Japan maintains a position that it is not the competence of the IWC to regulate the small cetaceans and therefore, if the Resolution has to be adopted by the Commission, this would lead to the approach towards the adoption of the IWC recognising the competence of IWC to regulate the small cetaceans and thereby I would have to abstain from this decision. Thank you.

#### **Chairman**

St Vincent.

**St Vincent & The Grenadines**

Yes, thank you, Mr Chairman. My delegation would be unable to support a Resolution on this matter because we feel that as these Resolutions continue to come forward the competence question before the Commission is effectively bypassed, and hence my Government's additional concern about the matter of the cost of this work to the Commission - we note that a precedent is already being set in Scientific Committee where at least some of this cost is not being borne by the Commission - and we hope that this approach will be pursued fully. Thank you, Mr Chairman.

**Chairman**

Thank you, St Vincent. Further comments? Brazil.

**Brazil**

Thank you, Mr Chairman. Mr Chairman, we appreciate the care and effort taken by the New Zealand delegation in the preparation of this Resolution on small cetaceans. We also see it as a follow-up from last year's Resolution which we were happy to endorse. We think we agree with the New Zealand delegation that the legalistic care is, although not present in the Resolution, is very well followed. We congratulate the proposers of the Resolution on the wording found to convey the message or to convey the extracts of the report to the interested parties. We think neutral words have been chosen and in all we think this is a quite acceptable way of putting forward the practical approach to small cetaceans in the IWC. We stress it's the practical approach. Thank you.

**Chairman**

Thank you, Brazil. Mexico.

**Mexico**

Thank you, Mr Chairman. My delegation do not intend to go into the legal aspect of the competence of the Commission because we have already expressed our view in the appropriate step. Nevertheless, my delegation has expressed in the last meeting of the International Whaling Commission that when we are to adopt certain recommendations from the Scientific Committee, technical and scientific evidence should exist behind that recommendation. This year we did not receive any further scientific support for some of the recommendations so with this Resolution maybe we are providing information that has not scientific basis. These comments should not be interpreted as we were against the consideration of small cetaceans, as I have already explained in detail in my previous remarks. So if this Resolution is to be adopted my delegation should abstain from that decision.

**Chairman**

Thank you, Mexico. UK.

**UK**

Thank you, Mr Chairman. The United Kingdom is happy to be a co-sponsor of this Resolution on small cetaceans. As New Zealand and Brazil have explained, this simply puts forward a suitable way of making sure that the work the Commission decided upon last year and asked to be done is carried forward. In this way, I think, the IWC's contribution by bringing all the experts together in the Sub-committee on Small Cetaceans will be made maximum use of throughout the world. Thank you.

**Chairman**

Thank you, UK. Chile.

**Chile**

Thank you, Mr Chairman. Both the New Zealand delegation and the Brazilian delegation have expressed in very well form - good form - what the delegation of Chile had in mind when asking for the floor. We would have preferred to repeat in this Resolution the considerations in paragraph 4 and 5 of the last



year's Resolution, and we would also have liked to have a parallel Resolution establishing an *ad hoc* Working Group to decide or to see the issues of competence which are very important for many delegations including the Chilean. But in a spirit of creating a consensus and as we see the pragmatic value of the undertaking that the Commission has followed, we will support the Resolution.

**Chairman**

Thank you, Chile. The US.

**USA**

Yes, Mr Chairman. The IWC is the international organisation which possesses comprehensive scientific competence regarding whales great and small. In the Resolution put forward by New Zealand and co-sponsored by the US and many other nations there is no intent to imply a position with respect to the issue of competence. Rather it has been commendable that the member states acting in their sovereign capacity have responded positively to recommendations by the IWC with respect to the taking of small cetaceans, based upon sound science without regard to their national view as to the regulatory competence of the IWC with respect to the taking of small cetaceans. We would like to reaffirm our support for this proposal. Thank you.

**Chairman**

Thank you. Any further comments? Australia.

**Australia**

Yes, thank you, Mr Chairman. Australia's pleased to be a co-sponsor of this Resolution and particularly would like to commend the Scientific Committee for the enormous amount of work that went into what is an extremely good and substantial report, and we would also like to associate ourselves with the comments just made by the delegation of the United States of America. Thank you.

**Chairman**

Thank you. Are there any further comments? That seems not... Iceland.

**Iceland**

Yes, thank you, Mr Chairman. Just a couple of points on this Resolution before us. In fact the need to get some sleep prevented me from studying it carefully until today. I had a choice between an extra hour's sleep and a study of this proposal, and I hope the sponsors are not insulted that I chose the sleep instead. But, Mr Chairman, our views about this type of Resolution have been made clear in the debate in the Technical Committee and in the discussions last year. Our primary concern is that the organisation is not now able to comply fully with the tasks about which there is agreement are within its competence, so we are concerned that any tasks which are taken on which are not within the traditional ambit. Secondly, we note that there are no attempts in this Resolution, as in the Resolution last year, to expand into management functions the discussion of the small cetaceans. But thirdly, Mr Chairman - and the Commissioner of the United States rather highlighted the problem - there is a distinction, there are two ways to use 'competence' in the English language, and whereas a scientist may well be competent it says nothing about the organisation being competent for a particular task. But that is a matter which will in fact be dealt with elsewhere and I understand that we have discussed that in another agenda item. The further concern that we would have is that Resolutions like this, even if they are innocuous one year by being repeated, do go into the competence question and the sneaking jurisdiction that some people have mentioned before, but on balance, Mr Chairman, having read the proposal we would not oppose its adoption. Thank you, Chairman.

**Chairman**

Thank you, Iceland. There seems to be no further comment. Various views on this proposed Resolution has been expressed and these views will be recorded. Nobody has opposed it, so I take it that we can agree on the proposed Resolution by consensus. Spain.

**Spain**

No, Mr Chairman, I think we have not a consensus for adopting this Resolution. I'm sorry, but the Resolution on small cetaceans proposed by New Zealand from my point of view cannot be adopted by consensus. In that case I will express my point of view as well to be recorded with the others. Thank you.

**Chairman**

Spain you haven't spoken on this item, or...

**Spain**

No, Mr Chairman, I didn't speak on this item.

**Chairman**

Would you like to do that before we adopt the Resolution, or...?

**Spain**

Yes, Mr Chairman. If this Resolution is to be adopted I like to say that, to reiterate, that from the Spanish point of view this Convention is not competent for dealing with small cetaceans, and we cannot support the adoption of this Resolution. While I have already expressed we appreciate work that has been done already for getting together information about these small cetaceans and we voted positively last year, but we are not any more in a position to commend the Scientific Committee to continue this work on small cetaceans, not on small whales, because of course this Commission deals with whales big and small, but a small whale could be a very big cetacean, Mr Chairman. So our position would be an abstention in this issue. Thank you, Mr Chairman.

**Chairman**

You will abstain but you will not oppose the adoption of this recommendation? Thank you. Norway.

**Norway**

Thank you, Mr Chairman. In view of the fact that several delegations have expressed views here on this specific draft Resolution to the effect that they are not concurring with its content, I ask you to be kind enough to put the draft Resolution to the vote.

**Chairman**

St Vincent.

**St Vincent & The Grenadines**

Yes, Mr Chairman. I'd like to support that because at the very least I don't see how it could be said that this could be adopted by consensus in view of the different expressed positions of some delegations. Thank you.

**Chairman**

Republic of Korea.

**Republic of Korea**

Thank you, Mr Chairman. My delegation abstains from adopting this Resolution.

**Chairman**

Any further comments? I remind delegates that this Resolution is to be sent to the UNCED and, in my opinion, it might look a little peculiar if we had voted on it before that. Norway, do you still insist on voting on it?

**Norway**

I'm afraid I have to do that, Mr Chairman, so I beg your indulgence, but I think it's important that even a Resolution that's going to be submitted to the UNCED should reflect the views of the members of the IWC. So therefore I'm afraid I'll have to insist that we take a vote on this Resolution.

**Chairman**

Any further comments? Before proceeding any further on this issue I adjourn the meeting for coffee break until 20 minutes to 5. The plenary is adjourned.

[Tea break]

**Chairman**

The plenary is resumed. I propose to keep Agenda Item 14.3 open. Can we now proceed with Agenda Item 15? Dr Fleischer. 15

**Chairman of the Technical Committee**

The Technical Committee report on Agenda Item 15 starts on page 34. Let's review and approve this part of the Technical Committee report please - page 34. Are there any comments? This is taken from the report of the Humane Killing Working Group. There should not be any problems there. We're on page 34. No comments. Can we then move to the next page please? Page 35 - just half of the page which is dealing with the report from the Working Group. Are there any comments? No? Then let's move to the Technical Committee discussion which is the second part of page 35. Are there any amendments to the wording? It seems none. Can we then turn to page 36? Norway. 15.1

**Norway**

Thank you, Mr Chairman. Norway wants to include a sentence after sentence 2 in the second paragraph which starts with Norway. We want to include the following after the sentence that ends with "the body of the whale". "The results have been reported on regular basis to IWC." We also want to add to the next sentence "The technology and knowhow developed have extended to Iceland, Greenland and Alaska." And in the last sentence we have an amendment, and we actually had said the following: "It was not opposed to the UK proposal but considered that the relevant context to evaluate whale killing methods must be killing methods employed for the large mammals, especially methods used and regarded humane in different countries for the hunting of large mammals." Thank you, Mr Chairman.

**Chairman of the Technical Committee**

Norway, may I ask you kindly if you can repeat your changes so we can double check with the Secretary, please?

**Norway**

It's the last sentence you want me to repeat, Mr Chairman?

**Chairman of the Technical Committee**

The one before.

**Norway**

"The technology and knowhow developed have extended to Iceland, Greenland and Alaska."

**Chairman of the Technical Committee**

Thank you. Japan.

**Japan**

Mr Chairman, may I go back to page 35 just for a very small point?

**Chairman of the Technical Committee**

Yes please.

**Japan**

At the last paragraph on page 35, second line from the bottom, where it says '1981/82' should be '1982/83' instead. Thank you.

**Chairman of the Technical Committee**

Thank you, Japan. Let's go back to page 36. Any other comment there? UK.

**UK**

Thank you, Mr Chairman. In the paragraph beginning "The UK expressed..." I would say like to say that "The UK expressed its recognition of the work on the explosive harpoon which had been started by Japan, followed up by Norway and then in Alaska, but said that it was time to take stock." Thank you.

**Chairman of the Technical Committee**

Thank you, UK. Anything else in this half-page 36? It seems none. Then can we adopt the report as has been amended? Thank you. Mr Chairman.

**Chairman**

Thank you, Dr Fleischer. Has the plenary any comments regarding paragraph 15.1 in the Technical Committee report? That seems not to be the case. Brazil.

**Brazil**

Thank you, Mr Chairman. I don't know if I can say something under 'Other matters'? Mr Chairman, under 'Other matters' I would like to say that my Government is now officially withdrawing the objection of the Brazilian Government to the second sentence of paragraph 6 of the Schedule, Chapter 3, Capture. The second sentence which came into force in 1982 says "The killing for commercial purposes of minke whales using the cold grenade harpoon shall be forbidden from the beginning of the 1982/83 pelagic and 1983 coastal seasons." In withdrawing our objection, Mr Chairman, we hope to be contributing even on a modest scale to better methods and to more humane methods of killing, and we hope to be beginning a process of thorough review of the Schedule. Thank you.

**Chairman**

Thank you, Brazil. Any further comments? UK.

**UK**

Mr Chairman, I would very much like to express the appreciation of the UK to the Government of Brazil for responding to the question the Commission put to them last year, and very happy to hear their response. Thank you.

**Chairman**

Thank you. Any further comments? That seems not to be the case. Can I take it that we adopt paragraph 15.1 in the Technical Committee report? Adopted. Thank you.

Then we turn to 15.2 Action arising. Are there any comments? UK.

15.2

**UK**

Thank you, Mr Chairman. In the Technical Committee I said that I would return to this subject. In the last decade we've seen a considerable amount of development in the technology of whaling and the UK considers that it would now be the right time to review the development and take stock of the current performance of whaling techniques. The last time the IWC conducted an in-depth analysis of the state of play of whaling technology was in 1980 when a technical workshop was held in Cambridge to review the data. There were several conclusions from that workshop but one which has been specifically taken up was the tentative conclusion then that penthrate explosive harpoons are thought to have an excellent potential for producing rapid and humane death in struck whales. I'm particular grateful to the Governments of Japan and Norway for their work in developing the application of the penthrate and I have read with great interest over the years the results of experiments which seem to show progressive improvements in the efficiency and humaneness of these projectiles. Large claims have been made in literature about the qualitative difference between the efficacy of the penthrate grenade harpoon compared with the older black powder harpoon and other methods of killing whales. Now we are more than ten years after the last workshop. I think the time has come for a further workshop of technically qualified experts to examine the developments which have occurred in whaling technology since 1980 and to report on the progress which has been made. With this in mind, as I promised in the Technical group, we have circulated a document under the number IWC/43/27 setting out the terms of reference for a workshop on whale killing methods.

What we are proposing in this is that veterinary, explosives and other experts, together with personnel with practical experience of whaling, should be gathered together. I suggest perhaps membership could be nominations by member states plus invitations to experts which the Secretary might work out with the advice from member states, the Chairman, and the Chairman of the Scientific Committee. I would suggest that the meeting would take little more than a day and perhaps we might allow possibly three days, perhaps the Secretariat might advise us on this. But I would recommend that it took place in the week before next year's plenary meeting and it would then review the literature on the development of whaling technology, review submissions by member states who can provide papers, and prepare their opinions and advice on the current state of play. It would, in the terms of reference I have set out, evaluate the physiological effects of different methods and compare them and the times to death resulting from their use. A report could then be made to the Humane Killing Working Group later in that week with a view to a development of recommendations, if any are needed, to the Technical Committee and the plenary of next year's IWC. I hope very much that members of the Commission could support this approach. Thank you.

**Chairman**

Thank you, UK. Any comments on this proposal? Denmark.

**Denmark**

Denmark wants to support the proposal from the United Kingdom in the form it has taken now. We support it.

**Chairman**

Thank you. Iceland.

**Iceland**

Yes, thank you, Mr Chairman. We commented on this subject in the Technical Committee - in the Working Group - and there made a number of statements with respect to this situation, and we would support the holding of a workshop on this subject and would suggest, however, that we expand the purpose to include one more element which we referred to in earlier discussions, which would mean to insert between the third and the fourth a new purpose which would be - may I read it slowly? - 'To compare the methods to those used in the killing of other large wildlife.' Thank you, Chairman.

**Chairman**

Please will you repeat your amendment?

**Iceland**

Yes. In the middle of the page, after the third purpose, after the purpose evaluating the times and so forth, insert a new purpose: 'Compare the methods to those used in the killing of other large wildlife.' Thank you, Chairman.

**Chairman**

Thank you. Any further comments? Australia.

**Australia**

Yes, thank you, Mr Chairman. I think we're probably in agreement with the holding of such a workshop. It could provide a valuable drawing together of information. I just wonder if, Chairman, through you I could seek some further information from the proposal just submitted by Iceland. As it stands I'm not sure what exactly is in the mind of the Icelandic delegation. Are we talking about mammals of a particular dimension, large vertebrates generally? And I'm just concerned about the general IWC competence for such an issue. Thank you, Chairman.

**Chairman**

Thank you. Iceland, will you comment on that?

**Iceland**

Yes, thank you, Chairman. I heard that we were not competent to deal with people but I think now certain comparative methods might be useful. I understand that the specialists in the field have seen some merit in comparing the efficacy of these methods with others and, in fact, one has noticed a quite good deal of discussion on this from various leaders and ministers in other countries. We have discussed this under the Item 15. Reference is made to page 36 of the Technical Committee report and there was some discussion under that basis. Thank you, Chairman.

**Chairman**

Thank you. New Zealand.

**New Zealand**

Thank you, Mr Chairman. We would like to support this idea which seems to be a useful one and would undoubtedly give us a better basis of knowledge on the subject that's of concern to a considerable number of delegations. We have a little difficulty, though, like Australia, with the proposal by the Commissioner for Iceland because it would seem to require the workshop to go through the process of analysing the killing of - I don't know - a whole range of other wildlife, whereas we are really a Whaling Commission and what we're talking about here should relate only to whales. I wonder if the Icelandic Commissioners's point wouldn't be made if any experts should consider before going whether there are other methods used for the killing of other large wildlife that would be relevant to the subject of the killing of whales and which might be able to be applied or adapted, and then they could bring it along and contribute it to the meeting, but I would be reluctant for us to be financing and arranging a workshop which was running

through an uncertain list of killing methods of large wildlife around the world. That would seem to make the agenda extremely long and not very useful. Thank you.

**Chairman**

Thank you. Iceland, would you like to respond to New Zealand?

**Iceland**

Yes, thank you, Mr Chairman. I think that is a very valuable suggestion and I think this could be raised by those in the position to do so, under the second purpose in fact where one is speaking of assessing methods and then the comparative assessment and the usefulness from other methods can be brought under that rubric. So on that understanding I think it is a very good suggestion. I would accept the proposal. Thank you, Chairman.

**Chairman**

Thank you. I have two speakers on my list - Norway and Sweden. And Japan. Norway.

**Norway**

Thank you, Mr Chairman. I would very much like - because I feel I'm a little confused now - what it is exactly that Iceland has accepted? I would like to have that repeated. Thank you.

**Chairman**

Iceland, would you like to clarify?

**Iceland**

Yes, thank you, Chairman. My understanding is that it will be reflected that those attending the workshop would bring information which would be useful to the assessment of killing methods for whales of which they may be aware in other fields of wildlife, and this could be raised - in my view - under the second purpose which refers to assessing methods. These methods would be assessed in the comparative terms with such methods which are made available or of which the Working Group is informed. Thank you, Chairman.

**Chairman**

Norway.

**Norway**

Well, thank you, Mr Chairman. Well, with that addition - if I may call it that - I would also like to support that, because to us it's very important that the Working Group could make some kind of comparison in killing methods because that is the only way we all, in the first instance, the Working Group could make any recommendation on the question - which is very important - to what extent present methods in taking whales could be considered as humane killing. Thank you.

**Chairman**

Thank you, Norway. Sweden.

**Sweden**

Thank you, Mr Chairman. I wanted to support this proposal as well and I'm glad to hear that the question of comparison with other killing methods has been resolved. I'm not an expert on that myself but I would think that it might be quite natural for an expert on these issues to do comparisons between different kinds of hunt and different kinds of animal. Thank you.

**Chairman**

Thank you. Japan.

**Japan**

Thank you, Mr Chairman. As regards this subject item I have to remind you that as regards the commercial take of the Antarctic minke whales we had completed our development on explosive harpoons used on those forms of whaling and it was reported to the Commission in 1983 at the conference held then, and I still have some doubts that there are anything to be reviewed over the use of these explosive harpoons. Furthermore, I still don't understand what sort of meaningfulness there is to convene a workshop of this kind at this time. However, I feel it would be useful to make a comparison as a reference to the humaneness of killing with other large mammal species, as Iceland has accepted and Norway seconded. And in addition if any definition can be attempted as regards the meaning of humane killing at this workshop, and if the Commission adopts the convening such a workshop, the Government of Japan would not hesitate to participate in it.

**Chairman**

Thank you, Japan. United States.

**USA**

Yes, Mr Chairman. The US recognises that humane standards have been prescribed concerning methods, sizes and types of weapons used to kill wildlife, and we support the UK proposal for a workshop to review these matters with respect to the killing of whales and report to the IWC on these issues. We recognise that the need for a review emerged from last week's Working Group and that there has been inadequate time since then to develop a comprehensive plan and we agree that the UK proposal seems to be the best way to proceed on this matter. With respect to the proposal from Iceland, however, we would like to reserve a comment until we hear what the UK's position on this is, given that it is after all their proposal. Thank you, Mr Chairman.

**Chairman**

Thank you. Switzerland.

**Switzerland**

Thank you, Mr Chairman. First of all I'm sorry, I still need a clarification. I don't know if the Icelandic addition has now been dropped or not. Anyway, this can come later. I just would like to say Switzerland can support the proposal with or without this addition. We have, however, our doubts, or we think it shouldn't be that too much weight is put on this comparison with the killing of other large mammals because the size of whales alone makes - and the environment where they live in - make the killing much more a special case than even for the elephant which is the largest mammal on earth - on the land.

**Chairman**

Thank you. Any further comments? Can I take it that we can adopt the UK proposal with the understanding of the explanations given here in the plenary?

**Switzerland**

Sorry, Mr Chairman. Can you tell me if it's with or without the addition made by Iceland?

**Chairman**

Yes, without. UK has asked for the floor.

**UK**

Mr Chairman, I think the United States asked me a question about what I thought about including other large wildlife in the terms of reference although, as Iceland has interpreted it, it's possible they're included anyway. My original view was that the whales do operate in a unique environment and are rather creatures special unto themselves and I was unwilling to extend the terms of reference of what I thought was already



quite a heavy workload for a Working Group. But I've heard the views of most of the members of the IWC and I think I may have been overruled. Thank you.

**Chairman**

Thank you. Any further comments? May I ask Iceland - have you the exact wording of the purposes now? While you are thinking of it, can I give the floor to Norway? Norway.

**Norway**

Thank you, Mr Chairman. I would just like to ask the UK Commissioner whether her remark that she feels that she may have been overruled means that she accepts the - if not the exact wording - because I don't think we have that yet, but to include the idea suggested by Iceland as amended? Thank you.

**Chairman**

Will you comment on that, UK?

**UK**

Thank you, Mr Chairman. My feeling was that Iceland, I think, had expressed an understanding following New Zealand that in fact it would be useful to compare methods of killing large wild animals, presumably as comparable in size to whales as possible, and that most people seemed to like that idea. So although I felt we were perhaps asking the group to do too much, obviously I can't stick with the terms of reference if the majority wish to go along with this, what I hope would be fairly minor, addition to the work of the group. Thank you.

**Chairman**

Thank you. Can I ask... Oman.

**Oman**

Thank you, Mr Chairman. I like this point to be noted that my delegation is not in favour of having an addition of the large wild animals. It's not in the competence of the IWC to go in that depth. Our work here is to deal with the oceans and that's all. Thank you, Sir.

**Chairman**

Thank you. Can I now... Denmark.

**Denmark**

Yes. Just to say that we are in the beginning of this discussion here we supported the UK proposal and Denmark still does. This discussion we understand this way that Iceland says that there's no additional wording needed. The words are there in 'assess the methods' - that's the experts that supposedly are going to constitute this workshop are supposed to assess the methods of killing. So in discussing here whether or not we should start making comparisons to other large mammals, well, we pre-judge the discussion of the experts. I mean, it's up to the experts to bring that aspect in. So if Iceland feels that 'assessing the method' should be in that and others feel that maybe not, well, why don't wait and see what the experts say. That's why we hold that workshop. Thank you.

**Iceland**

Yes, thank you, Mr Chairman. I'm not usually as confused as this but if I may just point out what I thought was being developed in the early part of this debate? I made a proposal to introduce as a separate purpose the following: 'To compare the methods to those used in the killing of other large wildlife.' Following some intervention, including that of New Zealand, it was determined - and in my view it was the understanding that the purpose of the workshop - would be to allow experts to bring information they had on this, as far as it would be relevant, and that this would be brought into the workshop under the heading which is found now in the second purpose 'Assessing the methods'. A part of that would be a comparative

assessment of these methods with other methods which the experts consider relevant, and I hope that people will not bring completely irrelevant information into this workshop. And perhaps we should choose the members of the workshop to ensure that that will not happen. Thank you, Chairman.

**Chairman**

Can I now ask Iceland and UK to get together a few minutes and get an agreement on the exact wording here? UK.

**UK**

Mr Chairman, as I understand it both from what Denmark and Iceland have said, we don't actually need to change the terms of reference, but if you want us to get together we will. I think it's all right.

**Iceland**

Mr Chairman, It's always a pleasure to get together with the Commissioner of the United Kingdom and perhaps that is the best way to save the Commission's time. We'll straighten this out between us. Thank you, Chairman.

**Chairman**

OK. Can I then take it that we can agree on the UK proposal as it stands? Thank you. The Secretary wants to ask some practical questions. Secretary.

**Secretary**

Mr Chairman, as I understand this, the Commission is organising this workshop and that we will be asking member governments to send the relevant experts. That means the meeting will be held in Glasgow next year at a time, as I've understood, about a week before the meeting of the Humane Killing Working Group. The proposal in IWC/43/27 says that the workshop would report to the Humane Killing Working Group sufficiently prior to the next meeting to allow consideration and preparation by the members for discussion, and the meeting was thought to be something of the order of 3-5 days. So if there is to be a workshop of that length and the preparation of a report sufficiently prior. I think it means we have to run this workshop overlapping with the Scientific Committee meeting, and I think that we can probably cope with that, but I do see some problems in terms of support from the Secretariat and the cost factor of the extra accommodations and so on which I would just bring to the notice of this meeting.

**Chairman**

Thank you. Any comments on that? That seems not to be the case. We have taken note of what the Secretary said. UK.

**UK**

Sorry, Mr Chairman. I may not have expressed myself very clearly about the number of days. I had suggested that perhaps it ought to be two or three days and I was looking for advice from the Secretariat on that, and the other point was that I thought it ought to be in the week immediately prior to the plenary session. But supposing we were meeting - it could meet on, for example, Tuesday and Wednesday and the Humane Killing Group could meet on the Friday or the Saturday to receive its report. That was the kind of plan I was suggesting.

**Chairman**

Thank you, UK. Can I take it that this disposes of Agenda Item 15.2? And thereby the whole Agenda Item 15?

Can we then proceed with Agenda Item 16? Dr Fleischer.

**Chairman of the Technical Committee**

Thank you, Mr Chairman. This item is also on page 36. Are there any comments in the Technical Committee report? Spain 16

**Spain**

Thank you, Mr Chairman. In the second paragraph I'd like to change the word "but" by the word "and".: "Spain pointed out that it has no whale catchers and the Secretary reminded..." Thank you, Mr Chairman.

**Chairman of the Technical Committee**

Thank you, Spain. Chile.

**Chile**

Thank you, Mr Chairman. Also in the second paragraph I would like to amend the second sentence, the one that starts with the words "Chile will present..." I want to delete it, and I want to introduce the following language: "Chile stated that it has no whaling vessels and it will present the necessary evidence of conversion to the Register in order to change the classification of the vessel *Riochu Maru No. 18*". Shall I repeat it? OK.

**Chairman of the Technical Committee**

Thank you, Chile. Any other comment? UK.

**UK**

Mr Chairman, just a very small sentence. If you could add at the end "The UK expressed appreciation to the compiler of the Register." Thank you.

**Chairman of the Technical Committee**

Anything else? That clears the agenda item, Mr Chairman.

**Chairman**

Thank you, Dr Fleischer. Has the plenary any comments to do on 16 - Register of Whaling Vessels? Norway.

**Norway**

Thank you, Mr Chairman. I just want to reiterate here in the plenary so that it could be duly recorded in the Chairman's Report that Norway will continue to withhold information on Register of Whaling Vessels following acts of terrorism directed against whaling ships. Thank you.

**Chairman**

Thank you, Norway. Iceland.

**Iceland**

Thank you, Mr Chairman. Iceland will also continue to withhold information on the Register of Whaling Vessels following acts of terrorism directed against whaling ships. Thank you, Chairman.

**Chairman**

Japan.

**Japan**

Mr Chairman, Japan concurs with the same idea as Iceland and Norway.

**Chairman**

Thank you, Japan. Any further comments? Can I then take it that the plenary adopts paragraph 16 in the Technical Committee report? Adopted. Thank you.

I propose that we continue our deliberations in the following way. That the Technical Committee immediately after this start with Agenda Item 10 and adopt their report regarding paragraph 10, and then I suppose it's time for dinner and then in the night session we will discuss 7.2 Scientific Permits - action arising. And if possible 9. It's still kept open. And if possible 6. Thereby leaving the plenary discussion on Agenda Item 10 until tomorrow. Can we proceed in that way? Iceland and UK. Iceland.

**Iceland**

Yes, thank you, Chairman. Do you not envisage being able to return this evening to 10 in the plenary? Or there's no possibility because of time or...?

**Chairman**

I doubt we will get time to that. Still there is a Working Group going on and I prefer to give them quite a lot of time for their deliberations. UK.

**UK**

Thank you, Mr Chairman. I believe that normally Resolutions have to be put in people's boxes the day before we consider proposals. The Resolutions which would come under Item 7.2 were put in people's boxes this morning because they weren't prepared until we'd heard the discussion in the Technical Committee. Now I don't know whether you can overrule the rules about twenty-four hours or whether, in fact, 7.2 has to be held over until tomorrow.

**Chairman**

I'm aware of that rule, UK, but I ask the plenary to oversee that rule just in order to save time. The Secretary points out that in the Rules of Procedure it says "as a general rule no proposal shall be discussed at any plenary session unless copies of it have been circulated no later than the day preceding the plenary session." But I'm in your hands. Norway.

**Norway**

Thank you, Mr Chairman. Of course, Mr Chairman, it's a general rule that the Commission in this case is master of its procedure, so if there is no objection to shorten the twenty-four period we so agree now and we could continue as you suggested in the night meeting. Thank you.

**Chairman**

Japan.

**Japan**

Mr Chairman, I concur with Norway on this point. However, I would like to have the identification of what sort of Resolution there would be under Item 7.2 Action arising by the Chairman now and that will help the proceedings a great deal. Thank you.

**Chairman**

I have two Resolutions regarding this. The first is IWC/43/35 and the other one is 36. I take it that we can go on in the proposed way which would lead to that we close the plenary now and adjourn it for a night session, and then you will go on with the Technical Committee, Dr Fleischer.

[Adjournment of plenary session]

**Chairman**

The plenary is resumed. We will now address ourselves to Agenda Item 7.2 Action arising under the heading of 'Scientific Permits'. We covered 7.1 - the Report of the Scientific Committee - the other day so now remains 7.2 Action arising. The floor is open. No action? We have before us two proposed Resolutions contained in documents IWC/43/35 and 36. Australia. 7.2

**Australia**

Yes, thank you, Mr Chairman. I'd like to speak to document IWC/43/35, the Resolution on special permit catches by Japan in the Southern Hemisphere. This is a Resolution proposed by Australia and a number of other governments. We have for a number of years noted the research programmes of the Government of Japan. We have been pleased in recent years to note the improvements in non-lethal techniques that are used by the Government of Japan but I have to say we are still concerned at the level of lethal techniques that are used for some aspects of this scientific research. This Resolution, therefore, invites the Government of Japan to reconsider the proposed research under special permit in 91/92 in the light of those concerns. Thank you, Mr Chairman.

**Chairman**

Thank you. Any comments? UK.

**UK**

Thank you, Mr Chairman. The UK is one of the several co-sponsors of this Resolution. I spoke to this yesterday so I will just say briefly that I would like to repeat our acknowledgement and appreciation of the great contribution of the non-lethal research by Japan, but in the case of this particular research programme involving the take of whales it still does not meet the criteria essential for either the new management procedure or a future one. Thank you.

**Chairman**

Thank you. Further comments? Japan.

**Japan**

Mr Chairman, in response to the Resolution at the last year's Commission meeting to recommend reconsideration of the research programme to the Government of Japan, we undertook a thorough reconsideration study of the main purpose of the programme which was the estimation of the natural mortality coefficient, the precision of the estimation of that, and in relation to the number of samples to be taken to achieve certain precision level, and therefore we have responded fully to the Resolution adopted last year by the Commission. As a result of that reconsideration we have come to the conclusion that by taking 300 minke whales as the sample size it is possible to achieve the level of precision in the course of long-range programme, and therefore we have circulated through the IWC Secretariat the new programme as a result of that reconsideration in November last year. After we asked the Secretariat to circulate our reconsidered programme there have been no comments made from any member countries and at the Scientific Committee this year we have received reappraisal of our programme by many of the members of the Scientific Committee, and we believed that all the pending problems had been resolved by the reconsideration.

When we spoke about our programme at the Annual Meeting this year there were only two nations that made comments which were United Kingdom and the USA. When the Resolution is tabled in front of us we note that not only these two countries but also the Resolution is joined by the Australia, Brazil, Finland, France, Germany, Ireland, Netherlands, New Zealand, Sweden, Switzerland, United Kingdom and the United States - all these countries have joined together in spite of the fact that they have not made any comments earlier, and this has come to me as a very much of a stunning fact. I have contacted a few of the supporters of the Resolution but I was not able to obtain any satisfactory response to my questions. In

spite of the fact, of the facts that I have mentioned earlier, I cannot help but feel resentment and regrets that these people, these countries, had to join in one bandwagon. I have to mention here that people now have to be corrected of their false belief that every science can be attained - the objectives of the research can be attained - by the non-lethal research alone. If we deny the research method involving the take of whales now, then all the researches and studies on the cetaceans would go into the Dark Age. We firmly believe that the combination of non-lethal research represented in the minke whale sightings surveys such as in the IDCR programme and in our own national programme combined with the take of whales can accurately take us to the correct information and knowledge and collection of data so that we can leave those knowledge and information to the future generations as a bequeath of our effort. Thank you, Mr Chairman.

**Chairman**

Thank you. Any further comments? New Zealand.

**New Zealand**

Thank you, Mr Chairman. I wasn't really going to make a comment but, urged by the Commissioner for Japan, I suppose I'd better say something. The reason I wasn't going to was that the programme remains fundamentally the same and our views remain fundamentally the same. I fear, though, that Japan doesn't listen to our views and that is perhaps why there have been fewer views expressed this time, but I'd simply recall that the difficulty we have with it is that the research doesn't really contribute to the setting of catch limits under the Revised Management Procedure. I think it's come out in the Scientific Committee discussions that the research would require a timespan of something between 15 and 25 years, and therefore it's not really relevant to the scientific needs of the Commission at this time. Thank you, Sir.

**Chairman**

Thank you. Brazil.

**Brazil**

Thank you, Mr Chairman. Mr Chairman, may we say that we have co-sponsored this Resolution to show how we appreciate the resources put in research by Japan. We also appreciate the readiness of response always coming from Japan. We admire the non-lethal contents of their research programmes and the results therefrom. But we must indicate that we feel very uncomfortable with the lethal part, especially with the size of this lethal part. We have co-sponsored this Resolution, Mr Chairman, because we think it is in the same terms as last year's and we would like to remind Japan of that. Thank you.

**Chairman**

Japan.

**Japan**

Mr Chairman, I would like to reply to the comments made by the New Zealand Commissioner. We would like to remind him that Japan is always prepared to improve our programme if a constructive opinion being expressed by any members of the Scientific Committee, and in fact we have been reviewing our programme to improve based upon comments made by the members of the Scientific Committee.

**Chairman**

Thank you. France.

**France**

Thank you, Mr Chairman. As some of the speakers before I would like to stress how much we appreciate that Japan is making a research on cetaceans. This Resolution we have co-sponsored is meant to encourage some change in order to stick more to the Scientific Committee recommendations and also to modify the percentage between lethal and non-lethal research. As Brazil, for instance, we're very

preoccupied with the high numbers of specimens being used for lethal research purposes. That's why we think this is all meant to encourage a shift towards a different method of research. Thank you, Sir.

**Chairman**

Thank you. USA.

**USA**

Thank you, Mr Chairman. As you know, the United States has commented over the years with respect to the Japanese whaling programme in Antarctica. We are pleased to see that the Japanese continue to make progress toward developing a programme of research in Antarctica which comes closer to meeting the requirements set down by the Scientific Committee of the IWC. We also wish to commend the Japanese for their significantly important non-lethal research that they continue to do in the Antarctic region which we find, and others find, to be very important. However, we as others who have expressed their opinions on this subject, find that the continual taking of whales that the Japanese continue to do do not seem to serve the purposes at least as determined by the Scientific Committee of the IWC, for which they were intended. And so therefore, Mr Chairman, given the fact that the IWC Scientific Committee has acted in the way they do, we the United States also cannot agree to the proposed programme of Japan. Thank you, Sir.

**Chairman**

Thank you. Switzerland.

**Switzerland**

Thank you, Mr Chairman. Switzerland also is a co-sponsor of this Resolution. We also recognise the results of the Japanese research, especially obtained by non-lethal methods. We share, however, also the concerns expressed especially by New Zealand and Brazil. We would indeed wish that not only the non-lethal research which continue but would be intensified by methods like biopsy sampling, radio tracking, direct ethological observation, to give us more information about the population dynamics, individual life cycles, etc, of these observed whale stocks. Thank you.

**Chairman**

Thank you. Japan.

**Japan**

Mr Chairman, I would make a comment in response to the comment made by the US Commissioner first. If you think that the whale resources are very important and the resource is to be cherished, then it is appropriate for us to collect as much as possible with a very small sample size in a statistically attainable level the biological data that would contribute to the conservation and management of those stocks. At the moment we do have doubts about the Revised Management Procedure - which way it is going to. We still have that pending in front of us. During this period of Revised Management Procedure being unable to be applied to the actual stocks, isn't it a duty of a country that wants to utilise those resources to collect biological data? Number two - I would like to respond to the Swiss Commissioner. You have commended our effort in launching upon the biopsy sampling and other modernised methodology. However, you have not realised how difficult it is to develop these biopsy sampling to achieve certain purposes that you have outlined. Have you ever tried by yourself or your scientists in your country to develop these methods? Although criticism is very easy, but the practice is very difficult, and I would appreciate if the Swiss Commissioner could assist in developing these modernised methodology.

**Chairman**

Switzerland.

#### Switzerland

Thank you, Mr Chairman. Well, I can only tell you that Swiss researchers do research on land mammals in Switzerland and they use methods as outlined. Whale research is not our main concern but I would think that countries doing whale research are able to apply these kinds of methods into their research.

#### Chairman

Thank you. Iceland.

#### Iceland

Yes, thank you, Mr Chairman. Mr Chairman, we have already in the earlier meeting on this item applauded the Japanese Government for the research which is being undertaken and which is the subject of the Resolution before us, and we've noted that it is solely the Japanese research activities on these whale stocks which make a contribution to the knowledge of these stocks. Seeing now the Resolution before us we must only recall the general attitude of Iceland towards Resolutions of this kind. We consider them to be *ultra vires* to the organisation, taking into account the provisions of Article VIII. Structurally, Mr Chairman, looking at the fifth Whereas clause after having plodded through the first four Whereas clauses, one wonders why - after that clause when reference is made to Article VIII - the Commission therefore does anything, because as stated in that paragraph it is the prerogative of the Contracting Government to issue these permits. The fundamental flaw in the Considering clause is that, in practice, it gives every individual in the Scientific Committee a veto on the right of the coastal state contained in Article VIII. This in fact is the nature of the Scientific Committee today, unfortunately. So, aside from the questions of general principle - and in fact we also have some problems with the grammar of that clause which if it were to be taken seriously would be seen to be absolutely impossible to implement - but, as I say Mr Chairman, we regard Resolutions of this kind to be illegal for the organisation to adopt and we'll vote against it. Thank you, Chairman.

#### Chairman

Any further comments? Norway.

#### Norway

Thank you, Mr Chairman. I would assume, Mr Chairman, that Norway's position on Resolutions of this kind is well known, so I do not need to reiterate our point of view. I can only associate myself and my delegation with the views just expressed by the Commissioner from Iceland. The fact is that this kind of Resolution is illegal and the really funny thing about this is that the co-sponsors recognise the illegality of their own Resolution in the last preambular paragraph. Thank you, Mr Chairman.

#### Chairman

New Zealand.

#### New Zealand

Thank you, Mr Chairman. I wouldn't like it to be thought that because only Article VIII of the Convention is mentioned in this Resolution that therefore that is the only binding commitment on contracting states. That is, of course, not the case. There are two binding commitments: Article VIII of the Convention and Article 30 of the Schedule which stipulates that a Contracting Government shall provide the Secretary of the Commission with proposed scientific permits before they are issued. In sufficient time they should specify objectives of the research, etc etc. They shall be reviewed and commented on by the Scientific Committee at annual meetings, and so on. So those the Schedule has equal binding force with the Convention. It is equal to and not less than the Convention. So there are two binding forces. And then in addition, of course - we are also not legally bound but we have certain guidelines in the form of our Rules of Procedure which under the Scientific Committee rules provide for the review of scientific permits - and then we have a number of Resolutions back to 1986 which have adopted and approved and which have the force of recommendation. So to suggest that it is all wrapped



up in Article VIII is not in accordance with the views of the New Zealand delegation and I would just simply like to make this clear at this point. Thank you.

**Chairman**  
Iceland.

**Iceland**

Mr Chairman, as usual I listened with interest to the intervention of the Commissioner of New Zealand, but do I understand him to say that Japan has breached its obligations under paragraph 30 of the Schedule? Thank you, Chairman.

**Chairman**  
New Zealand.

**New Zealand**

I think there must be some failure in communication, Mr Chairman. I don't think I said anything that suggested that anybody had breached their obligations. I was simply trying to clarify a situation which seemed to become slightly distorted, but I am not making any accusations against any state represented here. Thank you.

**Chairman**  
US.

**USA**

Mr Chairman, in this respect the US would like to draw attention to Article VI wherein the Commission may from time to time make recommendations to any or all Contracting Governments on any matters which relate to whales or whaling and to objectives and purposes of this Convention. Thank you, Mr Chairman.

**Chairman**

Thank you. No further comments? A series of comments have been given in support and not in support of the proposed Resolution. As I take it, nobody has directly opposed the adoption of this Resolution. Is this a parallel to the discussion last year in Noordwijk when we adopted a similar Resolution? Can I take it that we adopt this Resolution? That seems to be the case. Adopted. Thank you. Are there any other items during this agenda item? USA.

**USA**

Mr Chairman, I'd like to refer to IWC/43/36, the Resolution on USSR proposal for specific permit catches in the North Pacific. Mr Chairman, at the 42nd Annual Meeting of the IWC the United States welcomed and applauded the actions of the USSR when they withdrew their proposal for a special permit catch of minke whales in the North Pacific, based on the strong view of the Scientific Committee that this proposal fell far short of reaching that Committee's requirements. As is evident from the report of the Scientific Committee this year, the revised proposal is still far short from meeting the criteria established by this Commission for research involving the take of whales. So, Mr Chairman, my delegation - and apparently several others - are disappointed that the USSR has decided not to again take the advice of the Scientific Committee and later, in the Technical Committee, the requests of several delegations to withdraw their proposal for 1991. Therefore, Mr Chairman, the USA on behalf of both our country and of Australia, Brazil, France, Germany, Ireland, the Netherlands, New Zealand, Sweden, Switzerland and the United Kingdom submits Resolution IWC/43/36 requesting the Government of the Soviet Socialist Republics to refrain from proceeding with its proposal to kill minke whales from the Okhotsk Sea and observe that their proposed programme is not in accordance with the criteria specified in the 1986 and 1987 IWC Resolutions on research whaling. Thank you, Mr Chairman.

**Chairman**

Thank you, USA Any comments? UK.

**UK**

Thank you, Mr Chairman. The UK is a co-sponsor of this Resolution. I referred earlier to my misgivings about this programme. While during the discussions of the Technical Committee I appreciated the fact that the delegation for the USSR said they would consider comments made - and I also appreciate the fact that a number of countries within the IWC have volunteered to help the USSR redesign the programme - as it stands it does not address any established research needs and I think, therefore, I would ask that the IWC would pass the Resolution that the USSR refrain from proceeding with the programme as it exists. Thank you.

**Chairman**

Thank you. The Seychelles.

**Seychelles**

Thank you, Mr Chairman. The Seychelles supports the Resolution IWC/43/36. Thank you.

**Chairman**

Thank you. Finland.

**Finland**

Thank you, Mr Chairman. Finland would like to co-sponsor this draft Resolution. Thank you.

**Chairman**

Thank you. Iceland.

**Iceland**

Mr Chairman, before we continue, can we assume that all the co-sponsors support the Resolution? Thank you, Chairman.

**Chairman**

Can I take it that both the Seychelles and Finland wanted to be added to the co-sponsors in the line "Proposed by..." and so on? Further comments? USSR.

**USSR**

Thank you, Mr Chairman. As we have already said, our scientists believe that lethal methods have to be applied at this stage at which we are with regard to the knowledge of the Okhotsk Sea population of minke whales. This question has been thoroughly considered at the Scientific Committee meeting, but there were different views expressed. Mr Chairman, we are not in a position to accept this Resolution and would like to propose it for a vote. Thank you, Mr Chairman.

**Chairman**

Thank you. Any further comments? Iceland.

**Iceland**

Yes, thank you, Chairman. Our views on the legality of this Resolution are the same as those on the previous one. We see a similar Whereas clause which leaves some inconsistency and, well, for the future perhaps I could point out once again that the grammatical error in the Considers clause would also make this impossible of implementation. Thank you, Chairman

**Chairman**

Thank you. Any further comments? That seems not to be the case. USSR has proposed this Resolution to be put to vote. Can I ask the Secretary to conduct the vote? Dr Gambell.

**Secretary**

Mr Chairman, the proposal before this plenary session is to adopt the Resolution on the USSR proposal for special permit catches in the Okhotsk Sea, spelled out in the document IWC/43/36. In this plenary session such a Resolution requires a simple majority of those governments voting for it to be adopted. So we are voting on the proposal, the Resolution, IWC/43/36 concerning the Soviet special permit catch proposal in the North Pacific. A simple majority will adopt that Resolution.

The roll starts at Brazil - yes; Chile - yes; People's Republic of China - abstain; Denmark - yes; Finland - yes; France - yes; Germany - yes; Iceland - no; India - yes; Ireland - yes; Japan - no; Republic of Korea - abstain; Mexico - abstain; Monaco - yes; Netherlands - yes; New Zealand - yes; Norway - no; Oman - yes; St Lucia - abstain; St Vincent & The Grenadines - abstain; Seychelles - yes; South Africa - yes; Spain - yes; Sweden - yes; Switzerland - yes; USSR - no; UK - yes; USA - yes; Argentina, I'm sorry, Australia - yes. Mr Chairman, there were 20 votes in favour, with 4 against and 5 abstentions, therefore the Commission has adopted that Resolution.

**Chairman**

Japan has asked for the floor.

**Japan**

Mr Chairman, I would like to make comments with respect to our position in the two votings that took place at this Commission now. The Government of Japan is constantly endeavouring to improve our research programme and we have received good constructive comments at the Scientific Committee and we decided that we take these constructive comments into account and therefore we just saw the Resolution for reconsideration in front of us. However, we would like to reserve our position with respect to the sovereign rights for the issue of the scientific permit. We voted 'no' to the latter Resolution with respect to the Soviet research programme because we believed that the problems identified in this case was not the kind that could be resolved in the form of Resolution.

**Chairman**

Thank you. Any further comments? Can I take it that this disposes of Agenda Item 7.2 and thereby the whole Agenda Item 7? Thank you.

We haven't covered Agenda Item 6.2 and the small working group has distributed a copy of the draft terms of reference contained in document IWC/43/39. May I ask Commissioners if they have studied that document enough so we can decide on it now or will you postpone it until tomorrow because it was distributed quite late this evening? I interpret the silence as everybody has read it enough. UK. 6.2

**UK**

Sorry, Mr Chairman. I do have some comments though, by the end of it, perhaps people might think that they want to think about it a bit further till tomorrow. Shall I...?

**Chairman**

Go on.

**UK**

Right, thank you. I have read these terms of reference fairly briefly and I think in one sense because amending the Schedule and trying to analyse which bit of the Schedule needs looking at, it is quite a complex matter and perhaps setting a working group to look at the various parts that need to be looked at

is the best way forward. But, given the development of a Revised Management Procedure, there are some tasks that need to be given to the Scientific Committee to advise on what needs to be included in the Schedule and matters such as arrangements for monitoring and collecting of data to ensure that the system can operate safely and also to ensure that maximum use can be made from information from the catches, should they take place at some point in the future. As I have mentioned, it seems that any Revised Management Procedure will need to operate on much smaller geographical management units than has done in the past, and the Scientific Committee drew this to our attention. This could well have different inspection and enforcement requirements than we have at the moment. I therefore see those sections of the Schedule requiring advice from fisheries inspectors and others with experience in whaling operations and possibly with communications experts in new technology. There are other rules in the Schedule in relation to land stations and factory ships, in relation to seas and seasons, which may also need adjusting. I would hope that this work could be proceeded with at all speed, but I recognise we only have rather general terms of reference. We do need to move along with the Scientific Committee's progress in relation to the Revised Management Procedure, and others may consider there may be some further way forward, but obviously given that we've little time left in this Commission, the idea in the suggested terms of reference that member governments submit papers for consideration by no later than 31 October of this year, obviously that could help move matters forward with due diligence. Thank you.

**Chairman**

Thank you. Am I right in assuming that you wanted to postpone any decision on this agenda item until tomorrow?

**UK**

I was trying to point out to the Commission the sort of thoughts I was having and perhaps others may have similar views, and I wonder whether the Commission is therefore ready yet to take a decision. Thank you.

**Chairman**

Thank you, UK Denmark.

**Denmark**

Thank you, Mr Chairman. Just a few remarks as I mentioned lightly in this informal group yesterday. One remark is that one of the things you could think about is whether it is suitable for the Revised Management Procedure to be included in the Schedule, or not. I mean, that's in our opinion an open question because there are many practicalities and other reasons that could make you argue the other way around. Another thing that is important for my Government is that questions of procedure related to the work of this group will not cause a delay in implementing and adopting revised management procedures. Thank you.

**Chairman**

Thank you. Any further comments? US.

**USA**

Mr Chairman, we concur that it would be preferable to defer this at least until consideration tomorrow, if not at a later date. Thank you.

**Chairman**

Thank you. Any further comments? OK, let's keep this agenda item open until tomorrow. Norway.

**Norway**

Thank you, Mr Chairman. I just wanted to state my delegation's support of what was just expressed by the Commissioner of Denmark. Thank you.

**Chairman**

Thank you. We will come back to this agenda item tomorrow. Can we then address ourselves to the Agenda Item 9? We have dealt with it but kept it open because the US and Brazil had some Resolution there. Brazil. 9

**Brazil**

Thank you, Mr Chairman. Mr Chairman, I would like to refer to something that was considered a possible joint initiative between the US and Brazil, and was very informally circulated to delegations to find out their opinion. It is a white paper called Draft Resolution for the Formulation of an Ad Hoc Working Group to Consider the Commission's Responsibilities for Small Cetaceans. I would also like, Mr Chairman, to clarify because...

**Chairman**

Excuse me. Can you inform us about the document number?

**Brazil**

Mr Chairman, there is no document number because what I am going to try to say to you is that we're not going to present the Resolution. Thank you.

**Chairman**

Thank you, Brazil.

**Brazil**

I would like to try to clarify, Mr Chairman, because there are always so many Resolutions tabled on small cetaceans every year that people get a bit confused. This Draft Resolution which is not going to be tabled this year - maybe it will be next year or some other year - was supposed to be different from other Resolutions on small cetaceans. It would be different, for instance, from the Resolution we have approved, fortunately with no vote, from New Zealand and which follows the previous New Zealand Resolution from 1990 which we have already previously applauded in its shape and practical approach. We have already said that, but we think that the way the New Zealand Resolution was presented was very acceptable. It took care with problems over competence regarding small cetaceans that we all know exist here in the Commission. It also limited itself to scientific advice and did not try to expand or imply into management. We think that is a very important point whilst we do not resolve here in this Commission what to do about our differences about small cetaceans, about the Commission's competence for small cetaceans.

Our idea presented here under Point 6 a few days ago, or the beginning of the week, had the idea of touching deeper, not only going for practical steps but to go for member countries finally to solve their differences of view on the issue of competence because we think this issue affects all efforts the IWC is doing for small cetaceans. We think any serious work that will go on from now can only be done after this matter is resolved. We recognise that at the moment there is an enormous surge of Resolutions on small cetaceans with pragmatical approaches because the Scientific Committee has begun an enormous work on them, but we see that soon this kind of work - it's munition will run out, and the Commission will have to do some deeper work, that is it will have to go into regulation - or try to go into regulation. At the moment the work that it's been doing is very extensive and possibly superficial. If the Commission really does want to do something for small cetaceans it will have to be more selective and possibly more profound. Because of that we foresee problems and that is why we have proposed that people think of these problems and possibly talk them over. Our suggestion was not to affect any of the present countries' position on the Law of the Sea. We were proposing to find an *ad hoc* solution for improving the situation of small cetaceans worldwide. It is, Mr Chairman, a question of strategy. At the moment it seems that the majority would prefer a quantitative thrust and there have been some achievements and these can be seen in the US's opening statement. Of course, some achievements have been reached. But this kind of thrust

will some time dry out and when it comes to the qualitative one then I think the Brazilian suggestion will be remembered. It is also, in our view, not a question to be resolved by majority positions, by vote or anything like that, because the minority that are left out of this vote - or that are not content with the majority position - are exactly the parties concerned and whose cooperation is necessary to conserve the small cetaceans.

We are then not going further with our suggestion today, Mr Chairman, because we feel that it is not yet of interest to the IWC. But we would like to say that the Brazilian delegation does continue thinking it an important issue and will be constructively always ready to participate in any effort in that sense. We would quickly like to thank the delegations that have looked at our white draft - white because it did not have a number. We thank the US, of course, for their goodwill towards the document; the UK for suggestions of procedural work - very interesting suggestions of procedural work which we have kept aside; Mexico and Chile for their support; New Zealand for their suggestion of including reference to UNCED which we also thought was very interesting because we think something new will appear next year in Rio; we thank Norway and Denmark for their support; Australia for their readiness to work with us; and if I have forgotten anyone I will thank them also. Thank you.

**Chairman**

Thank you, Brazil. US.

**USA**

Mr Chairman, the US proposed expanding this agenda item last year to read 'Commission's competence for cetaceans not listed in Table 3 of the Schedule' so that cetaceans great and small could be considered by one international organisation that has special expertise in this area, and we agreed to having this proposal forwarded for discussion this year. There was considerable discussion in the Technical Committee and the United States now is again willing to propose keeping the original wording on the agenda for the 1992 meeting. With special deference to the delegation from Iceland we will be prepared to address this issue with more imagination next year. Thank you.

**Chairman**

Thank you. Iceland.

**Iceland**

Yes, thank you, Mr Chairman. I look forward to that. My only regret on this point is that I had not made any contribution to this Resolution so I was not thanked by the distinguished representative of Brazil. Thank you, Chairman.

**Chairman**

Thank you. Any further comments? Can we then... UK.

**UK**

I would like to second the proposal by the United States that we keep this item on the agenda. I'm afraid it has simply not been possible to make enough progress this year, given our very serious concerns with the Revised Management Procedure. However, the report of the Scientific Committee demonstrates that there is much to be done and there needs to be cooperation and coordination and direction throughout the world. The IWC may be well-placed to achieve this and I would hope that we could take another look at this next year, particularly in the light of the new inspired thinking that Brazil has been leading. Thank you.

**Chairman**

Thank you. Chile.

**Chile**

Mr Chairman, maybe for the consideration of this item next year it would be useful to have a clarification on which is the intention of the United States Commissioner in proposing this item, because in the report of the previous meeting, the 42nd meeting, it says that the United States emphasised that it only wanted to broaden the debate to include those species subject to commercial exploitation. So if this is so, the item is much more restrictive and probably more easier to deal with. This is my only observation.

**Chairman**

Thank you. Any comments to that observation? Or any further comments? That seems not to be the case. It has been proposed to keep this on the agenda in the original wording and it has been seconded. Can we decide so? Decided. Thank you. That disposes of Agenda Item 9.

If we look at our agenda we have not dealt finally with 6.2, not at all with 10, we have not dealt finally with 14.3, we have not dealt with 17, and with 25, 26, 27. I think that will be a good workload for tomorrow. I propose to adjourn the plenary until tomorrow and the plenary will start at 9 o'clock tomorrow. The plenary is adjourned.

**END OF THIRD PLENARY SESSION**

FOURTH PLENARY SESSION

Friday 31 May 1991 : 9.10am

**Chairman**

14.3

Commissioners, ladies and gentlemen, the Plenary is resumed. We have a heavy workload in front of us today and I intend to try to finish before lunch, even if it would be a late lunch. So I think we should get right down to work, and I propose that we start with Agenda Item 14.3 Action Arising. There we have two Resolutions and I invite New Zealand to introduce IWC/43/29 Rev.2. New Zealand.

**New Zealand**

Thank you, Mr Chairman. Mr Chairman, the revision as represented by this new draft contains some very simple amendments and I am sure that they will be very easy to follow, but could I briefly explain. We had in introducing the first draft explained that the elements in last year's Resolution - the provisions which expressed awareness of the differences of views of member states on the regulatory competence of the IWC with regard to small cetaceans and noted that the Resolution doesn't seek in any way to prejudice different members' positions, and also the preambular clause expressing consciousness of the sovereign rights of coastal states as set out in the Convention of the Law of the Sea - we said that these of course governed this whole exercise. That is implicit, and therefore we hadn't repeated those clauses in this Resolution. However, on listening to the debate, it was clear that some delegations would be more comfortable if those two provisos were repeated in this year's Resolution, and there's absolutely no problem over that. The sponsors of the Resolution readily accept that this is perfectly acceptable, and therefore they have been repeated again, and we do understand that not everybody who picks up this Resolution will necessarily refer to last year, and we can see merit in restating the position and we hope that this will meet the position of a number of delegations who rightly attach importance to these provisions. The only other amendment we have made is to remove from the fifth and last operative paragraph, which is now on the back of the sheet, the stipulation that the Secretary in forwarding the report on small cetaceans and relevant sections of the Scientific Committee's Report would also have forwarded the text of any Resolutions pertaining to this matter adopted by this Commission at its present session. On reflection, we thought it might help those delegations who have views on this matter if we removed any reference to the sort of plenary level discussions and simply confined it to forwarding the Scientific Committee Report with no reference to this plenary, because after all it is the scientific report that will be of value to the member governments and others who will receive it. So those are the only three amendments. We hope that these changes will remove some of the concerns that have been expressed and we hope will widen the support for the Resolution. Thank you, Sir.

**Chairman**

Thank you, New Zealand. Any comments? Iceland.

**Iceland**

Yes, thank you, Mr Chairman. As usual I listened very carefully to the Commissioner of New Zealand and I was pleased to note his reference to the fact that the United Nations Convention on the Law of the Sea should be governing our work here. And may I take this opportunity, Mr Chairman, to call upon the Governments of New Zealand, Australia, Finland, Germany, Ireland, the Netherlands, the Seychelles, South Africa, Sweden, Switzerland, United Kingdom and the United States to ratify the Law of the Sea Convention, as has Iceland. Thank you, Chairman.

**Chairman**

Thank you. Brazil.



**Brazil**

Thank you, Mr Chairman. We would again like to say how much we appreciate the way New Zealand has put forward its Resolution on small cetaceans, especially these last additions which have really made it a constructive Resolution. Mr Chairman, I don't know how you are going to proceed on it but if you would put it to a vote Brazil would vote in favour.

**Chairman**

Thank you. I have got no indication that any delegation is against it so there is no chance for a vote then. Japan.

**Japan**

Mr Chairman, whether this Resolution is going to be put on the vote or not, please enter into the record that the position of the Government of Japan is that IWC has no competence over the regulation of the small cetaceans. Thank you.

**Chairman**

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

**Norway**

Thank you, Mr Chairman. My delegation would also like to associate itself with the points of view just expressed by Japan that we also share the opinion that the IWC has no competence on this question. Thank you.

**Chairman**

Thank you. USA.

**USA**

Mr Chairman, we would just like to associate ourselves with the New Zealand proposal and indicate our strong support for it. Thank you, Sir.

**Chairman**

Thank you. Spain.

**Spain**

Thank you, Mr Chairman. We would like to associate ourselves as well as the Norwegian delegation to what the Japanese delegation has stated, that this Commission has not competence on the issue of the small cetaceans, but we wouldn't like to break any consensus on this Resolution. Thank you, Mr Chairman.

**Chairman**

Thank you. The comments given here will be recorded. Mexico.

**Mexico**

We would like to associate ourselves with the comments made by Spain. Thank you.

**Chairman**

Thank you. Any further comments? All the comments given here will be recorded. Can I then take it that we adopt this Resolution IWC/43/29 Rev.2? By consensus. Thank you.

We have before us another Resolution on this Agenda Item. A Resolution regarding recommendations on small cetaceans contained in document IWC/43/38. The floor is open. US.

## **USA**

Mr Chairman, the US delegation has played a key role in the development of this particular Resolution. We worked very hard to find consensus amongst all delegates on this Resolution, and we thought we had done so. We find, however, this morning that there continue to be one or two delegates who have a significant problem with the Resolution as it has been presently formulated and rather than bring this matter up for plenary discussion which might be rather lengthy at this particular point, Sir, we would hope that we could postpone further discussion of this Resolution to a bit later in the day if that were at all possible. Thank you.

## **Chairman**

OK. Any comments on that proposal? Let's do that. Brazil.

## **Brazil**

Thank you, Mr Chairman. As one of the delegations mentioned by the US who have very severe difficulties with this Resolution, we fully support this suggestion and thank them for giving us time to talk it over. Thank you.

## **Chairman**

Well, let's then return back to 14.3.

17 Can we now turn to Agenda Item 17 which now is quite formal agenda item. Can we adopt the Report of the Technical Committee? That seems to be the case. Adopted.

10 I now propose that we address ourselves to Agenda Item 10 Comprehensive Assessment of Whale Stocks. We have before us the Technical Committee report. I would propose that we proceed in the following manner - that we have discussions on the Technical Committee report, discussions and giving comments on the Technical Committee report regarding 10.1, and then address ourselves to 10.2. And for every sub-item we can have action arising. Can we proceed in that way? Are there any comments on this Technical

10.1 Committee report regarding 10.1.1? Iceland.

## **Iceland**

Thank you, Mr Chairman. May I seek some advice from the Chair? I have no comments on the report but it is noted that when we spoke on this question in the Technical Committee we stated that we would make a statement on this in the plenary to save the time of the Technical Committee, and I wonder if I could do that now. Thank you, Chairman.

## **Chairman**

I think it's the appropriate time now.

## **Iceland**

Yes, thank you, Mr Chairman. Mr Chairman, we have already in the Technical Committee thanked Dr Kirkwood and the sub-committee for the work they have done, and the Scientific Committee, on this question, but I should like to do so again because I think our debt is so great that these thanks should be repeated as often as possible. Mr Chairman, the Commission must adopt the Revised Management Procedures this meeting. We see from the Report of the Scientific Committee that a great deal of work has taken place. Very substantial tests have been carried out on the five proposed management procedures. Indeed I am sure it is safe to say that no management procedures for living marine resources have undergone more rigorous tests than have these. These procedures were tested under a wide variety of assumptions - the effects of high and low productivity of stocks, biases in estimates of abundance, from sightings surveys and different underlying population dynamics were evaluated. Notably all five proposed procedures passed these tests. In order for a procedure to have passed the tests it had to perform well in the case of one percent MSY rate which is an extremely conservative assumption about the productivity of

whale stocks. The procedure also had to perform satisfactorily in cases where there would be substantial overestimates of stock sizes. It is thus clear that in the work of the Scientific Committee a very strong emphasis was put on minimising the risk of depleting stocks. Mr Chairman, we all know this is a project which has been under way for several years. The first proposal was made in 1986 and the first tests were specified in 1987 according to a set of goals spelt out by the Commission. There have been four intersessional meetings and there have been meetings of the Scientific Committee dedicated to this issue at each Annual Meeting of the Commission since 1987. We must remind ourselves that the selection of the best procedure at this Annual Meeting follows extensive discussions of how that selection would take place. The objectives of the Commission were carefully considered and the Scientific Committee selected the procedure based on well-formed scientific criteria that it determined to allow utilisation with a minimal risk of depleting any stock. The overwhelming majority of the Management sub-committee and the Scientific Committee agreed that the selected procedure would be the best. This procedure was clearly established to involve low risk. The agreement on the selection of the procedure was exceptionally strong and only a small minority of the sub-committee and the Committee supported a different procedure. This is an exceptionally unusual result in the Scientific Committee. The minority view was a product of a subjective evaluation of so-called design criteria. The clear majority, correctly in our view, believed that the selection should rather be based on performance of the various proposed procedures in the tests. The performance of the minority's preference was clearly inferior. Mr Chairman, the sub-committee discussed also whether further tests were needed and it was decided that no further tests of a generic nature were required. The Scientific Committee accepted this. The Commission thus has now before it the basis on which to adopt the Revised Management Procedures with full confidence that they have been subjected to the most careful scientific analysis. A decision not to adopt the C procedure as the framework for RMP thus could only be political and could not be reconciled with the responsibilities of the Commission under the Convention. Thank you, Chairman.

**Chairman**

Thank you, Iceland. Any further comments on this agenda item? Norway.

**Norway**

Thank you, Mr Chairman. I just have a question. Did I understand you correctly when you said that we will now take sub-item by sub-item under Item 10, *including* the action arising under each sub-item?

**Chairman**

My intention is to deal with action arising during every sub-item. Yes.

**Norway**

Thank you. Then I would ask you if this is the time to introduce the draft Resolution submitted by Iceland, Japan and Norway?

**Chairman**

Well, in my opinion 10.2 is a better agenda item for that. Here I just prefer comments on the Technical Committee report.

**Norway**

Thank you.

**Chairman**

Iceland.

**Iceland**

Mr Chairman, I'm not sure that shouldn't be more appropriately done under the management procedures of 10.1.1. That is action arising under that. And the other alternative, of course, is to deal with 10.5 at the end of the discussion, but we were not proposing making a proposal under 10.2. It's a proposal under the adoption of the Revised Management Procedures which is dealt with under 10.1.1. Thank you, Chairman.

**Chairman**

Any comment on this procedural issue? Denmark.

**Denmark**

Thank you, Mr Chairman. As to action arising concerning these things, we are all aware of the presence of different draft Resolutions on revised management procedures, and one has been tabled just half an hour ago, so to say, and it is necessary for my delegation to have some contacts with my Government so I would appreciate if a debate about this Resolution could be postponed for a while, a little later today. Thank you.

**Chairman**

Thank you, Denmark. My intention for my proceeding here was more or less to give time during the coffee break for discussions and studying of the proposed Resolution and then before coffee break, which can be at 10 o'clock at the earliest, we will just have comments on the Technical Committee report during the various agenda items. US.

**USA**

Mr Chairman, given your desire to allow possibilities for discussion of these various issues over coffee, would it not be preferable to deal with those under 10.5, perhaps, the Resolutions that are of concern, and then one could move through with the other items on the agenda under 10?

**Chairman**

Well, there's one way of doing it - to postpone all substantial actions to the action arising on 10.5. Can we do it? Norway.

**Norway**

Yes, Mr Chairman, I would just like to express my complete agreement with what was just suggested by the distinguished US Commissioner, and as you also yourself summed up. So that will leave the Resolutions to which I understand there are two now, until the end of the consideration of this item 10 until 10.5 Action Arising. That will also allow time for some delegations to consider the draft Resolution that was submitted just before midnight last night, as was asked for by the delegation of Denmark. Thank you.

**Chairman**

OK. Can I then take it that we go on with comments and discussions on the Technical Committee report? Are there any further comments on 10.1.1? Japan.

**Japan**

Mr Chairman, we have heard earlier from the Commissioner for Iceland giving full account of how these management procedures have been developed and one was selected by the Scientific Committee. Therefore I shall not repeat the substance of his interventions. One point I would like to say here is that the completion and adoption of the Revised Management Procedure was something that was hoped for and awaited by many people, many countries, since the inception of the development of such procedures. There are many people in Iceland, I'm sure, and Norway and Japan. Those people would be depending for their livelihood upon the completion of these management procedures, and therefore in consideration of these people who are dependent on the whaling in Iceland and Norway and small community people in

Japan, with a very faint hope of reviving their livelihood again dependent on whaling, should be considered in the context of adoption of one management procedure, and therefore I urge the Commission to make a careful consideration on adoption of this management procedure. Thank you.

**Chairman**

Thank you, Japan. The Seychelles.

**Seychelles**

Thank you, Mr Chairman. We would like to congratulate the Scientific Committee, specially the Management Sub-committee under the able and dedicated leadership of Dr Kirkwood. It is impressive to have come so far on the basis of very detailed and painstaking studies. The Seychelles believes that the time has come to agree in principle to adopt a procedure by way of a Resolution as was done in 1974 in anticipation of the New Management Procedure entered in the Schedule in 1975. This could be done subject to some relatively small adjustments. Primarily these would be such as to make the procedure no less conservative than the NMP was intended to be. Thank you, Mr Chairman.

**Chairman**

Thank you. Any further comments? US.

**USA**

Thank you, Mr Chairman. We also would like to associate ourselves with those delegations who have commented upon the excellent work of the Scientific Committee and particularly that group under the very able leadership of Dr Kirkwood who have over the years struggled so long and so hard to bring forward procedures that will clearly do as the delegate from the Seychelles said - provide for the true management of whale stocks in the proper and conservative way that the so-called New Management Plan was supposed to do but failed at. We too believe that the time has probably come for agreement on a Resolution that would take us to the next step along the way to the development of a Revised Management Procedure. Thank you, Sir.

**Chairman**

Thank you. Any further comments? Australia.

**Australia**

Yes, thank you, Mr Chairman. I have no difficulty in associating myself with the comments made by the US and the Seychelles but I actually wanted to make a more prosaic observation that in the Technical Committee report it does mention that multi-stock trials have been conducted to mimic situations of uncertain stock identity in coastal and pelagic whaling operations. The results that were presented indicated that if assessment and management can only be conducted on a geographical scale similar to the present Commission management areas, conservation of all breeding stocks in management areas is difficult to achieve. Therefore I think we as a Commission need to ensure that the Scientific Committee looks at breeding stocks in smaller sub-areas as identified in the Technical Committee report. Thank you, Mr Chairman.

**Chairman**

Thank you, Australia. Are there any further comments regarding 10.1.1? Can we then turn to 10.1.2.1 - North Atlantic fin whales? Any comments? Iceland.

**Iceland**

Yes, thank you, Chairman. Mr Chairman, Iceland was pleased to have hosted the Special Meeting on the Comprehensive Assessment of the North Atlantic fin whale stocks and in the Technical Committee I noted that we rather felt like the host who invites people to a party and finds the party to be unpleasant and tries to blame the guests for that, but in fact we were not at all entirely happy with the results of the

meeting, and I think we can only say that it was symptomatic of the concern that we have about the way the Scientific Committee operates. In fact we thought that there may have been some relation between the attitudes taken at this Special Meeting and the results of the meeting last year on the minke whales, because the Scientific Committee was able to make clearer determinations on the basis of the work on the minke whales and it seemed there was every effort made to make sure that it would be impossible to make clear recommendations on the fin whales, that is not to repeat that possibility for these stocks, but I hope I'm not being unfair to the guests at that party when I say this.

But in general, Mr Chairman, we can certainly say that the agreed abundance estimates show that there are numerous fin whales throughout the North Atlantic Ocean and not least in the seas around Iceland. So this is why in fact we were somewhat worried that the Scientific Committee was unable to give any scientific advice on the effects of a relatively small catch on the stock of fin whales which numbers around 16,000 animals. In the Scientific Committee some concern was raised on the inconsistencies exercised with respect to the evaluation of the different stocks. The apparent problem in the case of the North Atlantic fin whales was said to be, first, the lack of genetical evidence for stock distinction and, secondly, the lack of exact estimates of the MSY level and the actual MSY rate, and this apparently resulted in the Committee not offering advice on management. But we have noted that in the absence of these so-called major shortcomings in the biological data that the Scientific Committee has been able to offer advice on other stocks.

We would also at this point, Mr Chairman, like to mention the relationship of this work to the revised management procedures. At the meeting in Reykjavik last February some preliminary discussion on the North Atlantic fin whale trials took place but were deferred to the main meeting, and then it turned out it was impossible at the Annual Meeting because of time constraints to do this work. So we are now left without having satisfactorily addressed this question for the purpose of the RMP, and as noted in the Report of the Technical Committee, we thought that this should be addressed at some intersessional meeting before next year's Annual Meeting and the possibility of doing this in the newly established Subcommittee on North Atlantic Baleen Whales was considered. Thank you, Chairman.

#### **Chairman**

Thank you, Iceland. Any further comments regarding this agenda item? That seems not to be the case. Can we then turn to 10.1.2.2 - North Pacific Minke Whales? Any comments? Japan.

#### **Japan**

Mr Chairman, with regard to this stock the Scientific Committee were faced with several problems over the years to make the assessment of this stock in question. However, at the Scientific Committee this year the Comprehensive Assessment on this stock was conducted and they have estimated the population to be around 25,000 and this has been supported by many scientists. The Scientific Committee assessed this population and it could be in a good condition to be classified into IMS or SMS and the replacement yield is more than 200 per year. Taking into account those results given by the Scientific Committee on this stock we yesterday requested the Commission to allow an emergency quota of 50 which is a modest number in comparison of the RY value. However, this request was denied and I must say that we have been very disappointed and distressed. Mr Chairman, the IWC is an international organisation that is responsible for the conservation and the management of the whale stocks. Therefore it should act promptly on the advice of the Scientific Committee. Particularly in the case of this stock the Scientific Committee has given a very careful examination and we have good results and should be taken into account to decide on the treatment of the people in small coastal villages whose livelihood heavily depends on whaling. Thank you, Mr Chairman.

#### **Chairman**

Thank you, Japan. Any further comments? Can we then turn to Agenda Item 10.1.2.3, Northeastern Atlantic minke whales? Norway.

**Norway**

Thank you, Mr Chairman. In order to speed up the deliberations of the Commission I, as I indicated in the Technical Committee earlier, I have a policy statement to make under Agenda Item 10.4 that would also touch upon, of course, this Agenda sub-item 10.1.2.3. and I would just ask your advice whether I should deliver that statement now or if I should just wait until 10.4, because it concerns both.

**Chairman**

I think you had better do it now.

**Norway**

OK. Thank you. Mr Chairman, fellow Commissioners, pending the implementation of an entry into force of a Revised Management Procedure the so-called New Management Procedure still remains in force, and as such it is the frame of reference for the proposal which Norway has tabled under Agenda Item 10.4. In terms of the Schedule to the 1946 Convention for the Regulation of Whaling, paragraph 10, all stocks of whales shall be classified according to the advice of the Scientific Committee in one of three categories for management purposes. One of these categories is the Protection stock, so called PS category, which is defined in terms of a certain percentage reduction in relation to the so called Maximum Sustainable Yield stock level. This classification entails a total ban on commercial whaling on such stock. In 1985 the IWC decided to classify the Northeastern Atlantic minke whale as a Protected Stock, a classification which came into force on the 30th January 1986. As will be recalled the Government of Norway lodged its formal objection to this classification and Norway consequently is not bound by this classification. When we initially objected to this decision of the IWC it was because at that time there was no scientific evidence available to validate such a classification of the Northeastern Atlantic minke whale stock. Now, six years later, there is solid scientific evidence, including the results from the Norwegian whale research programme, and subsequently endorsed by the Scientific Committee, which show beyond any reasonable doubt that there is no basis for upholding this classification. The Norwegian research programme has included extensive sightings surveys which have provided the basis for the Scientific Committee to agree on a revised estimate of the stock of some 68,447 animals. This estimate, which is way above any previous IWC estimate is, of course, a most important fact. Even more important, however, are the results of the re-analysis which have been carried out with new and advanced statistical methods of all CPUE data covering a period ranging back from 1951. These re-analyses show that over the 35 year period, 1951 to 86, there was only a small decrease in the stock size from the commercial harvesting. These findings are most significant. They demonstrate convincingly not only that the stock is in excellent shape, but moreover, and contrary to the prevailing view when IWC adopted the PS classification, that the stock has never in modern times been a condition that should even remotely warrant such a classification. Indeed, from a scientific point of view which is the only view point recognised in the Schedule for classification purposes, the classification of the Northeastern Atlantic minke whale as a Protection Stock clearly is not based on scientific facts. Our Proposal to amend the PS classification of the Northeastern Atlantic minke whale should consequently be seen in the context of this Annual Meeting's agenda as well as in the context of the Commission's own rules laid down in the Schedule concerning stock classification. Therefore Norway asks that the IWC in accordance with its own rules now take a decision on the de-classification of the Northeastern Atlantic minke whale to henceforth be considered and classified. Thank you Mr Chairman.

**Chairman**

Thank you Norway. Any further comments? Iceland.

**Iceland**

Thank you Chairman. Merely to state that we are in full agreement with the points just raised by the Commissioner for Norway and also believe that this is a procedure which should be adopted. Thank you Chairman.

**Chairman**

Thank you. UK.

**UK**

Thank you Mr Chairman. I have listened very carefully to Norway but I don't feel that I can agree with the Commissioner. If we look at the Scientific Committee's work, they managed certainly to do a great deal of work and they came up with a much firmer figure than last year of over 68,000 minke. This figure was in fact slightly lower than the mid point that was suggested last year of 81,000. The figure of 68,447 also had no lower bound attached to it and this meant that even if we agreed that the new management procedure should be applied, it couldn't be applied under the normal procedures of the Scientific Committee. We therefore have no judgement from the Scientific Committee as to classification. I would like to remind the Commission that last year I said that even using the new management procedure we could not agree to changing the classification of this stock because it would involve using high population estimates and we were taking about something higher than 81,000 and high MSY rates and I think therefore it would be, even if we agreed with the new management procedure, which I am afraid, well I'm not afraid, which I do not at this time, it probably wouldn't apply anyway. Thank you.

**Chairman**

Thank you. Any further comments? That seems not to be the case. Can we then turn to Agenda Item 10.1.3. Any comments? That seems not to be the case. 10.1.4 - Future work plans. No comments? I propose to adjourn the Plenary for coffee break until 10.30. The Plenary is adjourned.

[Coffee break]

**Chairman**

Commissioners, ladies and gentlemen, the Plenary is resumed. Having considered the workload in front of us I am not so sure that we can finalise other deliberations until lunch and so I am afraid that we will have to look forward to an afternoon session. I now invite comments on Agenda Item 10.2 - Review of Schedule paragraph 10(e). The floor is open. UK.

**UK**

Mr Chairman I would like to say very briefly that the position is a little advanced on last year but not completely. It was decided as long ago as 1985 that the comprehensive assessment would include both the assessment of stocks and the development of a revised management procedure. We have several stock assessments; one or two requiring further work. We have a core management procedure on which further development is needed before we have a final revised management procedure. We therefore are still not in a position to modify the zero catch provision. Thank you.

**Chairman**

Thank you UK. Any further comments? Iceland.

**Iceland**

Thank you Mr Chairman. Can I wait until the traffic dies down before I begin? Just one minute.

**Chairman**

I think you can go ahead.



**Iceland**

Thank you Mr Chairman. In preparation for this meeting I reviewed the comments made by the Icelandic delegation at the last meeting and you may have noted that I presaged the Opera performance which was put on on Monday and I certainly see no need to get into that type of comparison again. However, in fact amongst the things that I said there I feel the only point which was perhaps unclear was when I referred people to look at the almanack but there I meant of course as an Icelandic term. What I meant was for people to look at the calendar and last year it was 1990 and this year of course is 1991 so our view is that for those stocks for which a comprehensive assessment has been concluded, and there are a number of those, the Commission is able to establish catch limits and the views of those who feel that it should not be done for reason of the fact that revised management procedures have not been adopted are of another matter, but we maintain the views that we expressed last year on this point and I will not repeat them. Thank you Chairman.

**Chairman**

Thank you Iceland. Australia.

**Australia**

Thank you Mr Chairman. I will be quite brief and simply say that I fully associate Australia with the comments made by the United Kingdom. Thank you Mr Chairman.

**Chairman**

Thank you. Netherlands.

**Netherlands**

Mr Chairman it is our view that as long as the process of the comprehensive assessment including assessment of the relevant stocks and also including the development of the revised management procedures has not been completed, the relevant schedule paragraph 10(e) should remain in place. Thank you.

**Chairman**

Thank you. Switzerland.

**Switzerland**

Thank you Mr Chairman. I simply would like to say that Switzerland associates its view with the view of the United Kingdom and the Netherlands.

**Chairman**

Thank you. Sweden.

**Sweden**

Thank you Mr Chairman. Just to state that we associate ourselves with the views expressed by the United Kingdom, Australia and the Netherlands. Thank you.

**Chairman**

Thank you. Germany.

**Germany**

Thank you Mr Chairman. I also want to associate myself with the view of the United Kingdom. Thank you.

**Chairman**

Thank you. Any further comments? Japan.

#### **Japan**

Mr Chairman. According to Schedule 10(e), the moratorium for all commercial whaling was to be reviewed in 1990. At the Scientific Committee held last year on the Southern Hemisphere minke whale comprehensive assessment, many scientists and the Scientific Committee agreed that without giving any adverse effects to the population the take of 4,800 minke whales in the Southern Hemisphere would be appropriate. You would remember that yesterday we made a request of 50 minke whales in the North Pacific stock of minke whales which was denied by the Commission. Last year when we requested those quotas the Commission replied to us that we have to wait until the completion and adoption of the revised management procedure and so we waited for one year and this year we have the recommendation by the Scientific Committee in front of us so that the Commission could adopt one revised management procedure. However, the implementation of the revised management procedure would be put off to further future dates and at the soonest the implementation of the revised management procedure on those stocks would be in 1993. We are in the view that the revised management procedure should be implemented as soon as possible and we think 1992 should be the year in which the revised management procedure will be ready to start work. However, until such time as the revised management procedure starts to be implemented we still maintain the position that the current new management procedure is the one that should be applied to the setting of the catch quotas. In view of this we firmly believe that those stocks on which the comprehensive assessment have been completed should be awarded the setting of the quota under the current new management procedure. Thank you Mr Chairman.

#### **Chairman**

Thank you Japan. US.

#### **USA**

Very quickly Mr Chairman. The US would like to associate itself with the views expressed by the United Kingdom on this subject. Thank you sir.

#### **Chairman**

10.3 Thank you. Any further comments? That seems not to be the case. Can we then turn to Agenda Item 10.3 - Proposal for catch limits on fin and minke whales off Iceland. Are there any comments regarding this Agenda Item? Iceland.

#### **Iceland**

Thank you Mr Chairman. Mr Chairman, during the Technical Committee meeting in order to save time we made only a brief synopsis of the proposal we would be making on this question. I should now like to discuss in some detail the proposals that we will be submitting under Action Arising.

Mr Chairman, as we all know, Iceland's policy on whaling questions and in particular the position of Iceland towards the temporary halt of commercial whaling was strongly attached to the condition that the Commission would conduct the comprehensive assessment of the whale stocks which was to be the basis of revision of the zero catch limits by no later than last year. This year, 1991, the Government of Iceland sees yet no guarantee that the Commission will have the revised management procedure ready for implementation before 1992 or 1993 with respect to the North Atlantic minke whales and even much later for North Atlantic fin whales. Both species have been of great importance for the whaling operations which in recent years have been conducted off Iceland. In light of the fact that the Scientific Committee has now completed the comprehensive assessment of both the minke and fin whales the Government of Iceland will be proposing catch limits for both of these species in Icelandic waters and in that connection had requested Icelandic scientists to design a tentative management scheme that would not aim at long-term maximum yield from the stocks but rather would be a conservative scheme that would regulate the catches until the revised management procedure is implemented.

Mr Chairman may I briefly deal with the basic principles of this management system. Firstly the regions in question are the stock areas set out in a schedule for both species. Each of the regions would be sub-divided along lines that one could anticipate any revised management procedure would in fact consider but catches are in fact only taken in part of the region, that is the Icelandic exclusive economic zone. Nonetheless, this scheme would take account of the situation in all sub-areas by adjustment of the takes or closure of the fishery according to specific rules which I will set out briefly. But there are first two assumptions which are an integral part of the application of the procedure. First of all large scale sightings surveys would be conducted throughout the regions in question at the same level as is assumed in all the suggested revised management procedures. Secondly, the model that we are preparing would assume a MSY rate of 2% which is at the low end of the ranges that have been suggested which are in fact 1-4%. When considered that the procedure refers to local area only and assumes that they are nearly self-contained units whereas that assumption does not hold in practice but is here exercised as one more conservative element in the scheme.

The basic principles are as follows. First, the schedule stock regions are sub-divided into three sub-areas. Then catch limits are to be set as 2% of the stock in the area of operation or 1% of the agreed estimate of abundance in the total schedule stock areas, whichever is the lower of the two. Then, if abundance drops below 70% in the area of operation, whaling is ceased. Then if abundance drops below 75% in the total region the catch limit would immediately be halved. Under this procedure the catch limits calculated for fin and minke whales would be 92 and 192 animals respectively. However, with respect to the minke whales, our proposal would limit the catch to the average catch of Icelandic nationals in the Icelandic seas which would then be somewhat less than 158 whales and the proposal also accommodates the aboriginal catch made available to Greenland.

Another point is that this interim procedure would be abandoned upon the adoption and implementation of the revised management procedure.

It is important to note that the safe management procedure has been tested and simulated for the very most pessimistic assumption which demonstrates its conservative approach towards the management of these stocks under the safe management procedure.

I should also point out that an independent study presented to the Scientific Committee assuming application of the safe management procedure for two years to be followed by one of the revised management procedures in future years showed that the proposed catches of fin whales would have negligible effect on the stock and the likely replacement yield would be in most cases in excess of 200 whales and even more pessimistically in the extreme lower range around 100 animals.

Finally, we should recognise that the minke whale stock in question was comprehensively assessed and recommended for classification as an initial management stock at the Annual Meeting of the Scientific Committee in 1990 with an agreed estimate of abundance in the Icelandic waters of around 9,600 whales and in the total Central North Atlantic stock area around 28,000.

I would also note in conclusion that if adopted the Icelandic Government would withdraw its objections to the ban of the cold grenade harpoon for minke whales. Thank you Chairman.

**Chairman**

Thank you Iceland. Are there any further comments? Japan.

**Japan**

Mr Chairman we fully appreciate the very severe and harsh environment in which the people of Iceland must live. Each people of each nation have to persevere and withhold the harsh environment in which they are placed and I think we have to recognise their rights. Iceland is a country to which the fisheries area as a whole means a great deal to their economy and livelihood of the people. Iceland has given a great deal of effort to the research and variety of other efforts contributing to the science of the whale stocks as well as other living creatures of the sea. It is reflected in the hosting of the variety of meetings for IWC in their country and I think their effort should be recognised in some way. I have read the Scientific Committee Report and I have consulted with our own scientists about the request by Iceland and we decided that these are very reasonable requests and I support the proposal by the Icelandic Commissioner. Thank you Mr Chairman.

**Chairman**

Thank you. USA.

**USA**

Thank you Mr Chairman. The Commission is well aware of the US position on issues such as this. We cannot accept the concept of any extension or continuation or beginning of commercial whaling in the absence of an approved management procedure and so therefore we cannot accept the Icelandic proposal. Thank you sir.

**Chairman**

Thank you. Any further comments? Norway.

**Norway**

Thank you Mr Chairman. I would just like to associated myself with the view just expressed by the Commissioner of Japan. Norway also finds the proposal by Iceland a very reasonable request and consequently we do support it wholeheartedly. Thank you.

**Chairman**

Thank you. Spain.

**Spain**

Thank you Mr Chairman. We would express our appreciation of the efforts made by Iceland in its research programme and its efforts for finding a safe management procedure that warrants that captures of whales will not damage the state of stocks. Anyway Mr Chairman in this state we have to approach what was stated by the USA delegation and we cannot accept catch limits of whales no matter what species or stock until the adoption of a revised management procedure and after this revised management procedure is tested in such a way that warrants that every data adjust to the programme so that it could warrant with very high level percentage of warranty that there is not going to be any damage at all to any of these stocks. Thank you Mr Chairman.

**Chairman**

Thank you. I give the floor to St Vincent.

**St Vincent**

Thank you Mr Chairman. Mr Chairman my delegation will be supporting the Icelandic request for much the same reasons as we advanced yesterday in the similar case of Japan. Thank you.

**Chairman**

Thank you. UK.

**UK**

Thank you Mr Chairman. I would associate the UK with the point of view of the United States. We have a moratorium at the moment, there is only one exception to it. We haven't found a third category that might be defined to allow whaling to go ahead of the moratorium and therefore the moratorium must stand. Thank you.

**Chairman**

Thank you. Netherlands.

**Netherlands**

Thank you Mr Chairman. I would also like to re-emphasise the Dutch position that any interim quota for commercial whaling would not be in conformity with paragraph 10(e) of the schedule as it is currently enforced. Thank you.

**Chairman**

Thank you. Federal Republic.

**Germany**

Thank you Mr Chairman. Germany fully shares the view expressed by the United States. Thank you.

**Chairman**

Thank you. Australia.

**Australia**

Thank you Mr Chairman. We also share the views expressed by the United States and the United Kingdom. Thank you Mr Chairman.

**Chairman**

Thank you. Oman.

**Oman**

Thank you Mr Chairman. In brief, we would like to associate ourselves with the views of the United States and the United Kingdom.

**Chairman**

Thank you. Brazil.

**Brazil**

Thank you Mr Chairman. Mr Chairman we acknowledge the patience and hard work which was undergone during all these years to get to the RMP. We understand that all these years of work do lead to impatience. We have been very happy to know the Icelandic country - to be able to go around - and we nearly are convinced that Iceland is entitled to be impatient but at this moment when we are really finalising the RMP for which they have worked so very hard with other delegations we would urge them to come back to the RMP and not to look for exceptional procedures and this is why we cannot support their proposal.

**Chairman**

Thank you. Chile.

**Chile**

Mr Chairman. As stated by the Spanish delegation, the Chilean delegation also has much understanding and sympathy for the Icelandic proposal but unfortunately as a matter of principle we will have to be against this proposal. Thank you.

**Chairman**

Thank you. I give the floor to USSR.

**USSR**

Thank you Mr Chairman. Mr Chairman taking the background given by the Icelandic delegation for their proposal - we support this proposal. Thank you.

**Chairman**

Thank you. New Zealand.

**New Zealand**

Thank you Mr Chairman. New Zealand shares the views expressed by the United States and the United Kingdom. It expressed these views in some detail at the last Annual Meeting and it hasn't changed its position. Thank you.

**Chairman**

Thank you. Switzerland.

**Switzerland**

Thank you Mr Chairman. We would also like to associate ourselves with the views expressed by the USA and the United Kingdom and Spain. We think that at this moment when we may shortly be voting for the acceptance of a revised management procedure we shouldn't break the moratorium.

**Chairman**

Thank you. I give the floor to France.

**France**

Yes, Mr Chairman. I just want to say the same as my Swiss colleague. We think it's not the right moment. At the moratorium time and before the new management procedure is placed to propose quotas, so we support what's been said. Thank you.

**Chairman**

- 10.4 Thank you. Any there any further comments? That seems not to be the case. Can we then turn to Agenda Item 10.4 - Classification of the Northeastern Atlantic minke whale stock. It has been to some extent commented on by Norway - are there any further comments? That seems not to be the case. Can we then turn to Agenda Item 10.5 - Action Arising. I will first deal with two proposed resolutions. The first one IWC/43/33 and after having dealt with that I will deal with the other resolution on the revised management procedure contained in document IWC/43/41. Norway.
- 10.5

**Norway**

Thank you Mr Chairman. I have now the honour on behalf of the sponsors of the draft resolution submitted by Iceland, Japan and my own country which is to be found in document IWC/43/33. This resolution was submitted yesterday after some consideration on how to deal with the question of revised management procedure at this IWC Annual Meeting. The sponsors of this draft resolution consider our resolution to be a very straightforward and simple resolution. First of all we express confidence and trust and gratitude to the Scientific Committee which has worked so hard and finally after the 3-4 years of ardent work have come forward with a meaningful recommendation on the very important question of a

revised management procedure and we try to express that in our preamble paragraph too. We would also like to note and I would really like to read out our preamble paragraph 4 in which we state that we are commending in particular Dr Kirkwood for his outstanding Chairmanship of the sub-committee on management procedures. I would also like to stress Mr Chairman our preamble paragraph 3 where we note that the task now undertaken and completed so far by the Scientific Committee has been undertaken in close observance of the guidelines given to the Committee by this Commission.

If we move on to preamble paragraph 5, we are again noting the Scientific Committee's clear recommendation that one of the procedures or models, that is the C procedure, has been supported by overwhelming majority of the Scientific Committee and we make reference to this, as we call it, a clear recommendation by the Committee and we also state what has all along been our intention and aim that this procedure should be adopted by this Annual Meeting of the IWC to be implemented next year.

I would also like to stress our resolution's penultimate preamble paragraph where we note that the recommended procedure gives whale stocks a high safety against depletion including, and I stress this Mr Chairman, including a satisfactory protection level. The operative part of our resolution is again very simple. We endorse and approve the recommendation of the Scientific Committee thereby expressing fully our confidence and trust in that Committee and finally our second operative paragraph would ask the Commission to adopt the recommended procedure with a tuning of 66% of initial population size. This suggestion or proposal of ours is in the very middle of this 60-72 range indicated by the Scientific Committee and we consider that to be fair compromise. So in conclusion in introducing this Draft resolution Mr Chairman I would only state that we do hope that our straightforward and simple draft resolution which is drafted in readable and understandable language would be supported by the majority of the Commissioners of the IWC. Thank you sir.

**Chairman**

Thank you Norway. Are there any further comments regarding this draft resolution? Denmark? Iceland?

**Iceland**

Thank you Mr Chairman. Iceland is a co-sponsor of this resolution. Earlier this morning we discussed in detail why we recommended that the work of the Scientific Committee be the basis for decision on the revised management procedure and why we proposed the recommendation C be adopted. We will not at this stage go into an analysis of the difference between the proposals because the proposal before us now is so very simple and that is probably one of its main advantages. Thank you Chairman.

**Chairman**

Thank you. Australia.

**Australia**

Thank you Mr Chairman. I have some substantial comments that I would to address to the second resolution that we will be considering but some comments that I might make on this resolution are that certainly some of the preambular paragraphs provide little difficulty. Unfortunately it is so simple and expressed so briefly that I think it has missed some significant points and unfortunately Australia will be unable to accept this particular resolution. Thank you Mr Chairman.

**Chairman**

Thank you Australia. Japan.

**Japan**

Mr Chairman as a co-sponsor of this resolution I have to add a few words. For the past few days a number of Commissioners have been meeting with the consultation of Dr Kirkwood's assistance to talk and examine the choice of the management procedures to be adopted. However, the C procedure has been

selected by the Scientific Committee and the Commissioners have not all agreed to every aspect of the C procedure. However, we believe that if we look at the substance of the C procedure, of its simplicity and easy accessibility for a variety of parameters it is the most agreeable procedure and therefore the resolution has been drawn based on the simplicity of this procedure so that the wordings are very simple to understand and I hope the Commissioners at this meeting would agree to this Resolution. Thank you.

**Chairman**

Thank you Japan. USA.

**USA**

Mr Chairman like the delegate from Australia we all have something to say in greater detail about the alternative resolution that is on the floor but we would like to associate ourselves in particular with the statements made by the delegate of Australia as to the reasons why we too cannot support this Resolution. Thank you Sir.

**Chairman**

Thank you. St Vincent.

**St Vincent**

Thank you Mr Chairman. Mr Chairman my delegation has been very impressed with the work of the Scientific Committee. In particular the culmination of that work this year and we see no reason to look beyond the recommendation, a very clear recommendation, that they have made by overwhelming majority. Therefore we will be supporting this resolution as we feel also that the recommendation of the Scientific Committee does not need any further undue complication. Thank you.

**Chairman**

Thank you. UK.

**UK**

Thank you Mr Chairman. While there are two elements in this resolution that I would agree with; first of all I would very much agree with the commendation given to Dr Kirkwood and the sub-committee on management procedures, that is a very right thing to have drawn attention to and given thanks for. I also accept that there has been a clear majority view in the Scientific Committee but there is a slight difference in that it is a clear majority view as to the core procedure which might be built upon rather than a completed procedure. The approving clause states that there is a completed generic revised management procedure. I have some difficulty with this because the completion of the revised management procedure still requires some work. We have a core but as the Scientific Committee has informed us we need to do validation of the model and there also needs to be preparation of the necessary rules to apply it to multiple stock problems and in fact in almost all cases and for almost all species we face multiple stock problems in our whale management. The Scientific Committee have undertaken, have said they could do this work before, by next year but at the moment we don't have a completed procedure so I could not go along with this resolution. Thank you.

**Chairman**

Thank you UK. Any further comments? Netherlands.

**Netherlands**

We would like to associate ourselves completely with the views just expressed. Thank you.

**Chairman**

Thank you. Germany.



**Germany**

Thank you Mr Chairman. I also want to associate myself with the views expressed by the United Kingdom. Thank you.

**Chairman**

Thank you. Any further comments? That seems not to be the case. We have before us a draft resolution submitted by Norway, Iceland and Japan. It has been supported and it has opposed. I see no other choice than to put it to a vote. Dr Gambell will you conduct the vote? Dr Gambell.

**Secretary**

Mr Chairman the proposal before this Plenary session is that resolution submitted by Norway, Iceland and Japan IWC/43/33 concerning the recommendation of the Scientific Committee on a revised management procedure, the adoption of that recommendation. In this Plenary session a simple majority is sufficient to pass this resolution. So we are voting on IWC/43/33 submitted by Norway, Iceland and Japan to adopt the recommendation of the Scientific Committee on a revised management procedure. Following our custom the roll starts at Chile - no; People's Republic of China - abstain; Denmark - yes; Finland - no; France - no; Germany - no; Iceland - yes; India - no; 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; Brazil - no.

Mr Chairman there were 7 votes in favour and 19 against with 3 abstentions so that resolution is not adopted.

**Chairman**

Can we proceed in the following way in order to save time for those Commissioners who have to leave quite early, that all declarations of votes will be handled after the lunch break. OK. Denmark.

**Denmark**

We believe that you are intending to proceed with the coming resolution and in light of that we would rather be allowed to give an explanation of our vote right now. We will come back to the point of order when we have discussed the coming resolution. Thank you.

**Chairman**

OK but I ask most of the Commissioners to give their possible declaration of vote after lunch, but go ahead Denmark.

**Denmark**

Denmark has supported the draft resolution on adoption of the recommendation of the Scientific Committee on a revised management procedure because it approves the clear recommendation for the adoption of the Cooke procedure from the Scientific Committee and because the Scientific Committee with the advice given by the IWC in this resolution should have been able to finalise its work with the revised management procedure before our next Annual Meeting in 1992. Thank you.

**Chairman**

Thank you. Can we now deal with the resolution on the revised management procedure contained in document IWC/43/41. Point of order Denmark.

**Denmark**

Mr Chairman. This resolution text IWC/43/41 was distributed this morning at 8.42a.m. in the pigeonholes by Mrs. Cherry from the IWC Secretariat. As you know the Rules of Procedure say that unless copies of this resolution have been circulated to all delegations no later than the day preceding the Plenary session as a general rule no proposal should be discussed. This very late distribution puts my delegation in an impossible situation. We are working with the so-called like-minded group, it's like working with Icelandic geyser, you never really know when they are able to produce and bizarre enough - my Minister of Foreign Affairs has not been sitting waiting by the telephone until the like-minded group was able to produce. If you continue with this discussion at this moment Mr Chairman you put my delegation in an impossible situation and we want this to be clear for everybody. We cannot discuss this at this very moment and we suggest that at the very least that the discussion is postponed until after the lunch break. Thank you.

**Chairman**

Thank you. If we look at Rules of Procedure, page 12, B1, it states "As a general rule, no proposal shall be discussed at any plenary session unless copies of it have been circulated to all delegations no later than the day preceding the plenary session. The presiding officer may, however, permit the discussion and consideration of amendments, or motions as to procedure, even though such amendments, or motions have not been circulated previously". Australia.

**Australia**

Mr Chairman I need some advice. I understand the difficulties that may be facing the Danish delegation if indeed they did get it or claim that it was in at 8.42 but my understanding is that this resolution was in fact distributed late I agree but late last evening. Thank you Mr Chairman.

**Chairman**

Denmark.

**Denmark**

I am sorry Mr Chairman. I was personally watching when this distribution was distributed because I believed we were involved in discussion with the so-called like-minded group and other delegations on the very development of this text and I was surprised we hadn't found it. I can assure you I received it at 8.42. It was faxed immediately to my Ministry of Foreign Affairs so the timing is absolutely correct. But it is written on the bottom of this page by the same computer as has written the rest of the text and it doesn't reflect the actual situation. You have to take my word for it Mr Chairman. It was distributed exactly at 8.42a.m. on 31 May 1991 in the pigeonholes and I want this to be recorded. Thank you.

**Chairman**

Thank you. UK.

**UK**

Mr Chairman if I might point out that the distribution my colleague from Denmark is referring to was a secondary distribution. I personally put the resolutions in peoples' boxes last night before I had finished my work and so I can tell you they were in as stated and I would also hope that you could observe the rules as you did yesterday that exceptions can be made, because as you will appreciate a number of Commissioners worked extremely hard to find a text that might be acceptable to all the Commission, and if it is late it is because it is of our earnest intention to achieve something and I think in fact since it was in heads of delegations' pigeonholes last night we are within the rules. Thank you.

**Chairman**

Thank you. I have two speakers on my list - Denmark and Norway and after that I will make a ruling. Denmark.

#### **Denmark**

Unfortunately then if this is true it has been removed from the Danish delegation and it has put us in exactly the same situation as I described and it was absolutely not to be found in our pigeonhole neither last night or this morning. Thank you.

#### **Chairman**

Norway.

#### **Norway**

Well Mr Chairman I would just say that I totally completely support the views expressed by our Danish colleague and I do contest what was just said by the UK Commissioner. I mean when we talk in the Rules of Procedure of submitting, introducing draft resolutions, we are talking about a time of the day where people are normally awake. This resolution was submitted, I don't know if it was submitted, I suspect it was printed out at 11.45p.m. that is a quarter to midnight. That is not the proper hour to submit a draft resolution unless one has a sitting in a night meeting which was not the case at that hour yesterday, so I will try and cooperate with you Mr Chairman. I think you are right in suggesting that we may have this resolution now introduced and maybe discussed but in all fairness to the Danish delegation and others, I am sure there are more delegations who are in a similar position, and who were not able to see this resolution until 8.42 this morning, so that the voting at any rate will be postponed until after lunch. Thank you.

#### **Chairman**

Considering that we are approaching lunch time and as I guess that the Danish delegation would accept that we deal with it in perhaps the voting matter after lunch. I will permit discussions - an introduction and discussions before lunch and then we break for lunch break. Australia.

#### **Australia**

Thank you Mr Chairman. I understand from your ruling that it is now possible to speak to this resolution. Mr Chairman, I would like to speak to it and if indeed delegations have been put into difficulty because of its late delivery it is simply because we have tried I believe to work very hard to achieve the maximum level of consensus within the Commission, and in that sense I don't feel any embarrassment at the late stage it was boxed last night. I have already stated Australia's policy at this meeting but Australia perhaps has not made it clear that it does have a strong commitment to the International Whaling Commission as the appropriate international body for all cetaceans, and we have a strong commitment to support the work of the Scientific Committee to ensure that the management decisions made by the Commission have the best possible scientific basis. It is perhaps ironic that Australia is alphabetically the first proposer of this resolution, the precursor to Schedule amendments that will replace current paragraphs 10(a) to (c). The 26th Report of the Commission for the year 1974-1975 records in less than a page the Commission's debate on a proposal for a world-wide moratorium on commercial whaling which had been submitted to the Technical Committee by the USA and Mexico. An amending resolution was proposed by Australia, seconded by Denmark, in which the bones of what became the new management procedure was laid out. The debate as recorded in the report of that meeting, after consideration by the Scientific Committee and Technical Committee, appears to have involved the insertion of the words 'present' and in the preamble reference to the use of whale stocks as a present and future resource. The resolution was adopted by majority. I hope that we can be as economical with our time.

Australia was among those countries strongly in support of the implementation of the moratorium in 1982, it has also been active in the development of the comprehensive assessment of whale stocks, an integral part of which has been the revision of the management procedures adopted by the Commission in 1975. The Australian Government commitment to support the work of the Commission and its Scientific Committee has been long standing with a long line of Scientific Committee Chairmen going back to K. Radway Allen, John Bannister and Geoff Kirkwood. We have also supported, at least in principle, if not

always in travel funds, the central role that Geoff Kirkwood has played more recently in guiding the management procedures to the level that they have now reached. I would like to record my sincere appreciation of the effort, skill and perseverance that he has brought to bear. I wish him well in the United Kingdom.

Whatever their faults in retrospect, the new management procedure represented a major advance in the Commission's approach to the management of whale stocks and change in perspective that has continued to develop. Even as they were being implemented however it became clear that there were serious problems with the new management procedure in data requirements and availability and certainty in estimates and classifications and the risk of depleting stocks. Attempts at revision began in 1978 and continued through the period in which the moratorium decision was passed in 1982. Simulation studies of the effects of the application of the new management procedure by Bill de la Mare presented to the Scientific Committee in 1984 were an important step forward in the process of the revision of the procedure. As Geoff Kirkwood has said so clearly in his final report on the development of the revised management procedures, a satisfactory revised management procedure must be able to meet the Commission's management objectives and it must do so regardless of existing and continuing uncertainties in the basic data, stock identity and dynamics of whale populations. We are seeking a management procedure that is robust to these uncertainties.

Whether or not a procedure is robust can only be determined by examining its performance across a wide range of plausible situations. Since experimental application of the potential procedures to actual whale stocks is clearly out of the question, the approach has been taken to simulate the management of whale stocks. The series of working groups, sub-committees and other aggregations that have examined the issues have now come to fruition with I think inadequate advice and guidance from the Commission on important issues such as the weighting to be applied in the three management objectives that we had managed to agree. Despite that, the management procedures working group vigorously tested and reviewed the five procedures that had been developed. It has now, perhaps earlier than some of us had thought possible at this time last year, provided advice. The Scientific Committee, emphasising that all five procedures performed satisfactorily in single stock trials, has agreed that no single procedure performed uniformly best over all trials and all tunings but it has recommended the C procedure for acceptance by the Commission. A concern amongst some members that the procedure can in some circumstances lead to continued catches from a proportion of stocks below levels at which they would have been protection under the current schedule provisions has led to the suggestion that the question of protection levels be further examined by the Scientific Committee and guidance provided to the Commission for consideration next year. It is clear that the work required for that and the other specific single stock trials and development of multiple stock applications required will not be accommodated in the normal meeting of the Committee and that an inter-sessional meeting may be required. It is clear that there are difficult questions to be resolved both within those countries committed to the resumption of commercial whaling and others such as Australia. There are important matters of principle to be addressed by my Government as well as the more direct and urgent matters of implementation of the best advice we have available. That would also allow time for Governments to consider in more depth the consequences of the advice on protection levels in particular so that they are in a position to deal substantially with the issue in this Commission.

Finally, I would like to reiterate my earlier remarks on the way in which the procedures have been developed by the five groups concerned. While the Scientific Committee has recommended one procedure all of those involved in this process have contributed materially and it is the Commission overall that has benefited from their varied expertise, abilities and orientations. I would like again to record my high regard for their efforts and for the quality, the advice that they and the Scientific Committee have provided to the Commission under very difficult conditions. It is also abundantly clear with no confidence interval needed that there is more work to do both on the tasks identified in the Report of the Scientific Committee and that would arise from the resolution which we are co-sponsoring.

I strongly recommend that members support the resolution. It has two major components apart perhaps from being rather more complex and verbose than the previous resolution. It recognises and accepts that the work of the Scientific Committee on the core single stock procedure will form the basis of the revised management procedure, and it provides a mechanism that leads us forward on the extremely difficult path ahead. Failure to agree will have extremely serious consequences for the Commission and particularly for the Scientific Committee. Thank you Mr Chairman.

**Chairman**

Thank you Australia. USA

**USA**

Thank you Mr Chairman. The question before us, the revised management procedures, is clearly the most difficult issues that this Commission has had to deal with at this its 43rd meeting. I can only say that one of the reasons why this particular proposal was indeed so long in getting to the pigeonholes, and I can guarantee that it was in the pigeonholes before midnight, was because many of us worked very hard to try and find a structure of this proposal that would be agreeable to all. If we had not tried so hard I can guarantee you we could have had a proposal in the pigeonholes much earlier. The Danish delegate indicated in the process of arguing for the value of their proposal over ours that theirs was much easier to read and simpler and I must confess that in at least one aspect it is.

I have checked with my co-sponsors and I hope that I can make a simple editorial amendment to a sentence which I find does not make any sense. On the second page under 'observes' - sub-heading 1 where it reads "catch limits for stocks with population levels as low as 60% of the unexploited level will" and please insert the following "be such that the stocks will". The typist somehow missed it in the process of doing the typing last night.

If I may continue. I believe that the work of the Scientific Committee that the delegate from Australia has indicated has gone forward rapidly and with great success and what this particular proposal resolution hopes to do is to move that effort forward. What the resolution does say is that it does decide to accord the highest priority to the management objective of accepting a risk that the stock shall not be depleted below some chosen level, that is we are putting low risk at the highest of our priorities, an issue which the Scientific Committee asked us to give advice on sometime ago. We have, as the delegate from Australia indicated, accepted the Scientific Committee's recommendation for the C procedure as a core single stock management procedure for baleen whales as a basis upon which further development of the revised management procedure shall proceed.

We have also indicated that when and if commercial whaling should begin again, it will only be permitted for populations in areas and seas and for which catch limits are enforced, and the basis will be that which is calculated by the Scientific Committee and forwarded and approved by the Commission. Catch limits for all populations in all areas and seasons otherwise will be zero. We have also at the request of the Scientific Committee agreed that the high tuning level of 0.72 should be adopted.

Third, we have made a recommendation to make a change in the core procedure, the C procedure as presently run through the computer programmes. At present the protection level below which whaling cannot begin is at 50%, we have made a recommendation that should be moved upward to 54%. We have been told by members of the Scientific Committee that this can be easily accommodated within the present computer models and one cannot expect significant changes. In fact I am told that the Committee has indeed made one or two runs through their computer and have essentially validated that is indeed the case.

A key point in our resolution is the next paragraph where we raise the question to the Scientific Committee concerning the probability of beginning to whale again on stocks that are depleted below the point 54 level. One can argue, ask the question, why should that be, how could that be? If you have a protection level of 54%, how could one begin whaling below 54%. The problem of course is that we are dealing with uncertainty. That is we sometimes do not know exactly, we obviously do not know exactly what the level of the stocks were back in the historic times before exploitation began. We sometimes do not know with great precision what the present stocks are so one divides two numbers each with a certain uncertainty, one can indeed find oneself on occasion going whaling when the stocks are below the level of 54% that we have set as our criteria. We are suggesting and asking the Scientific Committee to provide its advice as to how often that might happen and under what circumstances. It is a matter of great concern to a number of the co-sponsors of this resolution.

Also Mr Chairman, we have attempted where we listed matters under the paragraph which says "observe" to give to those who have not looked at this procedure in great detail some sense of how indeed it does work and that is what that paragraph refers to. And finally, or almost finally, Mr Chairman, we note that there is more to be done to put together a revised management procedure that can be put into the Schedule than simply running more computer models. We do need advice from the Scientific Committee on such matters as minimum standards for data, coverage, methodology for sighting surveys, etc. We do need advice on this matter if we are going to go forward with an RMP that is in the Schedule. And finally, we note that there are some issues that have not yet been resolved, additional issues that have not been resolved, not the least of which is we need work done on multi-stock analysis which the core procedure, the C procedure, has not yet begun work on. Thank you Mr Chairman.

**Chairman**

Thank you USA. Netherlands.

**Netherlands**

Thank you Mr Chairman. As one of the sponsors of this draft resolution I would like to give an explanation of our position in this matter. We consider the development of a revised management procedure of the utmost importance if we are to achieve the objectives of this Convention. The caution expressed in those objectives and I quote "to provide for the proper conservation of whale stocks and thus make possible the orderly development of the whaling industry" is strongly reflected in our Government's position which is to ensure first that whale populations will not be depleted. Second, that relatively abundant populations are allowed to remain at healthy levels and third, to allow depleted whale populations to recover to high levels of abundance as soon as possible. The Commission would set another step in this direction by adoption of this resolution although in our opinion it is certainly not a jump. The Netherlands considers that in the past the new management procedure with a protection level of 54% of the initial population size has not been able to prevent further depletion of many whale stocks around the globe. One of the reasons for this was that we still have very little knowledge of the natural processes that are essential for managing whale operations, such as the rate of recovery and the migration patterns of the whales. Those are still to a large extent secrets to be found somewhere out there in the oceans in the future.

One of the ways that the procedure developers have tried to bridge these gaps in our knowledge was by subjecting their programs to severe tests. Since it appears that programs can withstand those tests, one of them may serve as a basis for the revised management procedure. The Commission, Mr Chairman, now needs to give guidelines to the Scientific Committee to enable them to continue their development process. In our view this resolution serves this purpose. We can accept the C procedure as a cornerstone for the revised management procedure. We agree that the further development will be tuned to a level of point 72. In addition, this resolution resolves that a protection level of 54% of the unexploited level will be installed. The Netherlands considers such a protection level essential for the proper conservation of whale stocks. We observe, however, that operative paragraph (3) as it stands does not ensure that

depleted populations are allowed to recover to high levels of abundance as soon as possible. Furthermore, paragraph 3 implies that there is a high probability that populations below the 54% of unexploited stock size would be exploited. We are therefore concerned that the Commission has not yet been able to resolve at what level of probability the protection level of 54% should be realised. We think that that probability has to be high. Of course it can never be 100% but our conviction is that it should be close to it. In spite of this concern we can support this resolution in the expectation that our concern will be appropriately addressed by the Scientific Committee in the coming year to enable the Commission to decide upon this important matter in due course. Thank you Mr Chairman.

**Chairman**

Thank you Netherlands. I have four speakers on my list. Sweden, UK, Denmark and Finland. I give the floor to Sweden.

**Sweden**

Thank you Mr Chairman. We have now reached a point where we can finally take a decision on how to implement a revised management procedure. This is something that my government has been looking forward to for several years. We note that all five procedures that have been developed essentially are robust enough to work satisfactorily. It is although evident to my delegation that there are differences between the procedures which is of significance to the future of whale stocks especially in the so-called rehabilitation cases. This is of concern to my delegation. We would therefore like to co-sponsor the tabled resolution IWC/43/41 which amongst other things addresses our concerns by seeking the advice of the Scientific Committee on this issue. It is also the understanding of my delegation that this request for further information will not make an implementation of the RMP impossible by next year's Annual Meeting. On the contrary, my delegation is committed to make every effort to finalise the implementation of the RMP by next year. We see that there might be a need for an inter-sessional meeting of the Scientific Committee to do this. This would to us be preferable and as I understand to other delegations as well as it will give member nations the possibility to analysis the results of the implementation in advance of the next Annual Meeting. I would therefore propose that the Commission decides on such a meeting at a time the Scientific Committee deems suitable. I would like to conclude my statement by conveying my delegation's deep appreciation for the excellent work conducted by the sub-committee on management procedures and especially to all the procedure developers under the excellent leadership of Dr Kirkwood to who we are all indebted. Thank you.

**Chairman**

Thank you. United Kingdom.

**UK**

Thank you Mr Chairman. The United Kingdom is also a co-sponsor of this resolution as we believe it presents a very reasonable way forward. Like the other co-sponsors of this resolution we have taken the work on the revised management procedure very seriously. I asked a number of questions at the Technical Committee about the proposed basic model and all the work of the sub-committee which has been really quite tremendous. All the models developed could be used, they have been vigorously tested and quite clearly operate effectively under a wide range of variable and varying conditions for single species. They have built into them protection levels which can ensure that stocks do not fall below the low particular levels and especially stocks which recover sufficiently for whaling to be resumed, they would be protected from falling back to lower depleted levels. The Scientific Committee have advised us to choose one particular procedure. I think we are all satisfied that this is a sensible way to proceed. We have a useful core on which to complete the validation and on which can be built the capacity to deal with multiple stocks. The resolution before you provides the guidance the Scientific Committee asked to enable them to carry this work forward. The resolution also provides guidance on the further work necessary to underpin the various aspects of the new procedure such as sighting surveys and analytical techniques. We shall also have to consider how to incorporate the procedure once it has been fully tested

and developed and proved to be sound in its wider application into the Schedule so that the conservation and management of stocks can proceed on a sound basis. All the work under this, for the Scientific Committee under this, will be under the clear guidance that the highest priority must be given that stocks should not be depleted below a chosen level. I think with this clear advice and the necessary resources and the full support of the Commission to proceed on the basis of the C procedure, I hope that the Scientific Committee can continue their diligent work in testing and developing the various necessary elements. Thank you.

**Chairman**

Thank you UK. I give the floor to Denmark.

**Denmark**

Thank you Mr Chairman. I ask the floor in response to the interventions by Australia and United States as to the lateness of the arrival of this proposal. In the wording it should have delayed because there had been widespread consultations in order to reach a consensus. I can assure the Commission that these consultations have not taken place with Denmark. We were left out of the discussions last night in the same elegant way as we were left out of the so called like-minded group, we were just not consulted anymore and we just did not receive any other papers and to my best belief none of the former whaling nations were informed or consulted either. The reason for the lateness of this proposal is that there were strong disagreements within the like-minded group. Some of these nations cannot accept the fact that the Scientific Committee almost unanimously has come up with a recommendation for a new management procedure, the so-called Cooke procedure and they will use any element to prolong the process of developing a new revised management procedure. This development makes the situation impossible for the former whaling nations and is to our best belief a tactic which may be the final step which undermines the work of the International Whaling Commission. Denmark has worked very hard to reach a consensus in this absolutely vital issue of the IWC. A consensus was not wanted by some of the nations present in this room and we deeply regret that fact. Thank you.

**Chairman**

Thank you. I give the floor to Finland.

**Finland**

Thank you Mr Chairman. Mr Chairman, we are dealing with what is perhaps the most important single issue of this meeting and therefore Mr Chairman I would like to state the following. Finland recognises the long and difficult work of the Scientific Committee to develop a revised management procedure as we commented last night. Finland welcomes the adoption of a RMP as a positive development and we fully believe that it is of utmost importance that the first steps towards its full adoption are taken this year. We welcomed the recent trend of this organisation to recognise that its decisions must be directed towards giving the benefit of the doubt to the resource rather than to the exploiters. We trust that this will continue to be the direction followed by the IWC and therefore emphasis that the reduction of risk to the absolute minimum is essential. To the Government of Finland it is also of fundamental importance that the basic principles of the 1946 Convention be fully maintained in the RMP. By this we mean the principles of allowing depleted stocks to recover to optimum levels as quickly as possible and to protect other stocks from depletion. Equally we are concerned that the principal of protecting stocks depleted below optimal levels from further commercial whaling and presently expressed in paragraph 10(c) of the Schedule also be retained. We now know the new management procedure fails to meet these objectives, the procedure we adopt as its replacement must achieve what the new management procedure was never able to achieve. In our view, the above expressed ideas are well taken into account in this resolution in which we are co-sponsors. We would like to take this opportunity to thank the sub-committee which has worked very hard with management procedures. Thank you Mr Chairman.



**Chairman**

Thank you. I give the floor to Germany.

**Germany**

Thank you Mr Chairman. Germany also is a co-sponsor of this resolution on the revised management procedure. I want to associate myself with the explanations that have been given by the United Kingdom. Thank you.

**Chairman**

Thank you. Any further comments? Spain.

**Spain**

Thank you Mr Chairman. I want to congratulate the Scientific Committee for the very good work it has done these last years and also the Group that has met all these days working very hard on reaching a consensus in a resolution that could satisfy everybody in the adoption of the C procedure proposed by the Scientific Committee and in the implementation of this recommendation of the Scientific Committee. I am not going to comment anymore on this resolution because many things have already been said but just to say that Spain thinks that the clauses contained in this resolution could warrant the levels of safe management that are required. Anyway I would like to comment on a particular issue that is not in this last resolution, it has been given to us, this resolution has arrived to me just this morning but I had a draft resolution which was prepared before. I don't know if this Commission has noted that the work of the Scientific Committee is expanding into small cetaceans and that small cetaceans in case this resolution is adopted could be covered also as well by this resolution which would permit the establishment of catch limits for small cetaceans if it remains as it is. If it is revealed that any stock of small cetaceans is higher than a given level this Commission should according to the Convention establish catch quotas for these small cetaceans. I particularly preferred the first version of this document which contained a clause which said commercial whaling should only be considered for those population subject to whaling at a time of the 1982 moratorium. Thank you Mr Chairman.

**Chairman**

Thank you. People's Republic of China.

**People's Republic of China**

China's position about the management of whale resources is always to actively protect and rational utilisation. From this position we hope a new revised management can be in place as soon as possible. However, I see there is a difference between member governments so my government vote for the proposed Resolution whereby abstain. I think any issue dealing with adoption of the revised management should not be in this constructive way through the negotiations reach the consensus. Thank you, Mr Chairman.

**Chairman**

Thank you, People's Republic of China. Are there any further comments? The Netherlands.

**Netherlands**

Yes, briefly, Mr Chairman. In response to the concern expressed by the Spanish Commissioner I would like to point out that we are talking about management procedures for baleen whales. I think that is made sufficiently clear in the third operative paragraph. He accepts paragraph on page two. Thank you.

**Chairman**

Thank you. Spain.

**Spain**

Thank you, Mr Chairman. Yes, Mr Chairman, it was also my thought that this Convention deals just with whales, not with the small cetaceans. Thank you, Mr Chairman.

**Chairman**

Thank you, Spain. Are there any further comments? That seems not to be ... Japan.

**Japan**

Mr Chairman, I also received this Resolution this morning allowing very little time to even look at it and there are a number of sensitive issues involved I hardly have enough time or my understanding of the variety of issues with which we have to look at this Resolution carefully. Mr Chairman, there are a number of very difficult wordings which were very difficult to interpret. Say, for instance, on the middle of the second page in the paragraph starting with 'agrees' on the second line from the bottom where it says 'Revised Management Procedures' why is it plural? We do not understand why it's plural. This is just one example of how difficult it is for us to interpret the whole thing. There is no date set for the implementation or the completion of the Revised Management Procedure because a number of trials have been suggested. And there are many many issues like that which makes it very difficult for us to fully understand the context of this Resolution tabled in front of us. Another point I would like to add is the third paragraph on the second page, the paragraph starting with 'accepts', at the very last part of that paragraph it says 'further development of the Revised Management Procedure shall proceed' but it doesn't say proceed to complete or any date set for the completion. That is a very important thing for us. Mr Chairman, the Resolution seems to be very difficult to interpret for the non-English speaking countries, particularly in the legal sense or grammatical sense the very small differences would make a great difference to the future of the IWC and therefore I am in a position that doesn't allow me to say yes or no. I think it warrants further examination.

**Chairman**

Thank you, Japan. Chile.

**Chile**

Thank you, Mr Chairman. I think the subject is complicated enough to include the question, the separate issue, which is the competence of the Commission concerning small cetaceans, but in any case as the matter has been raised we understand the paragraph one of the Resolution in the same sense that Spain has said. Thank you very much.

**Chairman**

Thank you. US.

**USA**

Thank you, Mr Chairman. With respect to the Japanese note concerning management procedures versus procedure I continue to admire the ability of Mr Shima's evident qualities to read the English language somewhat better than a number of the co-sponsors of this Resolution for whom English is a native language, and he is actually correct. This should be 'procedure' and not 'procedures'. As to the question of schedule times I would only note that the Scientific Committee report IWC/43/4 which we have received does indeed include some of the schedules and timetables that Mr Shima was concerned about. Thank you, Sir.

**Chairman**

Thank you, US. Brazil.

#### **Brazil**

Thank you, Mr Chairman. Mr Chairman, this delegation has witnessed in the last days or the last two weeks the extremely serious and responsible efforts that have been done by the delegations directly involved in the preparation of the content of the text of this Resolution. We have been able to follow it personally. We trust that they have come to a solution which will guarantee conservation of whale stocks and will allow cautious utilisation of resources. We think that this regime, if accepted, could guarantee that the IWC would go on in a sense of cooperation. We think members now present could continue present at the IWC if this Revised Management Procedure were adopted, and we support it. Thank you.

#### **Chairman**

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

#### **Japan**

Thank you, Mr Chairman. I appreciate the explanation by the US Commissioner about this word 'procedures' to be read singular instead of plural. However, there are many other points that require explanations such as when it says in the same paragraph 'a level of 54%', is it going to be incorporated into the C procedure because it's a singular procedure preceding this word in front of it in the same sentence. Am I correct in understanding that this means that the level of 54% is going to be incorporated in C procedure? Well, if that is the correct understanding I think it needs to be clarified in wording. There are quite a number of other issues that I need to study and examine. Furthermore, on the third paragraph after 'Revised Management Procedure' it has to be qualified to read 'for baleen whales' because there has been some confusion raised by other Commissioners as well. And in the preceding sentence where it starts with 'accepts' on the second line at the end 'management procedure for baleen whales' should be repeated in the following paragraph because it has to be qualified.

#### **Chairman**

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

#### **Iceland**

Yes, thank you, Chairman. Mr Chairman, the closer we get to the end of our meeting the more necessary it is to be completely frank in the statement of our views. Mr Chairman, even if the Resolution proposed by Iceland, Norway and Japan had been accepted, which involved accepting totally the recommendation of the Scientific Committee and providing that the necessary work for the implementation of the Cooke procedure would be completed for the Southern Hemisphere and North Atlantic minke whales at the 1992 meeting, even then, Mr Chairman, we would not have been secure that some efforts would not have been made in the intervening year to sabotage that approach. It is in the nature of the work which is being planned that a great number of opportunities are presented for raising questions, throwing up smokescreens, raising doubts about the conservative elements of the recommended procedure, such that even when arrived here at the 1992 meeting it would have been possible to point to so many caveats in the process such that a political decision on the opening up of commercial whaling would have been made nearly impossible for countries which have a position including those who propose a worldwide ban on commercial whaling. I should now like to compare that situation with the situation which would result if the amendment of the proposal before us were to be adopted.

Here we see an even greater number of possibilities to retard the process. Already reference has been made to the fact that no schedule is set out specifically in the Resolution. I note with interest that the Commissioner of the United States has referred to the Committee report which does include the schedule on page 11, the third paragraph, which would result, if the Commission so requested, in the completion of the process for the Southern Hemisphere and the North Atlantic minke whales. I also note that the proposal by the Commissioner of Sweden to which reference has been made earlier by the Commissioner of Australia, that an intersessional meeting would be useful in order to achieve these aims. Both these points are very important to our delegation in the assessment of the Resolution. I spoke before of the

many possibilities found in the Resolution for delay and procrastination. I should refer first to the first 'agrees' clause, paragraph 3. We have been assured that this was a relatively simple change in the Cooke procedure involving a change from the figure 50 to the figure 54 within that process, and I hope that can be understood as the sole intent of the paragraph. Unfortunately, when opportunities are presented by that language as it is found in the paragraph, I fear that many of the more legalistically inclined scientists would find another interpretation of that clause and I hope that tendency can be resisted when the time comes. Even of more concern is the second 'agrees' paragraph, and of special concern is the link between the implementation of the Revised Management Procedures and this paragraph which may require some looping back into the process and further delay. I see the reference to 'significantly below the protection level of 54%' would also give some opportunity to delay work and certainly to present a report which would make it very difficult for the Commission at its next Annual Meeting to deal responsibly with this situation.

Mr Chairman, how have we reached the situation that we have this Resolution before us? The Commissioner from Denmark has quite colourfully pointed out his experience of the working of the like-minded group as a former member of that group. I didn't know, in fact, that he had been so unceremoniously prevented from participating further. But over the past two or three days we have witnessed an effort to start negotiations for a new type of relationship within the International Whaling Commission and I know all Commissioners here would applaud the work of the Commissioner of the United States in that regard, whom I believe was sincerely interested in achieving new relationships between the members of this organisation. I can easily identify the source of some of these points. I recognise efforts were made to minimise the possible adverse effects of these points, but it seems to me that once again the Commission as a body is being wagged by its tail. The small number of countries who have a firm position against ever opening up whaling seem to be able to prevail upon the majority within that group I mentioned before and thereafter without any debate in the Commission itself. This type of policy must be seen as totally intolerable to Iceland whose attitude towards conservation of marine mammals and other marine resources should by now be known to all parties here. It is a fear that reaching this position next year once again it is impossible under the structure of this organisation with the essentially four day period to engage in serious negotiations, that we cannot accept a proposal of this kind. Thank you, Chairman.

**Chairman**

Thank you. Any further comments? That seems not to be the case. I therefore propose that we adjourn for lunch. And I ask Commissioners during lunchtime to consider the consequences of our decisions for future work. I adjourn the plenary until half past one. The plenary is adjourned.

[Lunch break]

**Chairman**

The plenary is resumed. We have now to go to decision on the Resolution IWC/43/41, but before I will give the floor to United States for a comment. US.

**USA**

Thank you, Mr Chairman. During the lunch break it's been brought to my attention that although the Resolution before us says on the second page under 'accepts' that this procedure is for baleen whales, it may not be clear to all delegations that that which follows in the following paragraphs also applies only to baleen whales. I would just like to make that statement for the record, Sir. Thank you.

**Chairman**

Thank you. I see no choice to deal with this Resolution than to put it to a vote. Secretary, will you conduct the vote. Dr Gambell.

### Secretary

Mr Chairman, the proposal before this plenary session is contained in document IWC/43/41 Resolution on the Revised Management Procedure. It is proposed by a group of countries whose name is headed by Australia, and in this plenary session a simple majority of those voting will be sufficient to adopt this Resolution. So we are voting on IWC/43/41 Resolution on the Revised Management Procedure, and I take it that the document contains the corrections which have been brought up during the plenary, to talk about a single Revised Management Procedure in the last 'agrees' statement and the insertion of the words under the paragraph observes section 1 'the unexploited level will be such that the stocks will continue'. So it's the Resolution as amended by those drafting editorial corrections which have been identified.

According to our running register the first country is the People's Republic of China - abstain; Denmark - abstain; Finland - yes; France - yes; Germany - yes; Iceland - no; India - yes; Ireland - yes; Japan - no; Republic of Korea - abstain; Mexico - abstain; Monaco - yes; Netherlands - yes; New Zealand - abstain; Norway - no; Oman - yes; St Lucia - no; St Vincent & The Grenadines - no; Seychelles - yes; South Africa - yes; Spain - yes; Sweden - yes; Switzerland - yes; USSR - no; UK - yes; USA - yes; Australia - yes; Brazil - yes; Chile - yes.

Mr Chairman, there were 18 votes in favour, with 6 against and 5 abstentions, so that Resolution is adopted.

### Chairman

Thank you, Secretary. Before the lunch I asked you to give if possible the declarations of vote after lunch so I now open the floor for declarations of vote. We take at first number 41. I have New Zealand, Norway and Denmark on my list. New Zealand.

### New Zealand

Thank you very much, Mr Chairman. New Zealand abstained in the vote we have just held and I would like to explain why. This is the first time I have spoken under this item and if you would allow me I would like to deal with our position, or explain our position, which leads into the reason why we abstained and so if you can give me a minute or two to do it. New Zealand policy doesn't favour the resumption of commercial whaling. We have arrived at this position because of concern about the degradation of the environment and because of our desire to preserve the great natural resources that are an integral part of it. We would be pleased if all other countries shared this point of view but they don't and we have therefore to try to find whatever measure of agreement exists within the provisions of the 1946 Convention to guide us through the difficult period ahead. The question of management procedures is undoubtedly the most complicated, confusing and important one to come before the Commission during my term as Commissioner. Time is needed to understand it. We are under pressure to get a management procedure up and running very quickly. I would wish nevertheless to take a few minutes to explain how New Zealand sees the present position.

The reality behind it is that the world has changed a good deal since 1946 but the Convention hasn't. It's still the same Convention incorporating principles laid down 45 years ago by a relatively small group of whaling countries. Those principles were appropriate to the era in which they were drafted. In 1946 whaling was universally regarded as adventurous and acceptable and whale stocks as virtually inexhaustible. It's a different story today. The presence at this meeting of so many NGOs, no doubt at considerable cost and inconvenience to themselves, demonstrates the strength of public opinion in many countries and the concern that is shared for the future of the whales. I could perhaps also note that the membership of IWC includes all the whaling countries but only some of the conservationist-minded countries. It doesn't necessarily therefore reflect the world at large. As founder members of this organisation, however, we are loyal members and we are trying to work within its rules and regulations even when they don't exactly accord with our national policies and priorities. Up to this point the IWC

Convention has shown itself sufficiently flexible to meet changing circumstances and I quote by way of example the delayed but eventually positive response to the call of the 1972 United Nations Conference for a moratorium on commercial whaling. In one way, therefore, the Convention has stood the test of time. We certainly don't see the need to revise the Convention or replace the IWC with another organisation, but the question remains whether the IWC is going to be sufficiently adaptable to face the challenges of the future. This will be partly if not largely determined by the way it handles the major issue before us, the adoption of a Revised Management Procedure.

This is the third time the organisation has tried to put in place the key element in its work represented by this procedure. As we all know, the first attempt based on the blue whale unit was an unmitigated disaster. The second, the New Management Procedure, was fatally flawed and continued the process of depletion of whale stocks. We now have one more chance and if we get it wrong it will be our last chance. For this reason it's essential in our view to ensure that full consideration is given to all aspects, that all the tests are carried out, and that the implementation arrangements are fully worked out. We must not allow ourselves to be stampeded into hasty or premature decisions. The Scientific Committee has recommended that we now accept the C procedure as the basis for our future work and this has been endorsed by the Resolution just adopted subject to some provisos. The procedure is an extremely sophisticated procedure and is not easy to comprehend. I have had the benefit of two briefings from the distinguished Chairman of the Sub-committee and I can only say that I am still confused but at a higher level. I think I can say with 51% confidence that I understand the basic approaches that are followed. I quail at the thought of having to try to explain this procedure to my authorities and I can assure you that the general public will never understand it. They will react to its product in the form of whales proposed to be taken, and I suspect they won't like a fair bit of what they see. Inasmuch as I can make a judgement I'd have to say that the management procedure appears to be very much like the curate's egg - good in parts and not so good in others. For the good news first, it does appear to provide a better measure of protection for depleted stocks than the old NMP and it contains features derived from experience which should reinforce this. As for example the proposal to tie quotas to much smaller geographic areas than in the past. The not-so-good elements seem to derive largely from the attempt to apply one uniform approach to all whale stocks regardless of their depletion or relative abundance. We recognise the administrative advantages of having one formula applicable to single stocks of all species and all areas and I'm not too surprised by this emphasis on uniformity, but efficiency isn't everything.

If I could just say as an aside, it might be scientifically more efficient if people could be gradually genetically harmonised so that we all finished up the same size and shape and wearing the same clothes and having the same tastes, but it wouldn't be very interesting. I sometimes wonder also whether the beauty of the smoothly functioning mathematical model may at times blind the operator to the lethal effects of its application out in the field. Perhaps for all these reasons Contracting Governments of this organisation decided in the Convention that, although decisions should be based on scientific advice, the decisions themselves should be made by Commissioners who have to take account of much broader considerations. Uniformity through the management procedure approach is in practice achieved through the construction of a sort of scientific procrustean bed. I have only fading memories of the Greek legends of my childhood but as I recall one legend was about a gentleman by the name of Procrustes who was in the habit of offering overnight shelter to weary travellers. The only snag was that they found they had to fit the bed provided. If they were too short they were stretched up to the right size. If they were too tall they were chopped down to size. Now the Scientific Committee's proposal for whales is not quite as harsh as Procrustes had in mind in one direction. It does seek to ensure that depleted stocks will be allowed to recover and build up to a target population level by their own means. It's not entirely clear to me when whaling would actually be allowed to resume under this model, but I have fewer problems with this aspect of the management procedure.

I must say quite frankly, however, that New Zealand has serious problems with the Cooke model, even with the guidelines provided in the Resolution just adopted. The major stumbling block for us is that if the population is above a certain target population size it has to be depleted or tuned, to use the approved expression, over a period of time until the population level conforms with a standard pattern. Although a good deal is talked about sustainability of yield, it seems to us that no importance at all has been attached to sustainability of existing stocks. Applied to the Southern Hemisphere minke whales, a subject of particular interest to New Zealand, a stock which is the last great whale stock on earth and in a region where more and more nations are coming around to the view that its resources should be preserved for all time, the result of this procedure would be (assuming the adoption of the highest population target level which was suggested in the Resolution just adopted) the reduction of those stocks over time by well over 100,000 whales. This is out of a stock of 400,000 or so mature animals. The lower population target level preferred in the first Resolution we voted on would result in much greater removals. No matter how scientifically sensible that may seem it will appear to the people in New Zealand that we are repeating past mistakes all over again, playing God and reshaping the environment. It will also, I must say, seem to people in New Zealand that the Northern Hemisphere whaling countries, having ruined the stocks in their own hemisphere by over-fishing, are now planning to make massive inroads into the Southern Hemisphere minke whale population, and all that with the blessing of the International Whaling Commission. I would have to say frankly that in this respect it may be a Revised Management Procedure but it doesn't look like a very safe management procedure. If I am right in my assessment then I'd have to say very bluntly that, although what is proposed may seem sensible and acceptable to the majority of the Scientific Committee who proposed it, in my country it's not politically acceptable. I'm well aware that there's more work to be done but until the proposed procedure is more fully developed and applied to multi-stocks and we can see more clearly how the system is going to work out in practice, my delegation has no choice but to attach a reservation and is not in a position to endorse even as the core single management procedure a system which is fraught with such grave implications for the last great whale stock. Thank you, Sir.

**Chairman**

Thank you, New Zealand. I give the floor to Norway.

**Norway**

Thank you, Mr Chairman. Mr Chairman, Norway voted against the Resolution that has just been adopted for the following reasons. At the moment we do not know what the implications of the further instructions given to the Scientific Committee are. We suspect that the Scientific Committee's elaboration of a Revised Management Procedure will now be further delayed and consequently the adoption and the implementation of a Revised Management Procedure will not be feasible next year. Furthermore we suspect that we eventually will be presented with a Revised Management Procedure that will stipulate protection levels that will virtually prevent the resumption of commercial whaling in a foreseeable future. I want to emphasise that I have in mind prevention of resumption of commercial whaling based on the principle of rational and sustainable harvesting of living marine resources in the northeastern Atlantic area of minke whale stocks. Mr Chairman, by the decision just adopted Norway fears that the Commission has confirmed our earlier suspicions that the IWC is no longer an international body for the proper management and regulation of whaling. Mr Chairman, the Commission appears today to have transformed itself into an International Commission on the Prohibition of Whaling. In conclusion, Mr Chairman, the delegation of Norway is obliged to state that the Norwegian Government will now have to review and seriously consider Norway's future relations to the International Whaling Commission. Thank you, Mr Chairman.

**Chairman**

Thank you, Norway. I give the floor to Denmark.

**Denmark**

Thank you, Mr Chairman. Denmark has abstained on Resolution IWC/43/41 because it does give the advice for the further work of the Scientific Committee on the Revised Management Procedure which the Scientific Committee had asked for, but unfortunately it adds a number of complicating elements to the development of the Revised Management Procedure which may prolong the preparation of the RMP substantially and to our mind unnecessarily. Thank you.

**Chairman**

Thank you. Are there any further comments or declarations of vote? Japan.

**Japan**

Mr Chairman, please allow me to explain why we voted this way. The conclusion with which the Scientific Committee has recommended to us one procedure was that they had the best available procedure in front of us after the consideration scientifically. It is regrettable that the group of non-scientists such as ours only needed a few hours to make a distortion of this procedure. I must confess my disappointment of the adoption of the procedure not based on the majority's opinion by the scientists. While recognising the importance of the political aspect I would like to refer to the intervention by one of the Commissioners earlier that we feel there's no future in the world where science is ignored. Thank you, Mr Chairman.

**Chairman**

Thank you, Japan. France.

**France**

Yes, thank you, Mr Chairman. This Resolution was probably dealing with one of the most important subjects of this week's meeting. As well as the moratorium decided in 1982 was a very important decision, unfortunately it only came into practice in 1986 and we feel quite strongly that it needs some more time to have a real evaluation of its impact in all ways and on all whale species and populations, so we wanted to reaffirm we oppose the reopening of commercial whaling in the close future for this reason. The Revised Management Procedure is a very important task we have to deal with and we want to thank the scientists and the working group for what it has already done. One of the main principles that have to be respected here of course to ensure conservation of the species and I would like to repeat what my Finnish colleague said on the benefit of the doubt. We may not allow ourselves to endanger stocks again as has been done in the past. So we voted in favour of this Resolution as an encouragement for it to propose something effective and satisfactory in matters of security of control and reliable management to be decided next year. However, we feel that some insurances are still lacking, especially on the statistics and confidentiality margin of the percentages given, so we were not without criticism on some aspects of it, but because it was a considerable progress between that and nothing and maybe other ways of dealing with the procedures we thought we would encourage the work and look forward to seeing next year what was the final result. Thank you, Mr Chairman.

**Chairman**

Spain.

**Spain**

Thank you, Mr Chairman. The delegation of Spain wish to adhere to the declaration to the statement made by France. Thank you, Mr Chairman.

**Chairman**

Thank you. Are there any further comments or declarations of vote regarding this vote number 41 or the other Resolution before lunch, number 33? That seems not to be the case.



We have before us two proposals by Iceland contained in documents IWC/43/30 and 31. May I ask Iceland if they want to speak on that? Iceland.

**Iceland**

Mr Chairman, it is my intention to introduce for a decision by the Commission the proposal in document 31 for catch limits on minke whales off Iceland. Mr Chairman, we had a lengthy discussion only this morning about this proposal and I think it would not serve any purpose if I were to repeat the justification for that catch limit, so I merely put it to you for decision of the Commission. Thank you, Chairman.

**Chairman**

Thank you. Bearing in mind what happened last year at the meeting in Noordwijk, I rule that we will not deal with this proposal. Iceland.

**Iceland**

Thank you, Mr Chairman. I'm sorry, I think you are misguided in your advice on this question. There is no relationship at all to this type of decision taken last year on this point, but I'm afraid I wouldn't like to deal too much with the legal aspects of this, only to say I think you're completely in error in making this ruling. I should like to appeal that ruling. Thank you, Chairman.

**Chairman**

Any comments on this? Norway.

**Norway**

I'm not sure that I understood if it was a ruling, so I really don't understand what your ruling was. Could you please repeat it, Mr Chairman?

**Chairman**

Last year there was a ruling in Noordwijk, in IWC42. The ruling was when I allowed us to deal with a proposed catch limit after we had decided that the paragraph 10(e) was still in force and I was overruled. And therefore I ruled in this way now, so in my opinion we can't deal with these two proposals. Norway.

**Norway**

Well, I hesitate to challenge your ruling, Mr Chairman, but could I ask you kindly if in this circumstance we now, since we have had no explicit decision this year about the Schedule paragraph 10(e), if we could have a vote on this proposal submitted by Iceland. I think that's a fair way to dispose a proposal. Thank you.

**Chairman**

It's a good proposal and I'm willing to go on in that way. I therefore propose that we ... UK.

**UK**

Mr Chairman, I feel we shouldn't be pushing you backwards and forwards each year and we had a similar situation yesterday where we voted on an interim quota for Japan, but it wasn't related to the Schedule. Again, it's the same procedure as yesterday - do we support interim quotas and after that, which would affect 10(e), and after that would we change the Schedule? Perhaps we could do it that way round if Iceland wishes. Thank you.

**Chairman**

OK. Let's proceed to a vote.

**Iceland**

Mr Chairman, are we voting on proposal 31? That's what my proposal was.

**Chairman**

Yes.

**Iceland**

And I didn't listen at all to what was said by the Commissioner of the United Kingdom so I made this proposal to vote on paper 31. Is that any relationship to what was said by the Commissioner of United Kingdom?

**Chairman**

We will now proceed on a vote on IWC/43/31. UK.

**UK**

Sorry, Mr Chairman, I was suggesting that to get round the procedural difficulty and the fact that we'd had a different vote last year, the way to vote was simply not on the proposal as set out in IWC/43/31 but simply on the proposal that Iceland has stated that they would like to have a take of minke whales. Thank you.

**Iceland**

Mr Chairman, I don't know it was for the United Kingdom to propose that we have a take of minke whales. I assume that she will vote against that proposal herself. But the point I'm making is that we have the proposal before us, 31. The proposal yesterday was also of this same nature which was also voted upon. Thank you, Chairman.

**Chairman**

In order to proceed the meeting and try to finalise our deliberation, I change my rule and then we go on voting on this. Is that acceptable? Brazil.

**Brazil**

Mr Chairman, it would be acceptable, I think, if we were voting on the idea of an interim quota. That would help us. Thank you. May I please explain again. It's taking up what the UK has suggested. If we could vote in the same spirit we voted the relief request by Japan yesterday of an interim quota while the moratorium is still in force. Thank you.

**Chairman**

Thank you. USA.

**USA**

Mr Chairman, I understand that last year the issue was at least in part as to whether the moratorium was still in place or not in place. My understanding is that the moratorium continues to be in place and what we are voting on or what we might have been asked to vote on is an amendment to the Schedule. United States sees no difficulty in voting on an amendment to the Schedule. Thank you, Sir.

**Chairman**

Any further comments? Australia.

**Australia**

Chairman, I'm not sure if this helps or not but my delegation believes that your original ruling was in fact correct, and I think that everything that's happened since then is actually not what should have happened, and I urge you to reconsider that your original ruling should stand. Thank you, Mr Chairman.

**Chairman**

It doesn't matter whichever ruling I stick to. We must go on. I stick to my last ruling. It's not appealed to? My last ruling was that we can vote on it. Brazil.

**Brazil**

Mr Chairman, I hope this can help. Can we vote on your last ruling?

**Chairman**

You are raising a point of order, an appeal against my ruling? Seychelles.

**Seychelles**

Mr Chairman, my question is simply for clarification, not with respect to the ruling. If we do vote on a Schedule amendment it's unclear to me what precisely that amendment would be and what would be the effect if it were adopted of having apparently mutually contradictory statements in the Schedule - 10(e) on the one hand and the proposal that appears to be before us now. Can you clarify that, please, Mr Chairman?

**Chairman**

I'm afraid I can't. Can the proposers help me to clarify? But due to the Rules of Procedure an appeal against the Chairman's ruling must be acted upon immediately, so we must decide on that. So let's go immediately to vote on my ruling that we can vote on this one. Secretary, will you conduct the vote.

**Chairman**

Point of order again. UK.

**UK**

Mr Chairman, could I suggest we break briefly just for a few Commissioners to decide on the actual motion, as it seems to be somewhat confusing. If we could get together for a short adjournment.

**Chairman**

OK. I call immediately for Commissioners to meet me in the B Room for a short meeting. The plenary is adjourned.

[Short adjournment]

**Chairman**

The plenary is resumed. After having had the opportunity to consult with my colleagues we have to the conclusion that the most logical and easiest way to come out of this mess created by the whims of the Chair is that I stick to my first ruling, that the Icelandic proposal contained in document IWC/43/31 can't be voted upon. *Cannot* be voted upon. Iceland.

**Iceland**

Yes, I understand we agreed I would appeal that ruling and proceed to a vote immediately. Thank you, Mr Chairman.

**Chairman**

So we did. Dr Gambell, will you proceed to vote.

**Secretary**

Mr Chairman, the proposal in front of this meeting is a challenge to the Chairman's ruling on document IWC/43/31, the Icelandic proposal for minke whale catch limits. The Chairman has ruled that that proposal by Iceland should not be voted on. Let me be quite clear. If you support the Chairman, who says that there can be no vote, you vote 'yes'. And I'm sorry it works out that way. If you support the Chairman for a no vote you vote 'yes'. If you support the challenge to the Chairman's ruling by Iceland, that is that there should be a vote, you vote 'no'. Now, we must be very sure that people understand exactly which way to vote.

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

Mr Chairman, there were 15 votes in favour and 7 votes against with 6 abstentions, and so your ruling was upheld.

**Chairman**  
Iceland.

**Iceland**

Mr Chairman, I can only regret that once again the Commission has taken a decision which is not based on a legal interpretation of the Convention and its Rules of Procedure, and I'm sorry that we had to put this to you on your last day in office. Thank you, Chairman.

**Chairman**

Thank you. Are there any further comments regarding this? That seems not to be the case. May I ask Iceland, you will not introduce the other paper regarding fin whales? No.

We have also before us a proposal from Norway to declassify the northeastern Atlantic minke whales. Any comments on that proposal? May I ask Norway, do you want to speak to it?

**Norway**

Well, Mr Chairman, if there is no comment I take it that the Commission by consensus will accept our proposal.

**Chairman**

May I ask the Commission if the Norwegian conclusion is right? Australia.

**Australia**

Well, Chairman, I don't know whether the other Commissioners have fallen asleep or not, but since I seem to be awake I feel I must disillusion the Norwegian Commissioner that we can indeed adopt this proposal by consensus. I have to note that the Scientific Committee did not even discuss this proposal. I suggest, Mr Chairman, it really can't be considered. Thank you, Mr Chairman.

**Chairman**  
UK.

**UK**

Sorry, Mr Chairman, but you will remember that I did speak on this item earlier in the day and I made it quite clear that such a declassification was not acceptable. Thank you.

**Chairman**

US.

**USA**

Mr Chairman, for the reasons given by the Australian Commissioner we also cannot accept this proposal. Thank you.

**Chairman**

Thank you. Any further comments? Seychelles.

**Seychelles**

Mr Chairman, for the reasons given by the UK and others we could not accept this proposal.

**Chairman**

Thank you. You have seen the proposal, you have heard various views on it, some supporting, some against. I therefore have no other choice than to put it to a vote. Dr Gambell, will you proceed to vote.

**Secretary**

Mr Chairman, the proposal before this plenary session is that put forward by Norway at an earlier session, that the Northeastern Atlantic minke whale stock should have its classification changed from the existing Protection Stock (PS classification in the Schedule) and that there should be no classification for this stock. Let me repeat that. The Norwegian proposal is that for the Northeastern Atlantic stock of minke whales the present classification as a Protection Stock should be removed, and that the stock would be unclassified. Since this is a proposal to amend the Schedule in this plenary session it requires a three-quarters majority of those voting.

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

Mr Chairman, there were 4 votes in favour, 18 against with 6 abstentions so that proposal was defeated.

**Chairman**

Thank you, Secretary. Any comments? That seems not to be the case. That disposes of Agenda Item 10.5 Action arising. Iceland.

**Iceland**

Mr Chairman, I would like to recall the proposal made earlier to have an intersessional meeting of the Scientific Committee to deal with the RMP. I suppose that would come under 'Future work'. Thank you, Chairman.

**Chairman**

I had just planned to come to 'Future work' on action arising. May I ask the Chairman of the Scientific Committee or his substitute if they have comments regarding this issue in light of the decisions we have taken. Dr Kirkwood.

**Dr Kirkwood**

Rapid promotion, Mr Chairman. The Scientific Committee, of course, was unable to plan during its meeting exactly what future work would be needed because in part that depended on the decisions the Commissioners made. In relation to the Resolution that has been adopted by the Commission the additional item of work to what we already had is to provide advice on the probability of whaling being inadvertently allowed under the proposed Revised Management Procedure. I am still trying to work out exactly how we would attempt to provide you with that advice. The only way I can see that that could be done usefully would be to present a series of alternative scenarios on protection and then allow the Commission to look at those and make a choice amongst them as to what types of protection scenario it felt was most appropriate. That work can be done but it has not yet been planned.

Other work that needs to be done is to review the validation of the computer programs by the Secretariat and to review the results of the computer trials looking at multi-stock management in the North Atlantic. What I'm not at all clear on, Mr Chairman, is what else the Commission would like the Scientific Committee to do. The other thing we have to do, of course, is to develop a set of multi-stock rules. The thing I'm not clear on is the question of possible attempts at implementation of the procedure.

**Chairman**

Thank you, Dr Kirkwood. Any comments? Iceland, you proposed an intersessional meeting. Can I hear the opinion of the Commission on that Icelandic proposal?

**Iceland**

Mr Chairman, I think the Swedish delegation made the proposal in their earlier discussion and I would support that. Thank you, Chairman.

**Chairman**

OK. So we have a proposal for us, proposed by Sweden and seconded by Iceland, to have an intersessional meeting. Is it proper to ask the Scientific Committee and the Chairman if we need one?

**Chairman of the Scientific Committee**

Yes, we do. We are talking about March among this table of three here.

**Chairman**

Thank you. Can we then decide to have an intersessional meeting in March? Decided. Thank you. The Secretariat is asking a relevant question. How do we finance it? Any opinions on that? Iceland.

**Iceland**

Mr Chairman, while they're discussing that could I ask the Chairman of the Scientific Committee about what is planned for the work of the Sub-committee on North Atlantic Baleen Whales. We had proposed some intersessional work for that also, but I understand that the mandate has not yet been set out. Perhaps he could acquaint us with the status of that committee? It's a separate question, of course. Thank you, Chairman.

**Chairman**

Have you any comments on that?

**Chairman of the Scientific Committee**

Well, we're thinking about it here. We had said that we would sort of reconstitute the plan once we saw what decisions were taken this week, and we didn't have a specific plan because we didn't know what was going to happen with this management procedure part, and we're just thinking about it over here right now.

**Chairman**  
Australia.

**Australia**

Chairman, I wonder if the Commission can't approach this by looking as perhaps approving the idea in principle that an intersessional meeting would be helpful. We got a fairly unequivocal statement from the Chairman just now as to the desirability of it, and even the period of when it should be held. The other details perhaps be worked out at a more leisurely pace. I think it's rather unfair to expect to get instant answers and I'm not sure that we can't as a Commission make an in-principle decision that an intersessional meeting would be held in March with the details to be finalised by Chairman of the Scientific Committee in consultation with others as appropriate. Thank you, Chairman.

**Chairman**

Thank you. You have heard the Australian proposal. USA.

**USA**

Mr Chairman, I think the suggestion of the Australian delegation is an excellent one. I do note that the Resolution that we recently passed with respect to the Revised Management Procedure does say resolves to continue with due diligence the programme of work set out by the Scientific Committee, etc etc. And I do believe that in the light of the Resolution passed on these matters, if the Scientific Committee feels that an intersessional meeting is required and needs to develop the agenda of what needs to be considered at that meeting in order to take care of the matters brought up in this Resolution, I think we should give them the time to consider it and agree with the Australian delegation that we agree this intersessional meeting in principle.

**Chairman**  
Seychelles.

**Seychelles**

Mr Chairman, we can agree with the Australian attitude to this problem. I am seeking clarification, however, of the relationship between a possible or likely intersessional meeting to forward the development of the management procedures with the Working Group on North Atlantic Baleen Whales to which the Commissioner for Iceland refers. It seemed to us that that work on North Atlantic baleen whales could not easily proceed until we have got a little further at the intersessional meeting on management, but I must say I'm slightly confused as to the timetable and the relation between these two projects. Thank you.

**Chairman**

Thank you. Any further comments? Nobody had commented on the financial problem involved? Secretary.

**Secretary**

Mr Chairman, you will recall when you were discussing the budget for next year, which was approved for the basic work of the Commission and the Secretariat as it was identified at that time, that there was no extra money for the meeting such as has now been agreed upon and I think I have to draw to your attention that that meeting is going to cost something. Not only the physical structure of a room and the general support of the meeting, but I do have to point out that quite a large number of the key scientists involved in the management group are not supported by their governments and therefore if they are to attend the Commission will have to find the monetary support for those participants. And that is a not insignificant sum, and I think that it would be proper for you to add something to the budget already approved in order to cover that expenditure.

**Chairman**

Anybody here with a chequebook with them? UK.

**UK**

I was only waving my sign, not a chequebook, Mr Chairman. I have two thoughts here. One is, I know obviously the cost of the meeting depends on whether anyone is prepared to host it and the other is obviously the cost of the participants. In relation to both of those two costs I'm wondering if the Secretary could give us some indication. I also remember in the Finance Committee - I'm not sure I'm very enthusiastic about this idea - but in the Finance Committee we did provide for, I think, £32,000 to try and lift us nearer off the floor of the running account that the IWC runs, so there might be some money there. On the other hand I don't know if the Secretary has a ready reckoner and could tell us what it might do to our subscriptions depending on what the cost of a meeting is. Thank you.

**Chairman**

Thank you, UK. Secretary.

**Secretary**

I was afraid somebody would say that, Mr Chairman. My very rough estimate if the meeting was to be held in the UK and a rough estimate of the costs of the Invited Participants without specifying exactly who they are, to be sure, would be of the order of £20,000. As the UK has pointed out, we did put some extra money into the budget this year in order to try and solve the cash flow problems because of the late payments of contributions. Now, if governments would pay early next year we would have no problem in raiding that little extra vote that was passed for the supplementing of the reserves. So there seem to me to be two possibilities. One is to say that we actually draw on our depleted reserves with a consequential danger that we shall run out of money at some point in the year because of the late payments, or you could agree to, say, adding on £20,000 to the budget which would have a proportional increase on the contributions to be requested from the member governments this year. I haven't done the calculation but I don't think that that is a very large difference. I think that the cost per government would stay very close to the contributions requested already for the last year.

**Chairman**

Thank you, Secretary. Any comments to this problem? I propose that this issue ... Australia.

**Australia**

Yes, I'm sorry, Mr Chairman. I don't know whether you were going to sort of finalise it, but I was going to suggest that, given the figure that the Secretary has given us, given that he's exhorted us to pay early and all those other things, and maybe some host governments will be able to pay for their scientists to attend, nonetheless I think the budget should actually show an additional amount of £20,000 and I would like to make that as a formal proposal. We have to get this work done and the Commission should realise that it has to pay for it. Thank you, Mr Chairman.

**Chairman**

Australia has made a proposal to increase the budget by £20,000. Denmark.

**Denmark**

Denmark will second that proposal. Thank you, Mr Chairman.

**Chairman**

Thank you. Can we agree on the Australian proposal seconded by Denmark? Agreed. Thank you.

6.2

Can we now turn to Agenda Item 6.2 Action arising. We have dealt with this agenda item at least twice. In document IWC/43/14 we didn't approve the recommendations on page 3 because we wanted to add



some terms of reference. We have got proposed terms of reference in document IWC/43/39. Any comments on these? US.

**USA**

Mr Chairman, I think it's very clear that if we are to get on with the job of the Revised Management Procedure, that the task laid before the Working Group under IWC/43/39 is very important, and we would certainly recommend a Working Group with the terms of reference as so indicated. Thank you.

**Chairman**

Thank you. Further comments? Can I take it that we adopt these three recommendations and the draft terms of reference? Adopted. Thank you. That disposes of Agenda Item 6.

Can we now turn our attention to Agenda Item 14, sub-item 14.3 Action arising, where we have before us a Resolution regarding recommendations on small cetaceans contained in document IWC/43/38. The floor is open. USA. 14.3

**USA**

Thank you, Mr Chairman. I also thank you and the Commission for delaying the consideration of this Resolution IWC/43/38 until this time. I believe there is little concern amongst the sponsors of this recommendation or most members of the Commission about the views expressed by the Scientific Committee concerning the state of small cetaceans which is contained in their report and thus there is little concern about the message that is in this Resolution. But there is some concern about how this information should be brought to the attention of governments - those who are members of the IWC and those that are not. One of the reasons for the delay in bringing this Resolution to the floor has been an attempt to work out with as many members as possible a satisfactory way of doing it. We and the co-sponsors of this Resolution, Mr Chairman, have arrived at a significant consensus with respect to this Resolution, but perhaps not unanimity. We do indeed bring it to the Commission and hope that it will be favourably received. Thank you, Sir.

**Chairman**

Thank you. New Zealand.

**New Zealand**

Thank you, Mr Chairman. New Zealand would like to second this Resolution. I don't think we need to say much. It's self-explanatory, it obviously relates to the most gravely threatened species which are the concern, I think, of many delegations here, and we would therefore wish to support it. Thank you.

**Chairman**

Thank you. Australia.

**Australia**

Yes, thank you, Mr Chairman. I fully associate myself with the US comments on this Resolution. However, the Resolution is directed, I notice, to both member governments of the IWC and non-member governments. In the light of this it would seem rather more appropriate to use words which invite concerned governments to consider the important and practical advice of the Scientific Committee rather than perhaps the slightly stronger word 'requests'. It's because of the mix of governments to which this is suggested that I would consider proposing an amendment so that where it begins operative paragraph 2 'requests' I would suggest that should read 'invites'. Thank you, Mr Chairman.

**Chairman**

USA.

**USA**

Thank you, Mr Chairman. We too have had thoughts about how this Resolution is presently worded and we would therefore like to second the amendment proposed by the Government of Australia with respect to the change of the wording. Thank you, Sir.

**Chairman**

Thank you. The Seychelles. Point of order - Chile.

**Chile**

Can we know what is the amendment?

**Chairman**

Australia, will you explain which of the two 'requests' you wanted to change to 'invite'?

**Australia**

Yes. I'm sorry, Mr Chairman. It's the second paragraph after 'Now, therefore; commends' and it would read 'invites the concerned governments to consider'. So instead of 'requests that the concerned governments' it's 'invites the concerned governments to consider'. Thank you, Chairman.

**Chairman**

Is that clear to everyone now? The Seychelles.

**Seychelles**

Mr Chairman, Seychelles was inadvertently omitted from the list of co-sponsors of the Resolution. We would like our name inserted in the record and we, of course, accept the Australian small amendment to it.

**Chairman**

Thank you. Any further comments? Brazil.

**Brazil**

Thank you, Mr Chairman. Mr Chairman, as Brazil has been able to say quite a few times this week, Brazil is very concerned with the fate of small cetaceans both worldwide and even in Brazilian waters. We are concerned with the fate of the species listed in this draft Resolution IWC/43/38. Because we are concerned with the species listed in this Resolution we have supported fully the previous Resolution drafted by New Zealand. The previous Resolution drafted by New Zealand which is on document IWC/43/29 Rev.2 and this present draft Resolution on document 43/38 refer, Mr Chairman, to exactly the same thing. One duplicates another. Now I would please ask delegations here to have before them both Resolutions, and one is already a Resolution and the other one is a draft Resolution. There is a considerable difference of tone between them. We think that whilst competence has not been resolved in this organisation, and again we come back that we think the resolution of competence is not an academic exercise, we don't propose it for that at all, we propose it as a means for this organisation to be able to implement in a better way its action towards or in favour of small cetaceans. So whilst we have no understanding, and I say the word understanding is not a formal agreement, it's an understanding on competence and on procedure on what to do.

We think that the best form, the most constructive way of acting is through resolutions like the one proposed and accepted from New Zealand. The proposal now before us, Mr Chairman, lacks with regard to the one from New Zealand. It does refer to the same subject but in form it lacks very much. It does not take into account that there is a competence problem, that countries cannot, although they want to, cannot join the effort in favour of small cetaceans because of the language it is drafted in. Although I do recognise that these small, may I call them cosmetic changes have helped, still it is drafted in language

which makes it difficult for delegations and countries who would and have before stated that they would like to join the effort in favour of small cetaceans, to join this particular Resolution although they have already supported the one from New Zealand, and fully. For instance, there are no disclaimer clauses. This, of course, is diplomatic jargon. I suppose we all know now what disclaimer clauses are. They are consideranda paragraphs 3 and 4 in IWC/43/29. It would help us a lot if these paragraphs could be inserted until we can here decide on competence and procedure regarding small cetaceans. Once it addresses both member and non-member states, and I appreciate that the inclusion of the word 'invites' does help a lot, we have among the deciding paragraphs, the indented paragraphs, of the paragraph called 'invites', reference to at least four countries - five countries - which we all know who they are. There is, Mr Chairman, unfortunately a discriminatory tone as to who is the destination of the recommendation. We think that if the drafters could possibly have a close look at that and make the recommendations non-discriminatory against any one of the countries, especially against non-member countries, that it would still be a bit more acceptable. We still feel, Mr Chairman, that Resolution 43/29 was a constructive way forward. The language in which the present draft is proposed is a way of souring the atmosphere. It is not a constructive way forward. It lacks because of what I have previously said. Again, Mr Chairman, this delegation is not against any of IWC's concerns towards small cetaceans but we are against the way the issue is handled in the present draft. Thank you.

**Chairman**

Thank you, Brazil. Any further comment? Denmark.

**Denmark**

Thank you, Mr Chairman. I have with interest listened to my preceding colleague's remarks and our opinion is in many respects of a similar kind. We find there are points in this draft Resolution which may exceed the competence of this Commission to small cetaceans but we would have preferred changes but having that stated I would add that we're not going to oppose this Resolution as such. Thank you, Mr Chairman.

**Chairman**

Thank you. Chile.

**Chile**

Thank you, Mr Chairman. I think the Brazilian delegation has expressed at length many of our concerns so my intervention is going to be brief. We also have supported the Resolution on the same subject adopted this morning. We have supported the idea of the concern for the preservation of small cetaceans, but we have very strong reservations about the tone and content of this draft Resolution. For instance it has been mentioned with reference to non-member states to river small cetaceans which I have been told, I think incidentally the Commission is getting involved in a very complicated scientific subject. I have been told that one of these cetaceans goes to a land-locked country which is Nepal, so I don't know whether it is right or not, but I think with the concerns that the Whaling Commission has at this moment it will give a very very unbalanced view of our work. That is, we are going to approve two Resolutions today on small cetaceans and having the concern of the Commissioners on this very specialised subject when the previous Resolution I think does the right thing to request the Scientific Committee to continue the work and request in general the Contracting Governments to provide information that the Scientific Committee requests. So in spite of our sympathy for the preservation of the small cetaceans we cannot support this draft Resolution. Thank you very much.

**Chairman**

Thank you, Chile. Mexico.

#### **Mexico**

Thank you, Mr Chairman. First I should mention that we appreciate, my delegation appreciates the effort put behind this Resolution and the willingness of reaching an agreement by the proposers, but as my distinguished colleague from Brazil mentioned, we all share the same concern with the small cetaceans, but as she said we have reservations on the wording and the weight that this proposed recommendation is given. So we want for the record to fully appreciate and support the words by Brazil. Thank you.

#### **Chairman**

Thank you, Mexico. Japan.

#### **Japan**

Mr Chairman, the Government of Japan shares the concern on the various status of various small cetaceans around the world. However, the Government of Japan has to reserve its position on this Resolution because we are not agreeing to the idea that the Convention for the Regulation of Whaling has competence over the regulation of the small cetaceans. Last year we received the Resolution proposed by UK as regards the Dall's porpoises and the information to be provided on that species and in comparison this year I think the Resolution's text is even fairer than the last year's Resolution. Mr Chairman, however, the report on Dall's porpoises research and studies undertaken by Japan to Scientific Committee was conducted voluntarily by Japan and so not a mandated recommendation by the last year's Resolution. Japan has been seriously undertaking these studies and more researches in this area, particularly in the area of Dall's porpoises and other small cetaceans, and I hope that all the nations with the small cetaceans within their jurisdiction to be pointed out as problem or maybe that warrants more investigation could also seriously make efforts as we have been doing. I have another point that we have to reserve our position about, is the part where the Resolution is inviting other non-member nations to do something that we want. I don't whether this is within the framework of the work of this Commission or the competence of this Commission so we have to reserve our position with that regard.

#### **Chairman**

Thank you. Spain.

#### **Spain**

Thank you, Mr Chairman. I realise that this Commission not only deals with non-member cetaceans but also now with non-member countries. It would be better to divide the Resolution in two parts, one dealing with the Dall's porpoise and the other with the rest of the species. To this second one we would not agree because of the reasons already expressed. Thank you, Mr Chairman.

#### **Chairman**

Thank you. St Vincent.

#### **St Vincent & The Grenadines**

Thank you, Mr Chairman. Chairman, my delegation continues to be unable to support this type of Resolution and is concerned that our position on the competence matter is being disregarded by the presentation of this type of Resolution and in fact countries like mine are being presented with a *fait accompli* in the Commission on this matter.

#### **Chairman**

Thank you. People's Republic of China.

#### **People's Republic of China**

Thank you, Mr Chairman. First of all I would like to give some brief introduction about the protection of the Yangtse River baiji dolphin. As everybody may know, panda has been treated as a national treasure of a terrestrial animal in China. Chinese Yangtse River dolphin - baiji - is also the national treasure of

aquatic animal in China. My government has attached great importance to the management of this species and paid serious attention to the decrease of this population. According to our survey the estimated population is less than 300. Baiji has been in the list of the most endangered species which will be protected in the highest priority in our domestic law. Some budget has been arranged for supporting the establishment of a conservation area although financial situation is in difficulty this year. Our budget, however, is very limited to do so. In order to protect this treasure I also hope other international organisations and governments will cooperate with us for some funding just like the cooperation in panda conservation. Here we also thank many international societies already having contribution to baiji protection. Concerning with proposal by Australia and other nations that concern some domestic matters of other countries we have some reservations for this proposal. Thank you, Mr Chairman.

**Chairman**

Thank you. France.

**France**

Thank you, Mr Chairman. The amendment proposed by Australia is a good step towards, I hope, consensus on the Resolution. However, there was some merit in what was said by some delegations such as Brazil concerning the tone and we should consider primarily the need for having positive results in the situation of small cetaceans in the world. So that the wording is not the best it could be, I would say, so I think we could live with it but just like to quote that it's some kind of pity that the wording couldn't be the objective of prior consensus before, but anyway I think it's worth doing something to give more attention on small cetaceans so we will accept the Resolution. Thank you.

**Chairman**

Thank you. Any further comments? That seems not to be the case. It's never wrong with a tea break so before dealing with this Resolution and the other agenda items on our agenda I propose for a tea break for twenty minutes. But before adjourning the plenary Iceland wanted to make an intervention on their participation in the Scientific Committee.

**Iceland**

Yes, thank you, Mr Chairman. We reserved our position on whether we were participating in the Scientific Committee for the coming year at the beginning of the meeting. In light of the decision now taken for the intersessional meeting on the RMP and the other work of the Scientific Committee, we wish to be serving on this Committee. Thank you, Chairman.

**Chairman**

Thank you. The plenary is adjourned until ten minutes past four.

[Tea break]

**Chairman**

The plenary is resumed. We are on Agenda Item 14.3 and we are dealing with the Resolution contained in document IWC/43/38. I give the floor to US.

**USA**

Thank you, Mr Chairman. We've listened closely to the concerns expressed here during the debate on this Resolution just as we have listened closely during the week to the concerns expressed in the corridors and over lunch about these matters. I think it is absolutely clear that all governments here at the IWC are deeply concerned about small cetaceans. That is not the issue, clearly. That is not the issue that was raised in the debate that we have just seen with respect to this Resolution. The issue that is being raised is

what role does the IWC play concerning small cetaceans and how do we make our views known to governments, both members of IWC and non-members of IWC. Mr Chairman, because of the concerns that are expressed and primarily because all of the information that the Scientific Committee has developed is being sent to member nations, both those who are members of IWC and those who are not members of IWC, through the New Zealand Resolution which the IWC has already passed, we have discussed this issue with our co-sponsors during the coffee break and have decided at this time to withdraw our Resolution. We wish to come back next year, however, to the question of the competence, if you will, of the IWC to deal with the issue of small cetaceans. It is a difficult issue, we recognise it as a difficult issue, and we in the IWC appear to be taking one small step at a time toward developing that competence. Perhaps that is how it must be, that is how it must continue to be. We do believe that the debate on this Resolution has been a useful debate and I think will help us develop our decisions, if you will, as to the role of the IWC with respect to small cetaceans in the coming year and we look forward to that continued discussion at the next IWC meeting. Thank you, Mr Chairman.

**Chairman**

Thank you. Brazil.

**Brazil**

Thank you, Mr Chairman. Mr Chairman, I'm extremely pleased with the proposal coming from the United States. The United States proposal makes this delegation doubly eager and responsible for working double as hard next year to solve this kind of problem and to triply cooperate with all we can do for small cetaceans. Thank you very much.

**Chairman**

UK.

**UK**

Thank you, Mr Chairman. I would like to associate myself with the remarks made by the United States Commissioner. I think it is a little sad we need to withdraw this Resolution but I do see that there appears to be a need for further consultation as to how we take this matter forward. Nevertheless I think this debate has been very useful. Not only has the Scientific Committee produced a very good report but it has drawn our attention to some species where there are matters of serious concern and I'm sure it will be taken from this forum to let the rest of the world know about this area of concern, so when we return to the matter next year we perhaps can take it further forward. Thank you.

**Chairman**

Thank you, UK. Japan.

**Japan**

Thank you, Mr Chairman. Whether or not this Resolution is withdrawn or being postponed for consideration for next year, it doesn't make any difference to Japan for its voluntary effort to supply information and further our studies on the small cetaceans. At the same time, Mr Chairman, our call for the member countries to also exert their efforts to further investigate the status and cooperate with the research into this area. Thank you, Mr Chairman.

**Chairman**

Thank you. Any further comments? I think that disposes of this agenda item. We have now covered the whole Agenda Item 14 as well as all Agenda Items 1 up to 24.

25

We now address ourselves to Agenda Item 25 Election of Chairman. I have served for three years and as for the Rules of Procedure in F.1 a new Chairman should be elected. It has been a fascinating experience to chair IWC for these three years but the most rewarding part of this experience is all the kindness and

indulgence shown to me from Commissioners and all the help given to me from the Secretariat, from the Chairman of the Technical Committee and from the Chairmen in the various working groups. I thank you all for that. Are there any nominations? Spain.

**Spain**

Thank you, Mr Chairman. The Spanish delegation is very pleased to propose as IWC Chairman for the next three years Mexico's Commissioner, Dr Luis Fleischer. He is very well known in this Commission after attending its meetings many years with great efficiency. He has behind him a brilliant work as Chairman of the Technical Committee and International Whaling Commission Vice-President, so we are sure he is perfectly qualified for the post. For such reasons we propose Dr Fleischer as Commission's Chairman for the next three years. Thank you, Mr Chairman.

**Chairman**

Thank you. Norway.

**Norway**

Thank you, Mr Chairman. It's equally a great pleasure for my delegation to second the proposal of Spain to the effect that Dr Luis Fleischer of Mexico be elected the new Chairman of the International Whaling Commission. Thank you.

**Chairman**

I have received nomination ... Iceland.

**Iceland**

Chairman, I should also like to take this opportunity to support this suggestion. Thank you, Chairman.

**Chairman**

Thank you. UK.

**UK**

I would like to be associated with this nomination as well. Thank you.

**Chairman**

Thank you. USSR.

**USSR**

Thank you, Mr Chairman. We would like to support this nomination.

**Chairman**

Thank you. Chile.

**Chile**

We are very very pleased to support also this nomination.

**Chairman**

Thank you. Japan.

**Japan**

Mr Chairman, we also strongly support the proposal by Spain and other nations to have Dr Luis Fleischer of Mexico be elected the Chairman of the International Whaling Commission. Thank you.

**Chairman**

Thank you. People's Republic of China.

**People's Republic of China**

China supports the nomination.

**Chairman**

US.

**USA**

Mr Chairman, we also would like to support our neighbour to the south, Dr Luis Fleischer. Thank you, Sir.

**Chairman**

Thank you. Sweden.

**Sweden**

We would also like to support the nomination. Thank you.

**Chairman**

Switzerland.

**Switzerland**

Thank you, Chairman. Also Switzerland would like to support this nomination.

**Chairman**

Denmark.

**Denmark**

Thank you. I would also very much appreciate to support Dr Fleischer. Thank you.

**Chairman**

Thank you. India.

**India**

India also supports heartily this nomination.

**Chairman**

South Africa.

**South Africa**

My delegation, Mr Chairman, also gladly supports the nomination. Thank you.

**Chairman**

Oman.

**Oman**

Thank you, Mr Chairman. Our delegation also concurs with the views of others and we wish him all the best.

**Chairman**

Australia.



**Australia**

I like the comment of Oman best so I'll associate myself with that. Thank you, Chairman.

**Chairman**

Thank you. Seychelles.

**Seychelles**

We will associate ourselves with all the previous speakers, Mr Chairman.

**Chairman**

Netherlands.

**Netherlands**

We gladly see our neighbour to the west, Dr Luis Fleischer.

**Chairman**

Thank you. St Lucia.

**St Lucia**

Thank you, Mr Chairman. St Lucia also supports this nomination.

**Chairman**

Germany.

**Germany**

Full support from our side too.

**Chairman**

Finland.

**Finland**

Thank you, Mr Chairman. I would like to associate with the previous speakers. I fully support Dr Fleischer. Thank you.

**Chairman**

France.

**France**

Yes, and so would we, Mr Chairman. Thank you.

**Chairman**

Peru.

**Peru**

Peru is particularly pleased to support this nomination.

**Chairman**

Korea.

**Republic of Korea**

Thank you, Mr Chairman. My delegation is also pleased to support the nomination of Dr Fleischer. Thank you.

**Ireland**

Ireland also supports this nomination.

**Chairman**

Thank you. I think it's unnecessary to ask if there are any other nominations. Can I take it that we elect Dr Fleischer from Mexico as our next Chairman by acclamation.

[Applause]

I give the floor to Dr Fleischer.

**Dr Fleischer**

Thank you, Mr Chairman. On behalf of my country, Mexico, I feel honoured with this nomination and with the opportunity to collaborate more with the achievement of the IWC objectives. It has been a month from today forty-two years since my country joined the IWC and for us has been a very important work, and I feel honoured, as I said, to be able to strengthen the objectives of this Commission. During these forty-two years, Mr Chairman, I have been honoured to serve my country for ten different Annual Meetings and along these years I watch very carefully three previous Chairmen - one from a Latin American country like myself, Mr Iglesias from Argentina; one, Mr Stewart from New Zealand; and yourself, Mr Chairman, from Sweden. I have as a biologist to carefully watch and learn what the sailors will call the ropes of the diplomacy in this Commission. Through the years I also watch different and very crucial moments of the IWC and I think ahead of us we have maybe troubled waters, maybe not. That all depends on the political will. I feel confident that the words I listened to just before you closed the last agenda item will prevail in the next future years of this Commission and they will be a bridge to accommodate different views, different needs, different interpretations with the same objective which is the IWC.

I will also mention something which is very curious and for my life very particular. Five years ago I was elected Vice-Chairman of the Technical Committee in England, an island. Three years ago I was elected Vice-Chairman of the Commission in New Zealand, another island, and today I'm (thanks to your confidence) being elected Chairman in Iceland, to whose Government I thank for hosting this 43rd Annual Meeting. This is particularly important because I was born on an island too. Let me finish, Mr Chairman, to say that I'm confident and I'm also thankful because behind our deliberations we have a very outstanding Scientific Committee group and I hope we can provide them with the best advice in order to request from them the best advice possible. I also hope that we can agree in providing with the finance. The Scientific Committee is also having a new Chairman and Vice-Chairman and I think with all these changes but the tradition that we all share will achieve our objectives better.

An important part of my thanks, my gratitude, is to the Secretary of the Commission, Dr Gambell, and all the staff behind him, the Scientific Editor and all the staff in the Secretariat because behind the screens they are doing their work for us no matter what time of the day it is or what time of the hour or what time of our sessions. So I want to give this speech a very public recognition to all the IWC which has been behind all our work and especially my work as Chairman of the Technical Committee. I will finish saying something that for me is very important. I do not take this as any personal merit. I think it's a recognition of my country's fisheries policy, interest in conservation, and in due respect my government will respond with my work in this Commission to the best in order to achieve our common objectives. Thank you, Mr Chairman.

**Chairman**

Thank you, Dr Fleischer.

[Applause]

Can we then address ourselves to Agenda Item 26 Election of Vice-Chairman. Brazil.

26

**Brazil**

Thank you, Mr Chairman. Mr Chairman, I am very pleased at this moment to propose for Vice-Chairman of the International Whaling Commission Mr Peter Bridgewater, Commissioner from Australia. Mr Chairman, Mr Bridgewater has been at the IWC now for two years. We can put on his IWC curriculum that he has chaired the Humane Killing Group very effectively without, I hope, killing anyone. But Mr Bridgewater is very able and clear in his interventions. I find it incredible how easily he grasps the essentials and he has already proven himself a very skilled negotiator, but I think the most important, Mr Chairman, is that he has won general admiration and really general sympathy so I'm very glad to propose Mr Bridgewater for Vice-Chairman of the IWC.

**Chairman**

Thank you, Brazil. Denmark.

**Denmark**

Thank you, Mr Chairman. I would like to second the proposal of Mr Bridgewater as the next Vice-Chairman for this Commission. I have learnt Mr Bridgewater through two years and I know he's a very active listener and a fair colleague. Thank you.

**Chairman**

Thank you. New Zealand.

**New Zealand**

Thank you, Mr Chairman. I'd like to support this nomination. I think Dr Bridgewater in his time in the Commission has won great respect for the clarity of his mind and the way he can express complicated issues and his skill as a negotiator, and I think he'll make a very successful Vice-Chairman. Thank you very much.

**Chairman**

Are there any other nominations? Seychelles.

**Seychelles**

Not another nomination, Mr Chairman. Just to declare our support for those who have nominated Mr Bridgewater. In addition to the other fine qualities that we have seen, his constant cheerfulness through thick and thin has impressed us tremendously and we welcome very much his appointment as Vice-Chairman. Thank you, Mr Chairman.

**Chairman**

Thank you. USA.

**USA**

You were calling for other nominations and I thought maybe the time for renominating Mr Bridgewater was over, but since you called upon me I would also like to lend my total support to his nomination as Vice-Chairman. Thank you, Mr Chairman.

**Chairman**

Thank you. Can I then take it that we elect ... People's Republic of China.

**People's Republic of China**

We just like to say the support of the nomination, no other words.

**Chairman**

Thank you. Can I take it that we elect Dr Bridgewater to Vice-Chairman of the Commission by acclamation?

[Applause]

Dr Bridgewater is thereby Chairman of the Technical Committee. We also must have a Vice-Chairman of the Technical Committee but because of the possible restructure of the Technical Committee I propose that we don't elect any Vice-Chairman. Australia.

**Australia**

Yes, thank you, Mr Chairman. I don't think it's necessary for me to say a great deal. I regard myself, despite the kind comments people have made, very much as a new boy in this forum, but I will certainly do what I can as Vice-Chairman to support Dr Fleischer as the newly-elected Chairman, and try and ensure that the Commission is able to move forward in as stable and productive a path as is possible given what the newly-elected Chairman has described as possible choppy seas that we shall have to sail into. I'm very pleased that delegates feel they have sufficient confidence in me to take on this position. Thank you, Mr Chairman.

**Chairman**

27 Thank you. That disposes of Agenda Item 26. 27 Any other business. Iceland.

**Iceland**

Mr Chairman, I would like to take this opportunity to present the viewpoints of the delegation of Iceland, our position towards the International Whaling Commission. Mr Chairman, when we decided two years ago to invite the Commission to hold its Annual Meeting here in Reykjavik we were, of course, first of all motivated by the desire to have the members of the Commission and the representatives of the Non-Governmental Organisations come here and see for themselves how important it was to Icelanders to take a rational attitude towards the management of all marine resources. But a secondary motive, Mr Chairman, was to allow the Icelandic public to see better for themselves what can happen at meetings of the Commission and see for themselves the structure under which we live. Many Icelanders have found it difficult to imagine how states so well-known for responsible attitudes in international relations in general and towards international organisations in particular could end up conducting themselves in this organisation as we have described to our public in past years. Now, one aspect of this perception problem is that much of the activity to which we object in fact takes place even subterraneously, even involving the work of a kind of fifth column in the Scientific Committee which assiduously works to prevent the reaching of consensus decisions, and even when a majority decision cannot be prevented these members insert a sentence here and a sentence there which, lo and behold, are resuscitated in the Commission to justify taking decisions here which are contrary to the advice of the Scientific Committee.

I should also like to comment on the role of the press in this perception problem, and in fact a third reason why we considered it advisable to invite the Commission to meet here was that during meetings of the IWC we have in attendance representatives of the serious press, and those writing on the question here in Iceland need not rely solely on the anti-whaling news network for the often distorted version of the facts. Mr Chairman, I think it was very useful when we heard yesterday statements by one Commissioner and another today referring to the policies of their countries which involved, in fact, a total ban on

commercial whaling. Mr Chairman, it is not for us to dictate the policy of other governments nor to seek to prevent them from expressing these policies in this Commission, for after all it is a political organisation?

But can a country like Iceland seriously be expected to subordinate its vital interests, for example, to how successful the Commissioners of such governments are in establishing a balance between their national policies and their assessment of what constitutes constructive work or loyalty to this organisation. Mr Chairman, I think it is important at this point that I try to put Iceland's policy on whaling in the perspective of Iceland's environmental policy as a whole. I hope that representatives here have had the opportunity to acquaint themselves with the attitudes of the Icelandic authorities and the Icelandic public in general towards environmental concerns. On the international plane, indeed, Iceland has been considered to have played a leading role. We cannot accept that our views on whaling should be seen otherwise than as a part and parcel of a dedicated concern for the environment. Indeed Iceland, regrettably, has found on many occasions in working in other international fora that the IWC format has been seen to cause states to shy away from active international cooperation in other fields of the environment. We consider this very regrettable for environmental concerns as a whole.

Mr Chairman, I turn now to the results of recent meetings of the Commission. I could refer to the four year period when we challenged the activity of the IWC on scientific permits, when the Commission adopted over and over again Resolutions addressed against Iceland which we considered as illegal and *ultra vires* the organisation. These Resolutions were, in fact, particularly pernicious because they reproduced language in the legislation of one member government which in turn led to serious bilateral disputes with an important friend. Then last year we had a refusal by the Commission to reclassify the minke stock around Iceland, despite the recommendation of the Scientific Committee. At last year's meeting also the Commission refused even to allow a vote on an Icelandic proposal for catch limits for the minke stock, despite evidence that no harm would be caused to the stock. This year that legal travesty continued after a very messy debate on Rules of Procedure. The Commission refused even to allow a vote on the Icelandic proposal once again. You will understand, I'm sure, the feelings of the members of my delegation who are from the fishing industry when they felt that they could no longer remain in this room with us. Finally, Mr Chairman, we had a decision here on the Revised Management Procedure which in our view gives ample opportunity for further procrastination of efforts to have the organisation live up to its management obligations.

Mr Chairman, we have earlier today pointed out what we call the structural difficulties of this organisation which automatically leads to such results as those which I have described. It is popular today to speak of windows of opportunity. In this Commission it seems that window is open for less than 48 hours per year. The same seems to apply even in other committees of the IWC. This period is simply too short for the kind of consultations which are necessary to achieve imaginative solutions to our differences. Mr Chairman, on the basis of this recent experience I have regrettably come to the conclusion that this organisation is fundamentally flawed. I have come to this conclusion with regret. I feel that Iceland has played a significant part in the work of the organisation. Iceland's scientists have participated in the scientific work not only with respect to our stocks but in others as well. But we have always felt that the majority within the Commission of what I consider moderate nations would have to choose between accommodating the views of extreme protectionism and those who wish to carry out scientifically-based conservative whaling. Too often over the past years the Commission appears to have chosen to favour the extreme group. Mr Chairman, therefore I have come regrettably to the conclusion, following consultation within the Icelandic delegation to this meeting, to propose to the Government of Iceland that Iceland withdraw from the International Whaling Commission.

Mr Chairman, at this point I should like to make quite clear the consequences of a decision to withdraw from the organisation. First, Iceland's withdrawal would not take effect until 30 June of next year and we would participate in the work of the Commission until then and work hard, for example, to ensure that

our fears on the sabotage possibilities on the RMP will not be realised. Secondly, until such withdrawal would take place we would not pursue any whaling in Iceland. And thirdly, any decision on whaling at some later time would be based on an analysis of all possible legal aspects. Mr Chairman, I said twice that I've come to this conclusion with regret. But, Mr Chairman, I fear for the IWC and I even see some Kafkaesque governments in its work. I can only hope that with some imagination some way may be found to take account on this question of the legitimate interests of all members of the international community. Thank you, Chairman.

**Chairman**

Thank you, Iceland. You said you had come to your conclusion with regret. I think the Commission also regrets your conclusion. Are there any comments? That seems not to be the case. Japan.

**Japan**

Mr Chairman, at this year's Commission meeting the Revised Management Procedure was recommended by the Scientific Committee who undertook the development with the enormous amount of work involved because the Commission committed itself to the development of a Revised Management Procedure earlier. It is, however, very much regretted that the Commission did not give sufficient consideration to the recommendation on the Revised Management Procedure given by the Scientific Committee. Under these circumstances we have a great sympathy to the Icelandic delegation having to announce their conclusion at this moment because they have contributed so much effort to the development of the Revised Management Procedure and other areas of scientific work. It shows that all the member countries of the IWC has the responsibility for the conservation and rational management of the whale stocks. Mr Chairman, I would like to take this opportunity to speak of the delegation of Japan that every member nation of the IWC should review how they should be working to fulfil the objectives of the International Convention for the Regulation of Whaling. Lastly but not leastly I would like to give our sincere gratitude and appreciation to our host country, Iceland, who provided us with such a complete facilities with the securities and the staff of the security so attentively looked after us throughout the meeting time. Thank you, Mr Chairman.

**Chairman**

Thank you. I'm sure the Commission will join you in your thanks to the Icelandic Government. Are there any other business? US.

**USA**

Thank you, Mr Chairman. We too regret what I hope is still a tentative decision on the part of Iceland to what their future is in the IWC, but we would also like to note as Japan did the excellent support that the Government of Iceland has given to us at this meeting, and in particular the NGOs, the Non-Government Organisations, from the United States have asked me to convey their appreciation for the accommodations that the Government of Iceland have invited them this year. Given the attitude, Mr Chairman, that most of the NGOs have about issues of which the Government of Iceland feels quite strongly about, I believe it is particularly gratifying to see that those accommodations were so good and so excellent. Thank you, Sir.

**Chairman**

**Denmark.**

**Denmark**

Thank you, Mr Chairman. I will very brief but sincerely thank the Icelandic Government for having hosted this meeting of the International Whaling Commission. Thank you.

**Chairman**

Thankyou. Iceland.

**Iceland**

Mr Chairman, I sincerely hope that the differences between the delegations which are evident in this room have not thrown any shadows upon the responsibilities of Iceland as a host. I would like to take this opportunity to thank all the members of Iceland's team who have made it possible to receive you in what I consider Icelandic fashion and in fact I have asked the Director of the hotel and the head of the security forces to be with us here - Mr Jonas Hvanberg and Frederick Gunnarson - to come forward and receive the thanks of all of us I think, if I may ask you to ...

[Applause]

It is always a pleasure for us to receive guests and I hope that you have enjoyed the hospitality we have been able to provide. I should also like particularly to thank those of you who attended the opera reception the other evening for the reception that you gave us. It was a pleasure singing for you and I only wish that that spirit that was in that room was able to carry forth in this room. I thank you and may I say to all of you, God bless you and have a happy return to your home. Thank you.

[Applause]

**Chairman**

Thank you, Iceland. It now remains for me to declare the 43rd Annual Meeting of the ... New Zealand, you don't want me to close the meeting? New Zealand.

**New Zealand**

I hope you didn't think, Mr Chairman, you were going to get away without an expression of thanks for your service to this organisation over the last three years. New Zealand, or I personally know what is involved, having had the honour of holding the post myself and I must say I have admired the way that you have conducted our meetings with such calmness and impartiality and wisdom and indeed we couldn't have wished for a better Chairman. It's not an easy task and I've no doubt that you will have some feelings of relief probably that your term has come to a close, but it's been an experience that we've all enjoyed and you have kept a very good tone in the meeting. We may have differences between us but we do try and express them in a civilised way and I think with your guiding hand this has been able to be achieved.

I think we all also feel that we owe a great deal to the Secretariat who during this rather intensive conference - and I think it's one of the more trying ones I have ever attended, and I suppose I have attended hundreds of international conferences ranging from the United Nations to all sorts of remarkable things in different parts of the world - but I don't think that the strain on delegates is any greater in any other conference I have ever attended. We do really fit in an enormous amount of work, and it would all become impossible if the Secretariat were not there to be on hand day and night so we do thank them, and I personally would also like to add my thanks to the Icelandic Government who have been most hospitable and charming as well as evidencing great musical talent. So thank you very much, Mr Chairman, and we do wish you all the best for the future. Thank you.

[Applause]

**Chairman**

Denmark.

**Denmark**

Thank you, Mr Chairman. I shall be very brief and thank you also on behalf of the Danish delegation for your chairmanship. I had the pleasure of proposing you as Chairman three years ago in Auckland and the Danish delegation never had any reason to regret that proposal. Thank you.

[Applause]

**Chairman**

Thank you very much for these kind words. I thereby declare the 43rd Annual Meeting of the International Whaling Commission closed.